

CITY OF NORTH ADAMS
City Clerk's Office
November 8, 2012

I hereby notify you that at twelve o'clock noon today the following items of business have been filed with this office and will be acted upon at the meeting in the City Council Chambers at City Hall, Tuesday evening November 13, 2012 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Marilyn Gomeau
City Clerk

REGULAR MEETING OF THE CITY COUNCIL
November 13, 2012

Roll Call
Moment of silent prayer
The Pledge

Hearing of Visitors

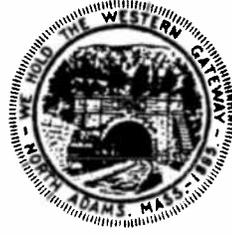
Approval of the minutes of regular meeting held on October 23rd

- 11,211 Communication submitted by Councilor Bullett regarding handicap parking in the downtown area, which was postponed at the meeting September 11th.
- 11,275 Mayor's communication #47 recommending an appropriation from the Overlay Surplus Account.
- 11,275 An Order appropriating the sum of \$15,000.00 from the Overlay Surplus Account to a short term interest bearing account.
- 11,276 Mayor's communication #48 regarding the American Disabilities Act.
- 11,276 An Order that the City of North Adams will refresh the posted copies, update the contract information for the life of this agreement.
- 11,276-1 Mayor's communication #49 regarding grievance procedures under ADA.
- 11,276-1 An Order adopting procedures for filing grievances under the American Disabilities Act.
- 11,277 Communication submitted by Councilor Barrett requesting the Mayor to report on the Heritage Park at the meeting of November 27th.

CORRESPONDENCE

COUNCILLOR'S & MAYOR'S CONCERNS

OPEN FORUM



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

November 13, 2012
#47

The North Adams City Council
Re: Order for Overlay Surplus Appropriation

Dear Honorable Members:

An overlay surplus has been declared in the amount of \$15,000.00. It is our intent to use the surplus to cover a simple interest payment due on Verizon New England Inc. abatement from Fiscal Year 2009. Verizon New England Inc. personal property values are centrally valued by the Commonwealth of Massachusetts and in Fiscal Year 2009 the Commonwealth over valued their personal property assessment. As a result, Verizon New England Inc. filed for abatement with the ATB and later with the Massachusetts Appeals Court.

For Fiscal Year 2009, in reliance upon the ATB's ruling, which has now been reversed, the Commissioner of Revenue has re-certified the taxable value of Verizon New England Inc. personal property. The new assessment means that the City of North Adams now owes an abatement of \$50,440.60 to Verizon New England Inc. plus eight (8%) percent simple interest running from May 1, 2009.

The \$50,440.68 is covered in the overlay for FY2009. I request your approval to appropriate the declared \$15,000.00 overlay surplus for the payment of the eight (8%) percent simple interest and transfer this amount to a short term interest bearing account, which will facilitate and expedite the closing of this abatement and avoid further charges. Administrative Officer Michael Canales will be available for any questions.

Thank you for your time and cooperation in the matter.

Sincerely,



Richard J. Alcombright
Mayor



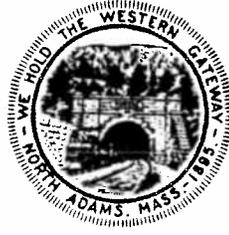
City of North Adams

In City Council

November 13, 2012

Ordered:

That a sum of Fifteen Thousand Dollars (\$15,000) be and is hereby appropriated from the overlay surplus to a short-term interest bearing account for the payment of the interest due to Verizon New England Inc. abatement from Fiscal Year 2009.



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

November 13, 2012
#48

The North Adams City Council
Re: Order to adopt ADA notice

Dear Honorable Members:

As part of the settlement agreement between the United States Government and the City of North Adams the Notice, contained in the Order, must be brought before the City Council for its adoption.

The City of North Adams must adopt the Notice within two (2) months of the effective date of this Agreement; distribute it to all agency heads; publish the Notice in a local newspaper of general circulation serving the City; post the Notice on its Internet Home Page; and post copies in conspicuous locations in its public buildings. Copies will also be provided to any person upon request. Administrative Officer Michael Canales will be available for any questions.

I respectfully request the adoption of the Order as presented.

Sincerely,

Richard J. Alcombright
Mayor



City of North Adams

In City Council

November 13, 2012

Ordered:

That the City Council of the City of North Adams adopt the following Notice as part of the settlement agreement between the United States of American and the City of North Adams.

AND IT IS FURTHER ORDERED: The Notice will be distribute it to all agency heads; publish in a local newspaper of general circulation serving the City; post on its Internet Home Page; and post copies in conspicuous locations in its public buildings. Copies will also be provided to any person upon request.

AND IT IS FURTHER ORDERED: The City of North Adams will refresh the posted copies, and update the contact information contained in the notice, as necessary, for the life of the Agreement.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of North Adams will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

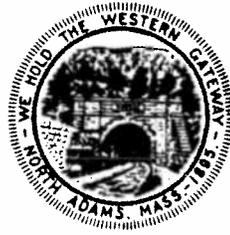
Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact Mr. William Meranti, ADA Coordinator, 10 Main Street, North Adams, MA 01247, (413) 662-3000, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to Mr. William Meranti, ADA Coordinator, 10 Main Street, North Adams, MA 01247, (413) 662-3000.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

November 13, 2012
#49

The North Adams City Council
Re: Order to adopt ADA grievance procedure

Dear Honorable Members:

As part of the settlement agreement between the United States Government and the City of North Adams the Grievance Procedure, contained in the Order, must be brought before the City Council for its adoption.

The City of North Adams must adopt the Grievance Procedure within three (3) months of the effective date of this Agreement, distribute it to all agency heads, and post copies of it in conspicuous locations in each of its public buildings. Copies will also be provided to any person upon request. Administrative Officer Michael Canales will be available for any questions.

I respectfully request the adoption of the Order as presented.

Sincerely

Richard J. Alcombright
Mayor



City of North Adams

In City Council

..... November 13, 2012

— —
Ordered:

That the City Council of the City of North Adams adopt the following Grievance Procedure as part of the settlement agreement between the United States of American and the City of North Adams.

AND IT IS FURTHER ORDERED: The Grievance Procedure will be distribute it to all agency heads and post copies of it in conspicuous locations in each of its public buildings. Copies will also be provided to any person upon request.

AND IT IS FURTHER ORDERED: The City of North Adams will refresh the posted copies, and update the contact information contained in the notice, as necessary, for the life of the Agreement.

City of North Adams, Massachusetts,
Grievance Procedure under
The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of North Adams. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: Mr. William Meranti, ADA Coordinator, 10 Main Street, North Adams, MA 01247, (413) 662-3000.

Within 15 calendar days after receipt of the complaint, William Meranti or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Mr. Meranti or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by William Meranti, or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Mayor or his/her designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Mr. William Meranti or his designee, appeals to the Mayor or his/her Designee and responses from these two offices will be retained by the City for at least three years.



Office of the City Council

City of North Adams

10 Main Street Room 109
North Adams, Massachusetts 01247
(413) 662-3015

Fellow Councilors;

I would like request that the Mayor present a report to the Council on Heritage Park RFP which was submitted to the Redevelopment Authority on or about May 30, 2012. I would like this report to come to our next Council meeting on November 27th.

Respectfully submitted

John Barrett III