



City Council

Regular Meeting

~ Final ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Gladys Oyola-Lopez

Tuesday, February 20, 2024

7:00 PM

Hybrid Council Chamber

Hearings

7:00 PM Meeting called to order on February 20, 2024 at Hybrid Council Chamber, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Kateri B. Walsh	At-Large Councilor	Remote	
Timothy C. Allen	Ward 7 Councilor	Present	
Jose Delgado	City Councilor	Absent	
Lavar Click-Bruce	Ward 5 City Councilor	Present	
Zaida Govan	Ward 8 City Councilor	Present	
Malo Brown	Ward 4 Councilor	Absent	
Victor Davila	Ward 6 Councilor	Present	
Sean Curran	At-Large Councilor	Present	
Brian Santaniello	City Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Tracye Whitfield	At Large City Councilor	Remote	7:43 PM
Maria Perez	Ward 1 City Councilor	Present	
Michael A. Fenton	President	Present	

Moment of Silence - Pledge of Allegiance

Orders

1. Order (ID # 7866)

An Act Exempting Lawrence E. Akers from Chapter 32 of the MGL

HISTORY:

02/12/24

City Council

CONTINUE VOTE

COMMENTS - Current Meeting:

COUNCILOR CLICK-BRUCE REPORTED THAT A PUBLIC SAFETY SUBCOMMITTEE MET ON FEB. 20, 2024 REGARDING THE AGENDA ITEMS FOR TODAY'S MEETING.

HE NOTED THAT COUNCILORS DAVILA, GOVAN, WHITFIELD, WALSH, PEREZ, FENTON, CLICK-BRUCE, SANTANIELLO AND ALLEN WERE PRESENT AT THE SUBCOMMITTEE MEETING.

COUNCILOR CLICK-BRUCE NOTED THE SUPPORT OF THE POLICE UNION.

COUNCILOR GOVAN NOTED THAT HER CONCERN IS CONTINUITY IN THE DEPARTMENT.

COUNCILOR SANTANIELLO NOTED THAT DEPUTY CHIEF AKERS HAS TREMENDOUS SUPPORT FROM THE UNION AND WILL BE SUPPORTING THE AMENDMENT.

COUNCILOR DAVILA NOTED THAT THE DEPUTY WAS HERE BY HIMSELF. THERE IS NOBODY HERE FROM THE ADMINISTRATION AND HE HAS QUESTIONS AND THAT NO-ONE IS HERE TO ANSWER HIS QUESTIONS. WANTS TO ENSURE THAT EVERY ITEM IS FAIR.

COUNCILOR ALLEN ASKED COUNCILOR FENTON TO EXPLAIN WHAT THE AGENDA ITEMS ARE, AND WHERE WE ARE AT ON THE AGENDA. COUNCIL PRESIDENT RESPONDED THAT WE ARE ON TEM #1. THIS MEANS IF WE PASS THIS ITEM, IT EXEMPT DEPUTY CHIEF AKERS FROM HAVING TO RETIRE AT 65 YEARS OLD. HE IS READY TO VOTE ON ITEM # 1.

COUNCILOR EDWARDS POINTED OUT THE ORDER OF THE ITEMS ON THE AGENDA SHOULD BE TAKEN IN THE ORDER PRESENTED.

COUNCILOR CURRAN NOTED HIS SUPPORT FOR THE APPOINTMENT OF DEPUTY CHIEF AKERS AND NOTED THAT HE WOULD BE VOTING TO SUPPORT THE ITEM.

COUNCILOR PEREZ NOTED HER SUPPORT FOR DEPUTY AKERS AND NOTED THAT SHE WOULD BE SUPPORTING THE ITEM.

COUNCILOR WALSH NOTED THAT SHE PLANS ON SUPPORTING DEPUTY AKERS AND NOTED SHE WILL BE VOTING IN FAVOR OF ALL THREE AGENDA ITEMS AND LOOKS FORWARD TO WORKING WITH HIM.

COUNCILOR DAVILA ASKED ABOUT HIS RETIREMENT. POINTED OUT AGAIN THAT THERE IS NOBODY AT THE MEETING FROM THE RETIREMENT DEPARTMENT. COUNCILOR PRESIDENT FENTON ASKED DEPUTY AKERS TO COME TO THE PODIUM TO ANSWER QUESTIONS FROM COUNCILOR DAVILA. COUNCILOR DAVILA ASKED DEPUTY AKERS IF HE WAS OKAY WITH NOT CONTRIBUTING TO RETIREMENT AFTER AGE 65, AND FURTHER IF ANY OF THIS WAS EXPLAINED TO HIM. DEPUTY AKERS STATED THAT THIS WAS NOT EXPLAINED TO HIM. DEPUTY AKERS UNDERSTANDING IS THAT HE WOULD RETIRE AT 80%, EXACTLY AS IF HE RETIRED RIGHT NOW. COUNCILOR DAVILA NOTED THAT HE WOULD GET 80% OF YOUR DEPUTY SALARY AND NOT HIS SUPERINTENDENT SALARY.

DEPUTY AKERS STATED THAT HE IS CONFUSED ABOUT WHAT COUNCILOR DAVILA SPEAKS ABOUT BASED ON HIS UNDERSTANDING OF THE RETIREMENT SYSTEM. COUNCILOR DAVILA STATED THAT HE HAD A LENGTHY CONVERSATION WITH THE RETIREMENT BOARD, AND RECOMMENDS THAT HE SPEAK TO THE RETIREMENT BOARD DIRECTLY. DEPUTY AKERS STATED THAT HE HAS NOT SIGNED ANYTHING, AND WILL LOOK INTO THE MATTER.

COUNCILOR GOVAN ASKED DEPUTY AKERS IF HE IN FACT WANTED TO WORK UNTIL HE IS 70 YEARS OLD? HE STATED YES, AS LONG AS HIS HEALTH PERMITS IT. SHE ALSO ASKED WHERE DEPUTY AKERS LIVED? DEPUTY AKERS DOES NOT LIVE IN SPRINGFIELD BUT SAYS HE INTENDS ON MOVING BACK IF HE CONTINUES ON THE PATH TO BECOMING

SUPERINTENDENT. COUNCILOR GOVAN WOULD LIKE TO SEE THIS ITEM GO TO COMMITTEE, BUT SUPPORTS DEPUTY AKERS FOR SUPERINTENDENT.

COUNCILOR GOVAN MADE A MOTION TO CONTINUE THE ITEM. THE MOTION DID NOT RECEIVE A SECOND AND FAILED.

COUNCILOR CURRAN CLARIFIED THE MATTER BEFORE THE COUNCIL THAT THIS IS NOT A RETIREMENT MOVE, RATHER THE CITY IS ASKING HIM TO STAY AND WORK UNTIL HE IS 70. COUNCILOR CURRAN SUPPORTS DEPUTY AKERS IN BECOMING SUPERINTENDENT AND REITERATED THAT THE DEPUTY WILL BE GETTING 80% OF HIS TOP THREE YEARS UPON RETIREMENT. COUNCILOR CURRAN URGED THE COUNCIL TO NOT GET BOGGED DOWN WITH THE PENSION ASPECT AND APPROVE THE DEPUTY TO LEAD THE POLICE DEPARTMENT UNTIL IS 70 YEARS OF AGE.

ATTORNEY SHEA MADE THE POINT THAT DEPUTY AKERS WILL BE PAYING INTO THE RETIREMENT SYSTEM AND AGREED WITH COUNCILOR CURRAN.

COUNCILOR WHITFIELD STATED THAT SHE WAS CONFUSED ABOUT THE LAST TWO LINES OF THE CONTRACT, BUT ATTORNEY SHEA WAS HELPFUL IN HIS CLARIFICATION. SHE ASKED ATTORNEY SHEA TO EXPLAIN WHAT CHAPTER 32 IS. ATTY SHEA STATED THAT CHAPTER 32 DEALS WITH THE RETIREMENT AGE AND EXTENDING THE AGE FROM 65 TO 70. ATTY SHEA STRESSED WITHOUT THIS LEGISLATION, DEPUTY AKERS COULD NOT MOVE FORWARD WITH BEING SUPERINTENDENT. COUNCILOR WHITFIELD FULLY SUPPORTS DEPUTY AKERS FOR SUPERINTENDENT.

COUNCILOR WALSH VERY HAPPY TO SUPPORT DEPUTY AKERS FOR SUPERINTENDENT.

COUNCILOR PEREZ MADE A MOTION TO CALL THE QUESTION AND WAS SECONDED BY COUNCILOR EDWARDS. THE MOTION PASSED, ALL COUNCILORS VOTED YES ON THE MOTION. COUNCILORS DELGADO AND BROWN WERE ABSENT.

RESULT:	ADOPTED [11 TO 0]
AYES:	Walsh, Allen, Click-Bruce, Govan, Davila, Curran, Santaniello, Edwards, Whitfield, Perez, Fenton
ABSENT:	Jose Delgado, Malo Brown

2. Order 2024-2

An Order Amending Code Chapter 27 Article IV § 27-26

COMMENTS - Current Meeting:

ATTORNEY SHEA DESIGNED TO GIVE THE NEW COMMISSIONER THE SAME AUTHORITY THAT THE CURRENT COMMISSIONER HAS IN DETAIL. INCLUDING HIRING AND PROMOTING INDIVIDUALS. ALSO BE THE HIGHEST RANKING PERSON IN THE DEPARTMENT.

COUNCILOR GOVAN ASKED IF WE ARE CREATING A NEW POSITION?

ATTORNEY SHEA NOTED THAT THE VOTE IS STRICTLY TO CHANGE THE TITLE AND NOT TO REMOVE OR ADD ADDITIONAL POWERS.

COUNCILOR PEREZ ASKED ATTORNEY SHEA TO CLARIFY THAT THIS ORDER IS STRICTLY A TITLE CHANGE. ATTORNEY SHEA CONFIRMED THAT THIS VOTE IS STRICTLY FOR A CHANGE IN THE TITLE.

COUNCILOR WHITFIELD ASKED ATTORNEY SHEA TO GO OVER THE ITEM. AFTER SOME DISCUSSION COUNCILOR WHITFIELD ASKED IF THERE COULD BE SOME HYBRID AUTHORITY THAT COULD EXIST BETWEEN THE POLICE COMMISSIONERS AND SUPERINTENDENT.

COUNCILOR DAVILA STATED THAT HE WILL NOT BE REFERRING TO DEPUTY AKERS BECAUSE THIS REFERS TO THE LEAD POSITION IN THE POLICE DEPARTMENT. COUNCILOR STATED THAT COMMISSIONER CLAPROOD IS WORKING UNDER A MOU SIGNED BY THE POLICE COMMISSION. STRESSED THAT THE COUNCIL DOES NOT HAVE TO RUSH INTO THIS CHANGE IN ORDINANCE.

COUNCILOR WHITFIELD ASKED IF THERE WERE ANY MEMBERS OF THE POLICE COMMISSION AND ASKED POLICE COMMISSIONER JACKSON A QUESTION REGARDING THE MOU HE SIGNED. SHE NOTED THAT THE ORDINANCE EMPOWERED THE COMMISSION WITH THE ABILITY TO HIRE, FIRE AND PROMOTE. SHE ALSO NOTED THAT THE COMMISSION WAS GIVEN AN MOU THAT THEY SIGNED RELINQUISHING THEIR AUTHORITY.

COUNCILOR FENTON NOTED THAT COUNCILOR WHITFIELD WAS OVER HER LIMIT ON TIME AND ASKED HER TO WRAP UP HER COMMENTS.

COUNCILOR DAVILA MADE A MOTION TO REFER ITEM #2 TO THE PUBLIC SAFETY COMMITTEE AND IT WAS SECONDED BY COUNCILOR GOVAN.

COUNCILOR PEREZ ASKED ATTORNEY SHEA IF REFERRING THESE ITEMS TO COMMITTEE WOULD PROHIBIT DEPUTY AKERS FROM BECOMING SUPERINTENDENT? ATTORNEY SHEA ADVISED THAT IT DOES NOT.

COUNCILOR EDWARDS NOTED THAT ITEMS 2 & 3 WERE BOTH CONTROVERSIAL AND THEREFORE ASKED COUNCILOR DAVILA TO AMEND HIS MOTION TO INCLUDE SENDING ITEM 3 TO THE PUBLIC SAFETY COMMITTEE AS WELL. COUNCILOR DAVILA AGREED TO MODIFY THE MOTION, AND COUNCILOR GOVAN SECONDED THE NEW MOTION.

COUNCILOR WALSH WANTED FURTHER COMMUNICATION FROM ATTY SHEA. SHE IS CONCERNED THAT IF ALL THREE ITEMS DO NOT PASS IT WILL HINDER THE PROCESS FOR DEPUTY AKERS. ITEM # 1 CAN BE PASSED INDEPENDENTLY, AS #2 & #3 DEALS WITH AUTHORITY. COUNCILOR WALSH ASKED THAT THIS BE EXPEDITED IF IT GOES TO COMMITTEE.

COUNCILOR CLICK-BRUCE REMINDED THE BODY THAT THERE HAVE ALREADY BEEN TWO MEETINGS ON AMENDMENTS.

COUNCILOR PEREZ ASKED IF THE SAME LANGUAGE HAS BEEN IN PLACE DURING CHERYL CLAPROOD'S TENURE AS SUPERINTENDENT AND NOTED THAT THE COUNCIL SHOULD HAVE CARED FOR THIS AMENDMENT YEARS AGO. SHE STRESSED THAT SHE WANTS FAIRNESS FOR BOTH INDIVIDUALS.

COUNCILOR GOVAN GAVE DETAILS ON WHY THE BOARD OF POLICE COMMISSIONERS WAS FORMED. ALSO STRESSED THAT THE BODY SHOULD TAKE THEIR TIME SO WE CAN MOVE FORWARDS AND NOT BACKWARDS.

COUNCILOR ALLEN STATED THAT HE IS NOT UNDERSTANDING WHAT THE HOLD UP IS. THE ITEMS ARE CLEAR. HE WANTS TO MOVE THIS ALONG.

COUNCILOR WHITFIELD DOES NOT AGREE WITH COUNCILOR ALLEN. WOULD LIKE THE ITEMS TO GO TO COMMITTEE.

VOTES WERE INSUFFICIENT, AND THE MOTION FAILED.

VOTE TO MOVE THE QUESTION WAS PASSED

ITEM # 2 PASSED FIRST STEP.

RESULT: FIRST READING

Next: 2/26/2024 5:00 PM

Motion to Refer Items 2 & 3 to Committee

A motion was made to send items 2 & 3 to the Public Safety Committee.

The motion was made by Councilor Davila and seconded by Councilor Govan.

3. Order 2024-3

An Order Amending Code Chapter 16, Section 16-66, Article XIX

COMMENTS - Current Meeting:

COUNCILOR DAVILA MADE A MOTION TO SEND ITEM # 3 TO THE PUBLIC SAFETY COMMITTEE AND WAS SECONDED BY COUNCILOR WHITFIELD.

COUNCILOR WALSH ASKED FOR A BRIEF SYNOPSIS OF THE ITEM BEFORE VOTING ON WHETHER TO SEND TO COMMITTEE.

ATTORNEY SHEA GAVE A BRIEF SYNOPSIS OF THE PROPOSED AMENDMENT. HE STATED CLARIFIES WHAT THE DUTY OF THE POLICE COMMISSION IS IN TERMS OF DISCIPLINE.

COUNCILOR DAVILA STILL WOULD LIKE TO SEND THIS ITEM TO THE PUBLIC SAFETY COMMITTEE. WOULD LIKE TO SEE SOME AMENDMENTS MADE. AGAIN, DOES NOT WANT THIS RUSHED AND DO OUR DUE DILIGENCE.

COUNCILOR GOVAN AGREES THAT THIS ITEM THAT SHOULD GO TO COMMITTEE. SHE IS CONCERNED THE DEPARTMENT OF JUSTICE WILL ASK IF THE PUBLIC HAS BEEN MADE AWARE. SHE WANTS TO PROTECT THE CITY AND ALSO HAVE THE BEST POLICE DEPARTMENT THAT WE CAN.

COUNCILOR PEREZ STATED THAT SHE WAS PRESENT WHEN THE DEPARTMENT JUSTICE WAS PRESENT IN THE CITY. HER QUESTION IS, DOES THE DEPARTMENT OF JUSTICE NEED TO BE INVOLVED?

COUNCILOR ALLEN READ CHAPTER 16, SECTION 16-66, ARTICLE XIX INTO RECORD. HE THINKS THIS ORDER IS JUST VERIFYING WHAT THE BOARD OF POLICE COMMISSION ALREADY DOES.

COUNCILOR WHITFIELD AGREES TO DISAGREE. STATED THAT THE COUNCIL IS NOT LOOKING AT THE MATTER FROM A CIVIL INJUSTICE STANDPOINT, THERE HAS BEEN A LOT THAT BLACK PEOPLE IN SPRINGFIELD HAS ENDURED. SAYS THAT BLACK PEOPLE ALWAYS HAVE TO FIGHT THREE TIMES AS HARD ON INITIATIVES AND IT IS WORSE ON HER AS A BLACK WOMAN. THIS DOES NOT FEEL LIKE DIVERSITY, EQUITY, AND INCLUSION. IT FEELS LIKE WE ARE TURNING BACK THE HANDS OF TIME. THE APPOINTMENT WILL HAPPEN, LET'S NOT JUST PUT THIS THROUGH.

COUNCILOR CLICK BRUCE WANTS TO ENSURE DEPUTY AKERS HAS THE POWER THAT HE DESERVES. THINKS THE COMMUNITY SHOULD BE INVOLVED AND THERE NEEDS TO BE MORE TRANSPARENT. ASKED THE COUNCIL PRESIDENT FOR CLARIFICATION ON THE TIMELINE. STATED THAT HE IS A BLACK MALE AND KNOWS THE STRUGGLES THAT WERE FOUGHT. SUPPORTS THIS GOING TO COMMITTEE.

COUNCILOR CURRAN STATED THAT AMENDMENTS STILL CAN BE MADE EVEN IF THE ITEM PASSES FIRST STEP. RECOMMENDS PASSING FIRST STEP TONIGHT.

COUNCILOR CLICK BRUCE STATED THAT POLICE BRUTALITY IS A PROBLEM THROUGH OUT THE COUNTY AND WANTS TO ENSURE THE COUNCIL CROSSES THEIR T'S AND DOTS THEIR I'S.

COUNCILOR GOVAN WANTS THIS ITEM TO GO TO COMMITTEE SO THE COMMUNITY CAN BE INVOLVED.

COUNCILOR SANTANIELLO WANTS TO KNOW IF THE OBJECTIVE IS TO HOLD COMMUNITY MEETINGS AND GET THE DEPARTMENT OF JUSTICE INVOLVED.

COUNCILOR DAVILA STATED PASSING FIRST STEP IS PUTTING THE CART BEFORE THE HORSE.

COUNCILOR PEREZ WANTS TO PASS THE FIRST STEP, DOES NOT WANT DEPUTY AKERS TO BE SET UP FOR FAILURE.

COUNCILOR WHITFIELD AGREES WITH COUNCILOR DAVILA WANTS TO TAKE TIME WITH THIS ITEM. HAS A PROBLEM WITH PASSING SOMETHING THAT SHE DOES NOT AGREE WITH.

MOTION PASSES, ITEM # 3 IS REFEREED TO THE PUBLIC SAFETY COMMITTEE.

RESULT:	CONTINUE VOTE [10 TO 1]	Next: 2/27/2024 5:00 PM
AYES:	Walsh, Allen, Click-Bruce, Govan, Davila, Curran, Santaniello, Edwards, Whitfield, Perez	
NAYS:	Michael A. Fenton	
ABSENT:	Jose Delgado, Malo Brown	