



# City Council

## Hearings Meeting

~ Draft ~

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

Anthony I. Wilson  
413-787-6096

Monday, April 23, 2018

7:00 PM

Springfield City Hall -- Council Chambers

## Hearings

7:00 PM Meeting called to order on April 23, 2018 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

| Attendee Name     | Title                       | Status  | Arrived |
|-------------------|-----------------------------|---------|---------|
| Marcus J Williams | Ward 5 Councilor            | Present |         |
| E. Henry Twiggs   | Ward 4 Councilor            | Present |         |
| Kenneth E. Shea   | Ward 6 Councilor            | Present |         |
| Adam Gomez        | Ward 1 Councilor            | Present |         |
| Kateri B. Walsh   | At-Large Councilor          | Absent  |         |
| Michael A. Fenton | Ward 2 Councilor            | Present |         |
| Jesse Lederman    |                             | Present |         |
| Melvin A. Edwards | Ward 3 Councilor            | Present |         |
| Thomas M. Ashe    | At-Large Councilor          | Present |         |
| Justin Hurst      | At Large Councilor          | Present |         |
| Timothy Ryan      |                             | Present |         |
| Timothy C. Allen  | Ward 7 Councilor            | Present |         |
| Orlando Ramos     | President- Ward 8 Councilor | Present |         |

### *Moment of Silence - Pledge of Allegiance*

## Special Permits

### 1. Petition (ID # 4497)

For a Special Permit to Allow the Installation of a Wireless Telecommunications Facility (Tower) on a Portion of the Property Known as 1349-1355 Boston Road (01655-0472) as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 6, Section 6.1 and Article 4, Table 4-4, Section 15.2.

|             |                           |
|-------------|---------------------------|
| Request:    | See Above                 |
| Owner:      | Thomas & Sandra Cosenzi   |
| By:         | Thomas & Sandra Cosenzi   |
| Petitioner: | Verizon Wireless          |
| By:         | Ellen W. Freyman, Esquire |

#### COMMENTS - Current Meeting:

Councilor Fenton recused himself.

Ellen Freyman, representing the petitioner, spoke in favor of the petition.

Atty. Freyman asked that condition 4 be amended from a letter of credit to a bond.

Tom Johnson, the Designer, explained that this will be an 85ft, single shaft tower.

Jay Latori, representing the petitioner, spoke in favor of the petition.

No one spoke in opposition.

Councilor Allen asked about the area that the tower services. Mr. Latori stated that the tower will cover a 1 mile radius.

Councilor Ryan moved to amend condition 4 of the special permit to require the petitioner to get a bond to be submitted to the city prior to the issuance of a building permit. Seconded by Councilor Edwards. The motion passed unanimously by voice vote.

The council voted unanimously on the following reasons for granting the special permit:

- (1) The specific site is an appropriate location for such a use, structure, or condition.
- (2) The use as developed will adversely affect the neighborhood.
- (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (4.) To incorporate the Planning Staff analysis into the decision at the basis of the findings.

**ATTACHMENTS:**

- 1349\_Boston\_Rd\_Tax\_Formal (PDF)

|                 |                                                                            |
|-----------------|----------------------------------------------------------------------------|
| <b>RESULT:</b>  | <b>ADOPTED [10 TO 0]</b>                                                   |
| <b>AYES:</b>    | Williams, Twiggs, Shea, Lederman, Edwards, Ashe, Hurst, Ryan, Allen, Ramos |
| <b>ABSENT:</b>  | Adam Gomez, Kateri B. Walsh                                                |
| <b>RECUSED:</b> | Michael A. Fenton                                                          |

## 2. Petition (ID # 4495)

For a Special Permit to Re-Open a Pre-Existing, Non-Conforming Use (Motor Vehicle Repairs) at the Property Known as 491 Allen Street (00280-1202), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.40.

|             |                            |
|-------------|----------------------------|
| Request:    | See Above                  |
| Owner:      | Ayra Petroleum Corporation |
| By:         | Kinjai Vjas                |
| Petitioner: | Hector Davila              |
| By:         | Hector Davila              |

**COMMENTS - Current Meeting:**

The council was notified that the petitioner submitted a letter from the petitioner requesting the petition be withdrawn.

Councilor Allen made a motion to continue the item to the next hearings meeting. Seconded by Councilor Lederman. The motion passed unanimously by voice vote.

**ATTACHMENTS:**

- Allen\_St\_491\_Tax\_Formal (PDF)

**RESULT: CONTINUE****Next: 5/21/2018 7:00 PM**

## Zone Changes

### 3. Zoning Ordinance (ID # 4486)

To Change the Zoning of the Property Known as 69 Parker Street (09510-1959) from Business a to Business B.

**PETITIONER:** Scott Santaniello

**ADDRESS:** 69 Parker Street

**CHANGE REQUESTED:** Bus A to Bus B

**HISTORY:**

|                |                |                   |
|----------------|----------------|-------------------|
| 04/04/18       | Planning Board | APPROVED          |
| 04/09/18       | City Council   | RECEIVED 1ST STEP |
| Next: 04/23/18 |                |                   |

**COMMENTS - Current Meeting:**

Scott Santenello, the petitioner, spoke in favor of the petition.

In response to question from Councilor Lederman, Mr. Santanello stated that they could make retail and commercial sales.

In response to question from Councilor Fenton, Mr. Santanello stated that he felt parking was adequate and that they would operate 6 days a week.

No one spoke in opposition.

The council voted unanimously to invoke rule 22C.

**ATTACHMENTS:**

- Parker\_St\_69\_3195 (PDF)
- 3195\_Parker\_St\_69\_PB\_Report\_2018 (PDF)

|                |                                                                                    |
|----------------|------------------------------------------------------------------------------------|
| <b>RESULT:</b> | <b>APPROVED [11 TO 0]</b>                                                          |
| <b>AYES:</b>   | Williams, Twiggs, Shea, Fenton, Lederman, Edwards, Ashe, Hurst, Ryan, Allen, Ramos |
| <b>ABSENT:</b> | Adam Gomez, Kateri B. Walsh                                                        |

## Under Suspension

### 4. Special Act (ID # 4511)

An Act Authorizing the Appointment of Special Police Officers in the City of Springfield

#### HISTORY:

**04/09/18**                      **City Council**                      **REFERRED TO COMMITTEE**  
Next: 04/23/18

Councilor Ashe made a motion to take this item out of order without objection.

Deputy Chief Cheryl Clapprod, from the Police Department, spoke in favor of the act. She stated that the Act is needed to cover road work jobs.

Councilor Hurst made a motion to send the matter to committee. Seconded by Councilor Gomez.

Councilor Ryan spoke in opposition to the motion to committee and in favor of the act.

Councilor Ashe spoke in opposition to the motion to committee and in favor of the act.

Jennifer Leydon, Budget Manager for the Police Department, stated that the retired officers will pay for their own training.

Councilor Ashe spoke in favor of the motion to committee. He also acted about the use of civilian "flaggers" which the state legislature passed several years ago.

City Solicitor Pikula stated that it was legal to use civilian "flaggers" however the contract between the city and the policeman's union made that option infeasible.

Councilor Allen spoke in opposition to the motion to committee and in favor of the act.

The motion passed with the following roll call votes:

|          |   |
|----------|---|
| Williams | Y |
| Twiggs   | Y |
| Shea     | N |
| Gomez    | Y |
| Walsh    | N |
| Fenton   | N |
| Lederman | Y |
| Edwards  | Y |
| Ashe     | N |
| Hurst    | Y |
| Ryan     | N |
| Allen    | N |
| Ramos    | Y |

The item was sent to the Public Safety committee.

**COMMENTS - Current Meeting:**

Deputy Cheryl Claprood spoke in favor of the Act.

Councilor Hurst spoke in support of the Act.

|                |                                                                                    |
|----------------|------------------------------------------------------------------------------------|
| <b>RESULT:</b> | <b>ADOPTED [11 TO 0]</b>                                                           |
| <b>AYES:</b>   | Williams, Twiggs, Shea, Fenton, Lederman, Edwards, Ashe, Hurst, Ryan, Allen, Ramos |
| <b>ABSENT:</b> | Adam Gomez, Kateri B. Walsh                                                        |



**City Council**  
36 Court Street  
Springfield, MA 01103

Meeting: 04/23/18 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 4497

**ADOPTED**

**PETITION (ID # 4497)**

**For a Special Permit to Allow the Installation of a Wireless Telecommunications Facility (Tower) on a Portion of the Property Known as 1349-1355 Boston Road (01655-0472) as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 6, Section 6.1 and Article 4, Table 4-4, Section 15.2.**

|             |                           |
|-------------|---------------------------|
| Request:    | See Above                 |
| Owner:      | Thomas & Sandra Cosenzi   |
| By:         | Thomas & Sandra Cosenzi   |
| Petitioner: | Verizon Wireless          |
| By:         | Ellen W. Freyman, Esquire |

**COMMENTS - Current Meeting:**

Councilor Fenton recused himself.

Ellen Freyman, representing the petitioner, spoke in favor of the petition.

Atty. Freyman asked that condition 4 be amended from a letter of credit to a bond.

Tom Johnson, the Designer, explained that this will be an 85ft, single shaft tower.

Jay Latori, representing the petitioner, spoke in favor of the petition.

No one spoke in opposition.

Councilor Allen asked about the area that the tower services. Mr. Latori stated that the tower will cover a 1 mile radius.

Councilor Ryan moved to amend condition 4 of the special permit to require the petitioner to get a bond to be submitted to the city prior to the issuance of a building permit. Seconded by Councilor Edwards. The motion passed unanimously by voice vote.

The council voted unanimously on the following reasons for granting the special permit:

- (1) The specific site is an appropriate location for such a use, structure, or condition.

- (2) The use as developed will adversely affect the neighborhood.
- (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (4.) To incorporate the Planning Staff analysis into the decision at the basis of the findings.

|                 |                                                                            |
|-----------------|----------------------------------------------------------------------------|
| <b>RESULT:</b>  | <b>ADOPTED [10 TO 0]</b>                                                   |
| <b>AYES:</b>    | Williams, Twiggs, Shea, Lederman, Edwards, Ashe, Hurst, Ryan, Allen, Ramos |
| <b>ABSENT:</b>  | Adam Gomez, Kateri B. Walsh                                                |
| <b>RECUSED:</b> | Michael A. Fenton                                                          |

**To The City Council of the City of Springfield:**  
*The undersigned respectfully petition your honorable body*

for a special permit to allow the installation of a wireless telecommunications facility (tower) on a portion of the property known as 1349-1355 Boston Road (01655-0472) as allowed by M.G.L. and the Springfield Zoning Ordinance Article 6, Section 6.1 and Article 4, Table 4-4, Section 15.2.

**Mailing Address:**

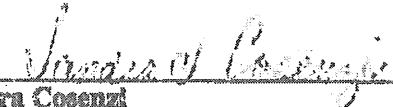
134 Ardsley Road  
 Longmeadow, MA 01106

**Owner:**

Thomas A. Cosenzi & Sandra Cosenzi

I hereby certify that I am the owner or acting on behalf of the owner.

BY:   
 Thomas A. Cosenzi

BY:   
 Sandra Cosenzi

**Mailing Address:**

20 Alexander Drive  
 Wallingford, CT 06492

1441 Main Street  
 Springfield, MA 01103

**Petitioner:**

Verizon Wireless

I hereby certify that I am the petitioner or acting on behalf of the petitioner.

By:   
 Ellen W. Freyman, Esquire



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

March 20, 2018

## Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit: 1349-1355 Boston Rd – (01655-0472)

Petitioner: Verizon Wireless

Property Owner: Thomas A. & Sandra J. Cosenzi

A handwritten signature in cursive script, reading "Stephen J. Lonergan", is written over a horizontal line.

Stephen J. Lonergan: Treasurer/Collector

Attachment: 1349\_Boston\_Rd\_Tax\_Form (4497 : 1349-1355 Boston Road)



**City Council**  
36 Court Street  
Springfield, MA 01103

Meeting: 04/23/18 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 4495

**TABLED**

**PETITION (ID # 4495)**

**For a Special Permit to Re-Open a Pre-Existing, Non-Conforming Use (Motor Vehicle Repairs) at the Property Known as 491 Allen Street (00280-1202), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.40.**

|             |                            |
|-------------|----------------------------|
| Request:    | See Above                  |
| Owner:      | Ayra Petroleum Corporation |
| By:         | Kinjai Vjas                |
| Petitioner: | Hector Davila              |
| By:         | Hector Davila              |

**COMMENTS - Current Meeting:**

The council was notified that the petitioner submitted a letter from the petitioner requesting the petition be withdrawn.

Councilor Allen made a motion to continue the item to the next hearings meeting. Seconded by Councilor Lederman. The motion passed unanimously by voice vote.

**RESULT: CONTINUE**

**Next: 5/21/2018 7:00 PM**

**To The City Council of the City of Springfield:**  
*The undersigned respectfully petition your honorable body*

for a special permit to re-open a pre-existing, non-conforming use (motor vehicle repairs) at the property known as 491 Allen Street (00280-1202), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.40.

**Mailing Address:**

491 Allen Street  
 Springfield, MA 01118

**Owner:**

**Ayra Petroleum Corporation**

I hereby certify that I am the owner or acting on behalf of the owner.

BY: 

Kinjal Vjas

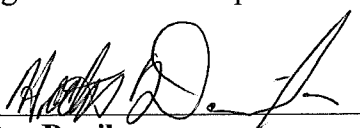
**Mailing Address:**

491 Allen Street  
 Springfield, MA 01118

**Petitioner:**

**Hector Davila**

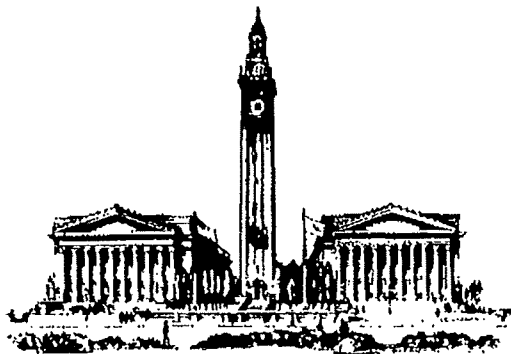
I hereby certify that I am the petitioner or acting on behalf of the petitioner.

BY: 

Hector Davila

Attachment: Allen\_St\_491\_Tax\_Form (4495 : 491 Allen Street)

Stephen J. Lonergan  
*Collector/Treasurer*



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

March 20, 2018

## Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit: 491 Allen St – (00280-1202)  
Petitioner: Hector Davila  
Property Owner: Kinjal Vyas (Arya Petroleum Corporation)

Stephen J. Lonergan: Treasurer/Collector

Attachment: Allen\_St\_491\_Tax\_Form (4495 : 491 Allen Street)

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT  
ANALYSIS FOR A ZONE CHANGE**

**69 PARKER STREET (09510-1959)  
BUSINESS A TO BUSINESS B**

**GENERAL INFORMATION**

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|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b>                             | Lazy Valley Winery, Inc.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Request:</b>                               | Business A to Business B                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Location:</b>                              | 69 Parker Street                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Parcel Size:</b>                           | 6,164 s.f.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Purpose:</b>                               | Winery                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Surrounding Land Use and Zoning:</b>       | <p>The property is located in the Indian Orchard Neighborhood and is located in an area with a mix of commercial and residential uses. The surrounding land uses include:</p> <p style="padding-left: 40px;">To the north is a gas station zoned Business B.<br/>         To the south is a two-family house zoned Residence B.<br/>         To the east is a two-family house zoned Business A.<br/>         To the west is a two-family house zoned Business A.</p> |
| <b>Comprehensive/<br/>Neighborhood Plan:</b>  | The Indian Orchard Neighborhood Plan shows no changes to this area.                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Site Visit:</b>                            | 3-26-18                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Neighborhood Council<br/>Notification:</b> | Indian Orchard Neighborhood Council: 3-14-18                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Planning Board Hearing Date:</b>           | 4-4-18                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**SPECIAL INFORMATION**

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|                                  |     |
|----------------------------------|-----|
| <b>Traffic &amp; Parking:</b>    | N/A |
| <b>Physical Characteristics:</b> | N/A |
| <b>Other Notes:</b>              | N/A |

**ANALYSIS**

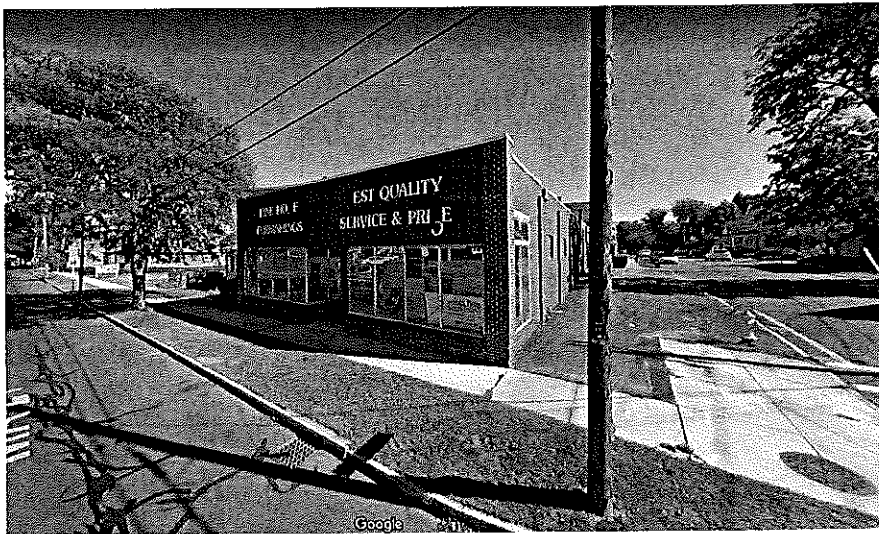
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The petitioner has requested to change the zoning of the property known as 69 Parker Street from Business A to Business B. This site was formally the location of a retail operation. The petitioner intends to use this for a winery operation known as Lazy Valley Winery.

As noted above, the petitioner intends to operate a winery out of this location. Due to the fact that this type of use falls under the zoning category of "processing" a zone change to Business B is required. It should be noted that this operation was formally located in the Indian Orchard Mills. The petitioner has now purchased the

property at 69 Parker Street and intends to move the winery operation to this new location.

After a full review, the staff does not object to the proposed request. While the staff does always have concerns about the intensification of business zoning, the staff does believe that this is a unique business which can have a positive impact on the overall Indian Orchard neighborhood. Also, as noted above, this is an existing business which has been operating in the neighborhood without any issues. Further, as noted above, there is other Business B zoning adjacent to this property, including directly across the street.



After speaking with the petitioner it was noted that the petitioner intends to operate between the hours of 6:00AM to 5:00PM. The petitioner also noted that there is no heavy equipment used in this operation and that deliveries are limited.

Lastly, it should be noted that the petitioner has gone before the Indian Orchard Neighborhood Council and received a positive recommendation (see attached).

#### RECOMMENDATION

Approve.

# **INDIAN ORCHARD CITIZEN'S COUNCIL**

March 16, 2018

**Philip Dromey, AICP**

Deputy Director of Planning  
Office of Planning & Economic Development  
City of Springfield  
70 Tapley Street  
Springfield, MA 01104

RE: Lazy Valley Winery - zone change to Business B 69 Parker Street

Mr. Santaniello came to IOCC meeting on 3/14/2018 to give a presentation re: his winery business operations.

Mr. Santaniello has reached out to the residential properties in the neighborhood and neighbors have expressed relief that the property will no longer be vacant.

The hours of operation for production are Monday – Saturday 6:00 a.m. – 5:00 p.m. There is no machinery thus this is not a noisy operation. The distributor comes 1x a week with a small delivery truck and is on site for roughly 15 minutes. There is no regular foot traffic as this space is currently used for production. The business will be available for open house and small tours intermittently throughout the year.

The Indian Orchard Citizen's council recommends the zone change request to Business B as this is a unique use and there is other Business B zoning in the area. The Indian Orchard Citizen's Council is confident that this business will have a positive impact on the immediate neighborhood and Indian Orchard.

Please feel free to contact me with any additional questions.

JACQUELINE E. FARROW,  
On behalf of the Economic Development Committee and IOCC

cc: Scott Santaniello/Lazy Valley Winery via email and US Mail

117 Main Street Indian Orchard, MA 01151 413-209-8240  
[iocc.council@gmail.com](mailto:iocc.council@gmail.com)

Attachment: Parker\_St\_69\_3195 (4486 : 69 Parker Street)

Lawe St

Falmouth St

Parker St

Kosciusko St

Proposed Location

Rapalus St

Pulaski St

Attachment: Parker\_St\_69\_3195 (4486 : 69 Parker Street)



City of Springfield, Massachusetts

69 Parker Street



# CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND EIGHTEEN

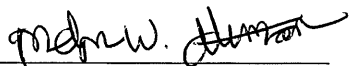
## AN ORDINANCE

AMENDING SECTION 2 OF THE BUILDING ZONE MAP

*Be it ordained by the City Council of the City of Springfield as follows:*

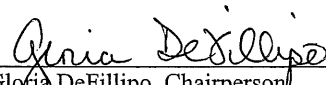
SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, as amended, is hereby further amended by changing from **Business A** to **Business B** the zoning on **Plot #3195, Section 2** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "**Section 2 Building Zone Map of the City of Springfield.**"

Approved as to Form:

  
Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on April 4, 2018 regarding the above Ordinance amendment.

1 Person(s) appeared in favor, and 0 Person(s) appeared in opposition.

  
Gloria DeFillipo, Chairperson



## CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND EIGHTEEN

### AN ORDINANCE

AMENDING SECTION 2 BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, May 28, 2013, as amended, is hereby further amended by changing from **Business A** to **Business B** the zoning on **Plot #3195, Section 2** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Section 2 Building Zone Map of the City of Springfield.**”

**REPORT TO CITY COUNCIL  
ZONE CHANGE HEARING**

**PETITION:** #3195  
**SECTION:** 2

**DATE:** April 5, 2018

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

**PETITIONER:** Lazy Valley Winery, Inc.

**ADDRESS:** 69 Parker Street (09510-1959)

**CHANGE REQUESTED:** Proposed zone change from Business A to Business B

**PETITIONER'S PURPOSE STATEMENT:** Commercial winery/distillery

**DATE OF PUBLIC HEARING:** April 4, 2018

**DATE OF FINAL DECISION:** April 4, 2018

**BOARD MEMBERS PRESENT and COUNT:** eight (8): Mr. Cunningham, Mr. Mineo, Mr. Daniele, Ms. Morin, Ms. DeFillipo, Mr. Florian, Ms. McQuade and Ms. Choi

**FINAL MOTION:** APPROVE

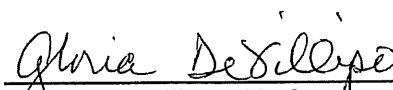
**IN FAVOR:** eight (8): Mr. Cunningham, Mr. Mineo, Mr. Daniele, Ms. Morin, Ms. DeFillipo, Mr. Florian, Ms. McQuade and Ms. Choi

**OPPOSED:** zero (0)

**ABSTAINED:** N/A

**RECOMMENDATION:** APPROVE

Respectfully submitted,

  
\_\_\_\_\_  
Gloria DeFillipo, Chairperson

Attachment: 3195\_Parker\_St\_69\_PB\_Report\_2018 (4486 : 69 Parker Street)



**City Council**  
36 Court Street  
Springfield, MA 01103

**ADOPTED**

**SPECIAL ACT (ID # 4511)**

Meeting: 04/23/18 07:00 PM  
Department: City Council  
Category: General  
Prepared By: Tasheena Davis  
Initiator: Tasheena Davis  
Sponsors: Mayor Domenic J. Sarno  
DOC ID: 4511

## **An Act Authorizing the Appointment of Special Police Officers in the City of Springfield**

### **The Commonwealth of Massachusetts**

**In the Year Two Thousand Eighteen**

#### **AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF SPRINGFIELD**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The police commissioner of the city of Springfield may appoint, at the recommendation of a deputy police chief or as the police commissioner deems necessary, retired police officers of the city of Springfield as special police officers to perform police details or duties arising from police details or during the course of police detail work, whether or not related to the detail work. The retired Springfield police officers shall have been regular police officers in the city of Springfield and retired based on superannuation. The retired officers shall be subject to the same maximum age restrictions as applied to regular police officers in the city of Springfield pursuant to chapter 32 of the General Laws. Before being appointed pursuant to this act, a retired officer shall pass a medical examination conducted by a physician or other certified professional chosen by the city to determine whether the retired officer is capable of performing the essential duties of a special police officer pursuant to this act, the cost of which shall be borne by the retired officer. Proof of payment of that cost shall be a pre-requisite of employment.

SECTION 2. A special police officer appointed pursuant to this act shall not be subject to chapter 31, to chapter 150E, or to section 99A of chapter 41 of the General Laws. A special police officer appointed pursuant to this act shall not be eligible for special leave, vacation or other benefits pursuant to the revised ordinances of the city of Springfield or a collective bargaining agreement.

SECTION 3. A special police officer shall, when performing the duties described in section 1, have the same power to make arrests and perform other police functions as regular police officers of the city of

Springfield.

SECTION 4. A special police officer shall be appointed for a 1-year term, subject to removal by the mayor or the police commissioner upon 14 days written notice before removal.

SECTION 5. The work week for a special police officer appointed pursuant to this act shall be 7 consecutive 24-hour periods, for a total of 168 hours, during which time a special police officer shall be available to perform a police detail or duty arising from a police detail as needed. The work week shall commence at 8:00 A.M. each Monday. A special police officer appointed pursuant to this act shall not perform a police detail or a duty arising from a police detail in excess of 40 hours in a work week.

SECTION 6. A special police officer appointed pursuant to this act shall be subject to the rules, regulations, policies, procedures and requirements imposed by the police commissioner and the mayor of the city of Springfield including, but not limited to: (i) restrictions on the type of detail assignments; (ii) medical examination requirements to determine continuing capability to perform the duties of a special police officer; (iii) training requirements; (iv) first aid certification and qualification requirements; (v) firearms licensing and qualification requirements; and (vi) uniform and equipment requirements. A special police officer's compliance with the rules, regulations, policies, procedures and requirements shall be at no cost to the city of Springfield. A special police officer appointed pursuant to this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 7. A special police officer appointed pursuant to this act shall be sworn before the city clerk of the city of Springfield, who shall keep a record of the appointment.

SECTION 8. A special police officer appointed pursuant to this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said section 111F of said chapter 41 shall be calculated by averaging the amount earned during the preceding 52 weeks as a special police officer working police details or by averaging that amount over a lesser period of time for an officer designated as a special police officer for fewer than 52 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment pursuant to said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter

41 or when a special police officer appointed pursuant to this act reaches the age of 65, whichever occurs first. If the age limitation applicable to a regular police officer serving a city is increased from 65 years of age, the termination of benefits pursuant to said section 111F of said chapter 41 shall terminate at the higher age limit; provided, however, that the benefits shall not extend beyond the age of 70 for a special police officer. A special police officer appointed pursuant to this act shall not be subject to section 85H or 85H½ of chapter 32 or eligible for benefits pursuant to those sections.

SECTION 9. Appointment as a special police officer shall not entitle the appointee to assignment to a detail.

SECTION 10. A special police officer appointed pursuant to this act shall be subject to the limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 11. This act shall take effect upon its passage.

***To the Honorable Senate and House of Representatives of the Commonwealth of  
Massachusetts In the General Court Assembled.***

The undersigned, Domenic J. Sarno, Mayor of the City of Springfield, in the name and on behalf of said City, and in the pursuance of an order, a duly attested copy of which is hereto annexed, petition the General Court for legislation entitled “AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF SPRINGFIELD” in substantially the same form as a draft Act attached hereto.

Respectfully submitted,

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Domenic J. Sarno, Mayor

City of Springfield  
36 Court Street  
Springfield, MA 01103

**HISTORY:**

**04/09/18 City Council**  
**Next: 04/23/18**

**REFERRED TO COMMITTEE**

Councilor Ashe made a motion to take this item out of order without objection.

Deputy Chief Cheryl Clapprood, from the Police Department, spoke in favor of the act. She stated that the Act is needed to cover road work jobs.

Councilor Hurst made a motion to send the matter to committee. Seconded by Councilor Gomez.

Councilor Ryan spoke in opposition to the motion to committee and in favor of the act.

Councilor Ashe spoke in opposition to the motion to committee and in favor of the act.

Jennifer Leydon, Budget Manager for the Police Department, stated that the retired officers will pay for their own training.

Councilor Ashe spoke in favor of the motion to committee. He also acted about the use of civilian "flaggers" which the state legislature passed several years ago.

City Solicitor Pikula stated that it was legal to use civilian "flaggers" however the contract between the city and the policeman's union made that option infeasible.

Councilor Allen spoke in opposition to the motion to committee and in favor of the act.

The motion passed with the following roll call votes:

|          |   |
|----------|---|
| Williams | Y |
| Twiggs   | Y |
| Shea     | N |
| Gomez    | Y |
| Walsh    | N |
| Fenton   | N |
| Lederman | Y |
| Edwards  | Y |
| Ashe     | N |
| Hurst    | Y |
| Ryan     | N |
| Allen    | N |
| Ramos    | Y |

The item was sent to the Public Safety committee.

**COMMENTS - Current Meeting:**

Deputy Cheryl Claprood spoke in favor of the Act.

Councilor Hurst spoke in support of the Act.

|                |                                                                                    |
|----------------|------------------------------------------------------------------------------------|
| <b>RESULT:</b> | <b>ADOPTED [11 TO 0]</b>                                                           |
| <b>AYES:</b>   | Williams, Twiggs, Shea, Fenton, Lederman, Edwards, Ashe, Hurst, Ryan, Allen, Ramos |
| <b>ABSENT:</b> | Adam Gomez, Kateri B. Walsh                                                        |