

TR-2022-53

**A RESOLUTION TO REDRAFT A PETITION TO THE GENERAL COURT TO
AMEND CHAPTER 80 OF THE ACTS OF 2002 RELATIVE TO SPECIAL
POLICE OFFICERS IN THE TOWN OF AGAWAM**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the City Council adopted and the Mayor approved **TR-2020-73**, a home rule petition to amend Chapter 80 of the Acts 2002 (Agawam special police officers); and

WHEREAS, **TR-2021-67** amended **TR-2020-73** with material changes to the scope of the home rule legislation; and

WHEREAS, subsequent to the adoption of **TR-2021-67** and filing with the state legislature, representatives of the special police raised concerns about the latest draft language; and

WHEREAS, the Town renewed negotiations with the special police representatives and reached agreement as drafted in the attached Exhibit A; and

WHEREAS, the latest draft Exhibit A will allow special police officers to be eligible for worker's compensation benefits and Chapter 111F benefits; and

WHEREAS, prior to filing with the City Council, the language was submitted to Senator Velis' and Representative Boldyga's offices with a request to forward to the Massachusetts House and Senate Counsel and the Public Employee Retirement Administration Commission (PERAC) for review; and

WHEREAS, PERAC and Senate Counsel have reviewed Exhibit A and have no recommended changes; and

WHEREAS, the House Chairwoman of the Committee of Third Reading has been provided Exhibit A and the Town is awaiting her comments; and

WHEREAS, while the plan was to have all Counsels and PERAC review the language prior to filing the resolution in a third iteration, a delay into the fall may jeopardize passage of the bill because the must be passed by the State Legislature and signed by the Governor prior to the end of the calendar year; and

WHEREAS, it remains in the best interests of the Town of Agawam to petition the General Court to amend Chapter 80 of the Acts 2002.

NOW THEREFORE, the Agawam City Council resolves to petition the General Court to enact special municipal legislation by amending Chapter 80 of the Acts 2002 as described in attached Exhibit A.

Dated this _____ day of _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

EXHIBIT A

Bill S.1369

192nd (Current)

SECTION 1. Section 1 of chapter 80 of the acts of 2002 is hereby amended by adding the following 3 sentences:- No special police officer shall be appointed or continue to be employed as a special police officer after attaining the age of 70. A special police officer appointed under this act, upon initial appointment and every year after attaining the age of 65, shall pass an annual medical examination conducted by a physician or other certified professional chosen by the city to determine that the special police officer is capable of performing the essential duties of a special police officer, the costs of which shall be borne by the special police officer. Proof of payment shall be a pre-requisite of appointment.

SECTION 2. Section 2 of said chapter 80 is hereby amended by adding the following 2 sentences:- Special police officers shall be subject to rules and regulations, policies and procedures and requirements as set by the chief of police, including, but not limited to, restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. The cost of all training, equipment and uniforms shall be borne by the special police officer.

SECTION 3. The second sentence of section 3 of said chapter 80 is hereby amended by inserting after the word "city" the following word:- clerk.

SECTION 4. Section 4 of said chapter 80 is hereby amended by inserting after the word "retired" the following words:- for superannuation.

SECTION 5. Section 5 of said chapter 80 is hereby amended by inserting after the word "Laws" the following words:- or section 99A of chapter 41 of the General Laws. Sections 96B, 100 and 111F of chapter 41 of the General Laws shall apply to special police officers. The amount payable under section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 156 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 156 weeks before the incapacity. Benefits under section 111F shall terminate in accordance with section 111F or when a special police officer reaches the age of 70, whichever occurs sooner. Special police officers appointed pursuant to this act shall not be subject to section 85H ½ of chapter 32 of the General Laws nor eligible for benefits pursuant to that section.

Bill S.25891369

192nd (Current)

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SECTION 3. The second sentence of section 3 of said chapter 80 is hereby amended by inserting after the word "city" the following word:- clerk.

SECTION 4. Section 4 of said chapter 80 is hereby amended by inserting after the word "retired" the following words:- for superannuation.

SECTION 5. Section 5 of said chapter 80 is hereby amended by inserting after the word "Laws" the following words:- ~~or section 96B, 99A of chapter 41 of the General Laws, Sections 96B, 100 and 111F of chapter 41 of the General Laws shall apply to special police officers, or chapter 150F of the General Laws.~~ The amount payable under section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 156 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 156 weeks before the incapacity. Benefits under section 111F shall terminate in accordance with section 111F or when a special police officer reaches the age of 70, whichever occurs sooner. Special police officers appointed pursuant to this act shall not be subject to ~~sections 85H or 85H ½ of chapter 32 of the General Laws nor eligible for benefits pursuant to those that~~ sections.