

City of Marlborough Public Meeting Posting

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 JUL 26 PM 4:40

Meeting Name: City Council Finance Committee
Date: July 31, 2023
Time: 6:45 PM
Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

This meeting will be held in the City Council Chamber. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

07-24-2023- Order No.23-1008937: Communication from Mayor Vigeant with Proposed amendment to City Code, Chapter 125, Personnel §5, Preparation of Classification Descriptions, to add a new position of Special Traffic Constable within the Police Department per request from Police Chief Giorgi by letter dated May 16, 2023.
Referred to Finance Committee and ordered Advertised.

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023

ORDERED:

That the Proposed Amendment to the City Code, Chapter 125 "Personnel" §6 "Salary Schedule" and a Proposed Job Description pursuant to Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" to create a new position of Special Traffic Constable within the Police Department, be and is herewith referred to the **FINANCE COMMITTEE** and **ORDERED ADVERTISED**.

ADOPTED

ORDER NO. 23-1008937



City of Marlborough Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2023 JUN 26 PM 4:58

Patricia M. Bernard
CHIEF OF STAFF

Judlyn Bratica
EXECUTIVE ADMINISTRATOR

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

UNDER SUSPENSION

June 26, 2023

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Request to create a Special Traffic Constable Position

Honorable President Ossing and Councilors,

I am submitting a request to create a Special Traffic Constable position to be used at traffic details. A job description and salary ordinance is attached for your review. Currently, the city is experiencing a decline in Police Officers and has not been able to fill vacant positions leading to a reduction of officers available for traffic details.

To maintain safety, it is our request to use Special Traffic Constables when we are not able fill traffic details with Police Officers. Constables are retired Police Officers being appointed solely for performing paid traffic details as noted in Chief Giorgi's letter.

Police Chief Giorgi will be on hand to answer any questions.

Sincerely,

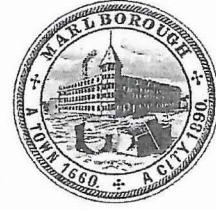
Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938



David A. Giorgi
Chief of Police

May 16, 2023

Mayor Arthur G. Vigeant
Office of the Mayor
City Hall, 140 Main Street
Marlborough, MA 01752

Re: Special Traffic Constable position

Dear Mayor Vigeant,

I submit for your consideration the creation of a Special Traffic Constable position to assist the Police Department with road construction/traffic details. A Special Traffic Constable is a former Police Officer who has retired as a sworn member of a Massachusetts Police Department. The officer must have retired under the superannuation provision, have surpassed their 65th birthday and is being appointed solely for the purpose of performing paid police traffic details. The authority of the Special Traffic Constables is strictly limited to the direction, control, and regulation of vehicular traffic. They have no authority to issue citations, effect seizures, serve warrants and other process, or make arrests. Special Traffic Constables **are not** authorized to wear a badge, carry a firearm, baton, pepper spray or any other weapon while on duty.

Special Traffic Constables are appointed annually by the Mayor of the City of Marlborough. They are not sworn police officers and are not covered by M.G.L. c. 41, § 98 or M.G.L. c. 41, § 111F. In addition, Special Traffic Constables are not covered by any collective bargaining agreement, do not have any right of grievance, are not eligible for benefits such as health insurance, vacation or sick time, and are deemed employees at will.

Currently, there are numerous road construction projects occurring in the City and although we currently use Marlborough police officers (current and retired), as well as out-of-town officers to work some of the details, we still cannot cover all of the locations. As always, the department's goal is to make passage through a construction area as safe as possible for pedestrians and motorists. The ability to utilize a former experienced police officer to fill vacant traffic detail locations would enhance our ability to do so. The creation of this position will be at no cost to the City and no expense for the Special Traffic Constable position will come



City of Marlborough

Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938

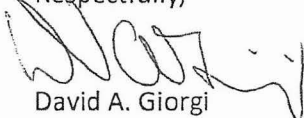


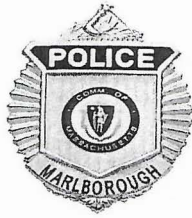
David A. Giorgi
Chief of Police

from the department's operating budget. Any expense regarding training or equipping the Special Traffic Constable will be born by the individual officer.

Thank you for your consideration of this request and please do not hesitate to contact me with any questions or concerns.

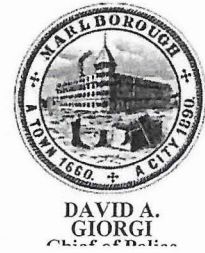
Respectfully,


David A. Giorgi



City of Marlborough POLICE DEPARTMENT

355 Bolton St.
Marlborough, MA 01752
Phone: 508-485-1212 Fax: 508-624-6949



City of Marlborough Police Department Special Traffic Constable

Position Purpose

Special Traffic Constables assist the department with traffic details. The power of Special Traffic Constables is strictly limited to the direction, control and regulation of vehicular traffic. Such power shall only be exercised when in uniform and only while performing an official assignment given by the Police Department. Special Traffic Constables are used at the sole direction of the Chief of Police to direct traffic and facilitate the smooth flow of vehicular and pedestrian traffic.

Description

A Special Traffic Constable is a former Police Officer that retired as a sworn member of a Massachusetts Police Department. The officer must have retired under the superannuation provision, has surpassed their 65th birthday and who is being appointed solely for the purpose of performing paid police traffic details. The assignment to and performance of such details must be in conformity with Department policy and contractual provisions/practices.

Special Traffic Constables are appointed annually, with no automatic term renewal, by the Chief of Police. To be appointed as a Special Traffic Constables, an appointee must pass a criminal background check prior to assuming any duties.

Duties and Responsibilities

Special Traffic Constables are for use in a limited capacity and are appointed for traffic detail work only. Special Traffic Constables are not to be utilized for regular police patrols.

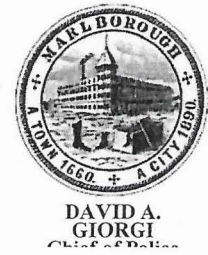
Special Traffic Constables are not sworn police officers and are not covered by M.G.L. c. 41, § 98 or M.G.L. c. 41, § 111F. They have absolutely no authority to issue citations, effect seizures, serve warrants and other process, or make arrests.

Special Traffic Constables work at assigned locations and perform traffic control duties including: manually directing traffic, operating traffic signal controls and placing traffic cones and barricades to safely direct and control traffic flow, rendering assistance to motorists when appropriate and assisting the public with information regarding directions, street locations, etc.



City of Marlborough POLICE DEPARTMENT

355 Bolton St.
Marlborough, MA 01752
Phone: 508-485-1212 Fax: 508-624-6949



Special Traffic Constables will be required to have knowledge of hand traffic signals, cone/traffic patterns and manual operation of traffic signals, as well as knowledge of the City's geography, streets, and businesses.

Special Traffic Constables will report hazardous conditions and situations.

Special Traffic Constables **are not** authorized to wear a badge, carry a firearm, baton, pepper spray or any other weapon while on duty as a Special Traffic Constable.

Special Traffic Constables shall inform the Chief of Police of any medical condition which could impact the performance of duties assigned to road details.

Special Traffic Constables are not covered by any collective bargaining agreement and as such do not have any right of grievance.

Special Traffic Constables are deemed employees at will. The Chief of Police may terminate a Special Traffic Constables for any reason he deems, as long as it is not in conflict with any anti-discrimination laws or established public policy.

Special Traffic Constables are not eligible for benefits such as health insurance, vacation or sick time.

Special Traffic Constables will not be covered by M.G.L. c. 41, § 111F. If injured on the job through no fault of their own, Special Traffic Constables will be covered by the City's Workers' Compensation insurance.

Chain of Command

While on duty, Special Traffic Constables will report directly to the Patrol Shift Supervisor or Watch Commander.

Suspension and Dismissal

Any violations of the department policy pertaining to Special Traffic Constables may result in a suspension or revocation of appointment as a Special Traffic Constable, as determined by the Chief of Police.

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

| Position | Effective Date | Minimum | Step 1 | Step 2 | Maximum |
|---------------------------|----------------|---------|--------|--------|-------------------|
| Special Traffic Constable | Upon Passage | | | | \$62.50 Per Hour. |

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

ADOPTED
In City Council
Order No. 23-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

That pursuant to City Code Chapter 125 (Personnel), Section 125-5 (Preparation of Classification Descriptions), the job description for the new position of Special Traffic Constable (attached hereto), BE AND IS HEREWITH APPROVED

ADOPTED

In City Council

Order No. 23-XXX

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST: