



CITY OF SPRINGFIELD

City Clerk's Office 9/4/2013 12:00:00 PM

Regular Meeting Agenda~

I hereby notify you that at twelve o'clock noon today the following items of business had been filed with this office and can be acted upon at the meeting in City Council Chambers, Room 200 at City Hall, 36 Court Street **Monday evening September 9, 2013** at 07:00 PM according to Section 12, Rules and Orders of the City Council.

City Clerk

Call to Order

7:00 PM Meeting called to order on September 9, 2013 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Committee Reports

(1.) **AUDIT COMMITTEE**

ATTACHMENTS:

- Financial Performance Review On-Street Parking Program (PDF)

Communication

(1.) **July Revenue Vs. Expenditure Report (Mayor Sarno)**

ATTACHMENTS:

- July Revenue Vs Expenditure Report (PDF)

Financial Orders

(1.) **Budget Transfer Across Departments \$250,000 (Mayor Sarno)**
\$250,000

(2.) **Budget Transfer W/In a Department \$32,000 (Mayor Sarno)**
\$32,000

ATTACHMENTS:

- CAFO Certification HR_LR (PDF)

Orders

(1.) **Order Authorizing Mayor to Execute Quitclaim Deed for Sale of SS Tyler St. (11715-0081) to Craftsman's Association, Inc. (Mayor Sarno)**

ATTACHMENTS:

- Deed SS Tyler St. (Par.81) (PDF)

(2.) **Order Authorizing Mayor to Execute Quitclaim Deed for Sale of ES Foster Street (05320-0018) to Earl L. Andrews (Mayor Sarno)**

ATTACHMENTS:

- Deed ES Foster St. (Par.18) (PDF)

- (3.) Order Authorizing Mayor to Execute Quitclaim Deed for Sale of WS Nagle St., Indian Orchard (08910-0018) to Antonio A. Pires and Anibal Pires (Mayor Sarno)
ATTACHMENTS:
- Deed WS Nagle St. (Par.18) (PDF)
- (4.) Order Authorizing Mayor to Execute Quitclaim Deed for Sale of WS Andrew St. (00440-0002) to Lorilee I, LLC (Mayor Sarno)
ATTACHMENTS:
- Deed WS Andrew St. (Par.2) (PDF)
- (5.) MMRS Grant - No Match - \$50,000 (Mayor Sarno)
ATTACHMENTS:
- MMRS Grant FY14 (PDF)
- (6.) Dispatch Support & Incentive Grant - No Match - \$663,261 (Mayor Sarno)
ATTACHMENTS:
- Dispatch Support & Incentive Grant \$663k (PDF)
- (7.) Dispatch Training Grant - No Match - \$145,291 (Mayor Sarno)
ATTACHMENTS:
- Dispatch Training Grant \$145,291 (PDF)
- (8.) Fire Dept Grant - \$3,000 - No Match (Mayor Sarno)
ATTACHMENTS:
- fm global check (PDF)
 - fm global letter (PDF)
- (9.) Grant Acceptance - No Match Required \$99,996.00 (Mayor Sarno)
ATTACHMENTS:
- Elders - SHINE Grant \$99,996 (PDF)
- (10.) Grant Acceptance - No Match Required (\$78,000) (Mayor Sarno)
ATTACHMENTS:
- 2014 Consumer Information Grant Award Letter (PDF)
- (11.) Library Trust Income - No Match Required \$31,139.51 (Mayor Sarno)
ATTACHMENTS:
- Library Trust Income \$31,139.51 (PDF)
- (12.) Grant Acceptance - No Match Required \$7,000 (Mayor Sarno)
ATTACHMENTS:
- DAVIS FOUNDATION Grant \$7,000 (PDF)
- (13.) MassAHEC- No Match Required \$114,000 (Mayor Sarno)
ATTACHMENTS:
- Mass AHEC (PDF)
- (14.) Mass in Motion - No Match Required \$70,000 (Mayor Sarno)
ATTACHMENTS:
- Mass in Motion \$70,000 (PDF)
- (15.) Order Amending Ordinance Chapter 82- Purchasing and Contracts to Reflect Amendments to Chapter 30B (Mayor Sarno)
- (16.) Read / Write/ Now Grant - No Match Required \$216,125 (Mayor Sarno)
ATTACHMENTS:
- DOE \$216,125 (PDF)
- (17.) DPW Engineering Department - 5 Year Plotter Lease (Mayor Sarno)
\$4,368.00/year for five years, or \$21,840.00
ATTACHMENTS:
- CAFO Certification DPW PLOTTER (PDF)

- Plotter - Scanner Selection (PDF)
- (18.) Library Donation - \$134,413.00 (Mayor Sarno)
ATTACHMENTS:
- Library Foundation - Mason Square (PDF)
- (19.) STOP ACCESS (5035) - No Match Required \$80,000 (Mayor Sarno)
ATTACHMENTS:
- Stop Access \$80,000 (PDF)
- (20.) STOP ACCESS (5034) Increase - No Match Required \$80,000 (Mayor Sarno)
ATTACHMENTS:
- Stop Access (5034) (PDF)
- (21.) MLCHC - No Match Required \$5,000 (Mayor Sarno)
ATTACHMENTS:
- MLCHC - Emergency Preparedness (PDF)
- (22.) Parks Trail Grant - No Match - \$48,205 (Mayor Sarno)
ATTACHMENTS:
- trails grant (PDF)
- (23.) Fire Donation - \$1,500 (Mayor Sarno)
ATTACHMENTS:
- EXXON 2013 (PDF)
 - EXXON MOBIL CHK (PDF)
- (24.) Fire Donation for 9/11 Memorial - \$400 (Mayor Sarno)
ATTACHMENTS:
- spfld branch of mass (PDF)
- (25.) DESE Partners for Youth Success - \$25,985 (Mayor Sarno)
ATTACHMENTS:
- making proud choices (PDF)
- (26.) New North Citizens Council - No Match - \$25,000 (Mayor Sarno)
ATTACHMENTS:
- new north campus - evening gym (PDF)
- (27.) Emergency Preparedness Performance Grant - No Match - \$70,030 (Mayor Sarno)
ATTACHMENTS:
- Fire Dept Springfield MEMA \$70k (PDF)
- (28.) DPIR Grant - No Match - \$100,000 (Mayor Sarno)
ATTACHMENTS:
- Distressed Property Revitalization Grant(PDF)
- (29.) Supportive Housing Grant - No Match - \$152,827 (Mayor Sarno)
ATTACHMENTS:
- Supportive Housing Grant add'l funding (PDF)
- (30.) Emergency Spending for Demolition of the Former Chestnut Junior High School (Mayor Sarno)
- (31.) Order Declaring the Former Brookings School as Surplus Property (Mayor Sarno)
ATTACHMENTS:
- 201309041119-1 (PDF)
- (32.) Order Authorizing Expenditure of Gift Funds of \$26,900 for the Old First Church (Mayor Sarno)
Gift of \$26,900 for the Old First Church, from the Community Foundation

ATTACHMENTS:

- 201309041119 (PDF)

(33.) Order Authorizing Expenditure of Gift of \$65,000.33 for Camp Wilder (Mayor Sarno)
Gift of \$65,000.33 for renovating Camp Wilder, from the dissolution of a Trust formerly held by The Society of Everett Barney, Inc.

(34.) Order Accepting Chapter 32, Sec. 20A, Indemnification of Retirement Board Members
(Mayor Sarno)

ATTACHMENTS:

- 201309041150 (PDF)

(35.) An Order Authorizing the Expenditure of Grant Funds by the Department of Elder Affairs -
Match Required (Mayor Sarno)

ATTACHMENTS:

- Senior Aides (PDF)

Reports of Board of Public Works

(1.) From BPW re:Pomona Street - Installing Conduits & Transformer (WMECO) –
<<Enter brief purpose>>

(2.) From BPW re:East Columbus Avenue - Installing Gas Main (Columbia Gas) –
<<Enter brief purpose>>

(3.) From BPW re:Melrose Street Discontinuance & Street Line Relocation –
<<Enter brief purpose>>

Zoning Ordinances

(1.) To Change the Zoning of the Properties Known as 23 Euclid Avenue (04760-0075) and 25
Euclid Avenue (04760-0074) from Residence B to Residence C. 23 & 25 Euclid Avenue Not
Recommend
Residence B to Business A

PETITIONER: Jason & Nidal Abeid

ADDRESS: 23 & 25 Euclid Avenue

CHANGE REQUESTED: Res B to Res C

ATTACHMENTS:

- 3149_23_25_Euclid_Ave_2013(PDF)

(2.) To Change the Zoning of the Property Known as Parcel Known as 351 East Columbus
Avenue (04303-0630) from Business a to Business B. 351 E Columbus Avenue Not
Recommend
Residence B to Business A

PETITIONER: William M. McCarthy

ADDRESS: 351 E. Columbus Avenue

CHANGE REQUESTED: Bus A to Bus B

ATTACHMENTS:

- 3150_351_E_Columbus_Ave_2013 (PDF)

- (3.) To Change the Zoning of the Properties Known as 644 Boston Road (01655-0109), NS Boston Road (01655-0108) and NS Boston Road (01655-0110) from Residence a to Business A. 644 Boston Road Recommend Residence B to Business A

PETITIONER:

Charles H. Richard

ADDRESS:

644 Boston Road, NS Boston Road, NS Boston Road

CHANGE REQUESTED:

Res A to Bus A

ATTACHMENTS:

- 3151_644_Boston_Rd_2103 (PDF)

Ordinances

- (1.) (ID # 2123) - Pawnbrokers and Junk Dealers
- (2.) (ID # 2272) - Chapter 302 – STORMWATER MANAGEMENT
- (3.) (ID # 2273) - Chapter 301 – STORM DRAINS
- (4.) (ID # 2325) - Pawnbrokers and Junk Dealers
- (5.) (ID # 2326) - Compensation
- (6.) (ID # 2327) - Tobacco Products
- (7.) (ID # 2331) - Residency Requirements
- (8.) (ID # 2333) - Senior Tax Work Off
- (9.) (ID # 2297) - Chapter 73-8 Residency Requirements – Condition of Employment

Special Acts

- (1.) An Act Filling Vacancies in Ward Seats of the City Council by Special Election

ATTACHMENTS:

- succession memo (PDF)

- (2.) An Act Exempting the City of Springfield from the Residency Provision of Massachusetts General Laws Chapter Seventy-One Section Thirty-Eight

ATTACHMENTS:

- Memo for Special Act for residency ferrera (PDF)

Resolutions

- (1.) Forest Park Middle School

Unfinished Business Reconsideration

- (1.) ORD-2013-3 - Reconsideration - Veto Override - Residency Requirements - Chapter 73 Councilor Twiggs moved for reconsideration at the next regular meeting.

ATTACHMENTS:

- VETO RESIDENCY MAYOR (PDF)

Suspension

- (1.) Warrant - Primary (Mayor Sarno)
- (2.) Polling Place - Preliminary (Mayor Sarno)



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

COMMITTEE REPORT (ID # 2330)

Meeting: 09/09/13 07:00 PM

Department: City Council

Category: General

Prepared By: Robert Arieti

Initiator: Robert Arieti

Sponsors: Ward 4 Councilor E. Henry Twiggs

DOC ID: 2330 A

AUDIT COMMITTEE

REPORT OF COMMITTEE

Committee: Audit Committee

Date: Tuesday, August 27, 2013

Time: 1:00 P.M.

Subject: Report (draft) - Financial Performance Review: On-Street Parking Program

Councilors in Attendance: Twiggs, Rooke, Edwards

Synopsis (include pros/cons): The Audit Committee met to discuss the draft of the Financial Performance Review of the City's on-street parking program submitted by Ms. Cecelia Goulet, Acting Director of the City's Office of Internal Audit.

Mr. Kevin Kennedy, Director of the Office of Planning and Economic Development, said that about 1 ½ years ago the Mayor had expressed concern over the Springfield Parking Authority and asked him to review their operations. He felt that the Parking Authority was a critical tool in the Economic Development of downtown Springfield and needed to work collectively with us and the Mass Mutual Center, Symphony Hall, CityStage, etc. He delegated much of this review to Chris Moskal who had previously been the Executive Director of the Parking Authority. During the past year and one-half the PARKING Authority has made substantial progress, both economically and cooperatively, and has shown a remarkable turnaround. They've worked together with the City and all the other groups and organizations involved in downtown development.

Ms. Goulet began her presentation by saying that in 2008 the Financial Control Board recommended that all on-street parking responsibilities be outsourced to the Springfield Parking Authority. A consultant hired by the Financial Control Board indicated that the revenues could increase by as much as 20-24%. Through fiscal year 2012 the actual increase in revenue approximated 12%. Ms. Goulet continued by saying that in general findings should be addressed as soon as possible and the findings in this report were indeed timely addressed by City Management. CFO Timothy Plante could not attend today's meeting due to a previous commitment, but his management responses are contained in the report.

Ms. Goulet then explained to the Committee that there were 6 findings that she thought needed to be addressed:

Finding 1: Revenues that were collected by the SPA's original vendor, Republic Parking were not deposited into the City's bank account daily in accordance with the original contract and were not within control of the City. This resulted in revenue that was turned over to the City in an untimely manner and created risk of misappropriation. Ms. Goulet stated that the bank accounts setup by Republic parking for the City's revenues did not have the City as signatory and consequently revenues were dispersed to the City on a monthly basis rather than a daily basis. Additionally there were alleged thefts by two employees of the SPA and Republic of over \$60,000. Recommendation: Contractual language should be enforced "as is" thus requiring daily deposits by the vendor, but this should be monitored and reviewed on a regular basis. Or alternatively another best practice should be implemented and enforced such as having the City Collector's office collect parking revenue instead of the SPA or its vendor. City Management agreed with the recommendations and a revised contract was implemented February 2013. The new contract states that all on-street citation payments are now collected exclusively by the City Collector's Office. Meter collections will still be handled by the SPA and its vendor.

Finding 2: The City's process of reconciling parking activity should be formalized and was hindered by incomplete and untimely documentation received. Ms. Goulet stated that there was not any formal process of review by the City. Staff Members from the Treasurer/Collectors Office indicated that untimely remittances, documentation issues and lack of responses to inquiries made such reviews and reconciliations extremely difficult and time consuming. Recommendation: City management should encourage the SPA to first properly monitor its vendor's records for accuracy before submitting records to the City. Reconciliations, approvals and monitoring should be done on a regular basis and all transactions should be recorded in a timely and specific manner. City Management agreed with the recommendations.

Finding 3: The City paid \$35,000 for contractually required annual audits of the on-street parking program that were not provided to the City of Springfield. Some reports were received; however, the reports were not the contractually required audit reports. Recommendation: An annual audit should be conducted by an independent CPA firm. Additionally, the City should explore the feasibility of possible reimbursement for prior year audits and contractual language should remain "as is", but enforcement must occur. City Management agreed with the recommendations.

Finding 4: From March 2008 to August 2012, approximately \$800,000 was paid by the City to the SPA for "management fees"; however, there was no provision in the contract to do so. Recommendation: If the intention is to pay management fees then the contract must be amended to indicate such payment. Also, if that provision is added to the contract then additional language should be added to include supporting documentation, calculations and payment terms. However strategic decisions as to whether the management fees should continue must be the subject of further discussion and analysis by the City. City Management agreed with the recommendations. The new amended contract contains a revised fee structure. The new fee structure includes a requirement to pay a management fee to the SPA based upon parking meter revenue. The management fee calculation will not include on-street citation payments which are now collected by the City Collector's office.

Finding 5: A recent copy of the Republic's performance bond was not on file with the City and evidence of automobile coverage for the SPA has not been provided. Recommendation: City management must ensure that the SPA's vendor provides evidence of a performance bond or continues performance bond per contractual requirements on a timely basis. Additionally compliance must be enforced for contractually required automobile insurance. City Management agreed with the recommendations.

Finding 6: Small increases in revenue combined with a trending increase in expenditures paid to the SPA have resulted in an unfavorable performance trend to the City. Recommendation: The on-street parking program has continued to result in a small profit margin to the City. From 3/4/2008 through 8/31/12 \$.0.72 out of every dollar was paid to the SPA and/or its current vendor, Republic. Though many variables may have contributed to smaller revenues and increasing expenses by the SPA these factors must be addressed either through contractual amendments and/or an increase in efficiency. The current management team at the SPA has shown a tremendous desire to work collaboratively with the City in achieving these goals. This should have a positive impact as the City continues to review and monitor the SPA in the future.

MOTIONS/RECOMMENDATIONS: Councilor Twiggs indicated the he was satisfied with the Audit and Report that Ms. Goulet facilitated and complimented her on her diligent effort. Councilors Rooke and Edwards concurred. Councilor Twiggs also said that he would like the other City Councilors to have an opportunity to read the report and that he would like another meeting in the near future to address any other questions or concerns that other Councilors may have.

Made By: Councilor Twiggs made a motion to accept The Financial Performance Review: On-street Parking Program(DRAFT).

Seconded: Councilor Rooke seconded the motion.

Vote: In favor were Councilors Twiggs and Rooke. Councilor Edwards(non-Committee member) also expressed his support for the motion. No one was opposed.



Issued August 27, 2013

Financial Performance Review: On-Street Parking Program

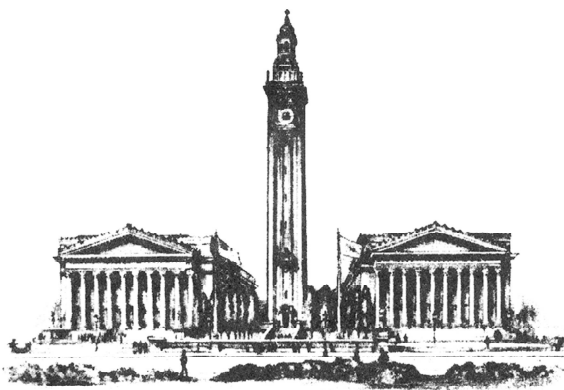
Prepared by Cecelia Goulet, CPA, CGA

95 State Street – 6th Floor
Springfield, MA 01103

Cecelia R. Goulet, CPA, CGA
Acting Director of Internal Audit
(413) 750-2792

cgoulet@springfieldcityhall.com

Fraud Hotline (413) 886-5125



August 27, 2013

The Honorable Domenic J. Sarno, Mayor and
Members of the Springfield Audit Committee
36 Court Street
Springfield, Massachusetts 01103

Re: *Financial Performance Review: On-Street Parking Program*

At the request of the Honorable Domenic J. Sarno, Mayor of the City of Springfield and City Solicitor Edward M. Pikula, the Office of Internal Audit conducted a financial performance review of the City's on-street parking operation.

The accompanying report details findings and recommendations for improvement. The results of the review have been discussed with City officials and management has taken numerous positive actions in response to these recommendations. Written responses from City management have been incorporated into the report.

This report is not intended to be an adverse reflection of the City or of its vendors nor is it an audit. This review is intended to contribute to the improvement of the City's risk management, control and governance processes.

I wish to personally acknowledge the support received throughout this process by the Mayor, City Solicitor, CAFO, Comptroller, Chief Development Officer, Executive Director of the SRA, Parking Clerk, Treasurer/Collector, Springfield Parking Authority, their departmental staff members, and all others that helped to provide information during this review. I thank them for their cooperation and courtesies extended.

The attached report can be found at: <http://www3.springfield-ma.gov/finance/auditor.html>.

Respectfully submitted,

Cecelia R. Goulet

Acting Director of Internal Audit

Cc: Springfield City Council
T.J. Plante, CAFO
Kevin Kennedy, Chief Development Officer
Steve Lonergan, City Collector/Treasurer
Peter Sygnator, Asst. City Collector/Parking Clerk

Edward Pikula, Esq., City Solicitor
Pat Burns, Comptroller
Christopher Moskal, Executive Director SRA
Lauren Stabilo, Chief Procurement Officer
Mike Nelligan, Powers & Sullivan, CPA's

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In 2008, the City of Springfield, through the approval of the Springfield Finance Control Board, chose to outsource its on-street parking services (i.e. management of City parking meters and parking ticket violation enforcement) to the Springfield Parking Authority (SPA). The SPA initially used Republic Parking Systems, Inc. as its management vendor for both on-street and off-street parking operations. The SPA is currently using Executive Parking, Inc.

The Office of Internal Audit reviewed available City financial data to determine the financial effect of outsourcing the on-street parking program. A review of compliance with contractual terms was also performed. In lieu of the ability to review audited financial data for the on-street parking program from the SPA, standard financial indicators were utilized to review the audited financial statements of the SPA itself.

Financial information was compared to recommendations from a 2005 consultant's report to determine whether projected revenue increases were actually realized.

The full report is attached and may also be viewed at:
<http://www3.springfield-ma.gov/finance/auditor.html>

City of Springfield's outsourced on-street parking program needs monitoring and improvements to achieve desired results

The City has a mutually beneficial relationship with the Springfield Parking Authority (SPA). Economic development requires available affordable parking and an appropriate circulation of traffic while parking services are dependent upon the City's economic growth. Building on this relationship, the City's on-street parking program was outsourced to the SPA in 2008 as a result of negotiations and approval by the Springfield Finance Control Board. Favorable parking income to the City and to the SPA was assumed to be a beneficial byproduct of a well-managed parking program.

The Office of Internal Audit (OIA) was asked to examine the financial performance of the on-street parking program. In addition, the OIA was asked to determine whether the outsourcing of the City's on-street parking program has achieved the desired results. City Management requested this information to help in making informed decisions as to whether to renew and/or modify the existing contract with the SPA which had an impending expiration date of January 31, 2013.

It is evident from this review that the positive financial benefit from outsourcing the City's on-street parking program has been an evolution and not a revolution; favorable financial impact is changing with time rather than the City or the SPA seeing any immediate sweeping positive changes. Some of the processes are still evolving and need continued or enhanced monitoring. Issues identified in this review indicate the need for process enhancements to further improve contract administration and to achieve desired results.

Several significant issues that were identified in this review:

- i Revenue was not deposited into the City's bank account daily in accordance with the original contract; instead collected funds were first deposited into the SPA's vendor's bank accounts and typically transferred to the City the following month.
- i The City paid \$35,000 for contractually required annual audits of the on-street parking program that were not received.
- i From March 2008 to August 2012, approximately \$800,000 was paid by the City to the SPA for "management fees" to assist in improving the SPA's financial position. Although the payments were properly approved to be made, there was no formal provision incorporated into the contract to pay these management fees.
- i Records provided to the OIA along with a compilation of City financial activity obtained from its accounting system of record, MUNIS, indicated that from 3/4/2008 to 8/31/2012 for every \$1.00 of parking related revenue the City netted approximately \$0.28 cents [*\$0.14 in FY 2012*].

To improve the City's on-street parking program it is recommended that:

- The City should enforce and/or modify the on-street parking program agreement to ensure that parking revenues are properly and timely deposited in City accounts.
- Procedures should be enhanced to ensure that required reports, especially those required from independent certified public accountants, are actually submitted to allow City management to properly monitor the on-street parking program.
- Any mutually agreed upon amendments to the terms of the contract must be formally executed before implementation, appropriation, and payment.
- Budget to actual activity must be routinely monitored to ensure City objectives are being met for the management of the on-street parking program.

Significant preliminary findings were shared with City management during the course of the review so that management had the ability to promptly address the findings. The City, the SPA, and its board of directors have subsequently performed some important work in developing cost containment solutions for the on-street parking program. These results are detailed in the *Management Response* sections of this report. The responses include recent contract revisions and a concurrent action plan implemented by the SPA. This plan includes the engagement of a parking consultant, elimination of the former Executive Director position, a successful debt restructuring, and the selection of a new management company.



Section 1

On-Street Parking Program: Introduction

Chapter 468 of the Acts of 2008 authorizes the Director of Internal Audit to examine the records of the City and its departments to prevent and detect waste, fraud and abuse and to improve the efficiency, effectiveness and quality of public services provided in and by the City. In accordance with this legislation, all offices and employees of officers, boards, commissions, agencies and other units of City government are required to comply with requests for information or access to systems and records by the Office of Internal Audit (OIA). The following review aligns the authority and goals of the OIA with those of the City. Specifically, this review addresses the City's values related to accountability such as integrity, fiscal responsibility and transparent practices. The review also supports the City's strategic priorities ensuring operational excellence, fiscal health and sustainability in all divisions, departments, programs and activities.

The City of Springfield currently has an agreement which outsources the management of its "on-street" parking program to the Springfield Parking Authority. The on-street parking program consists of the management of parking meters and parking ticket violation enforcement. The Office of Internal Audit was asked to examine the financial performance of the City's outsourced on-street parking program over the course of the original agreement. In addition, the OIA was asked to determine whether the outsourcing of the City's on-street parking program has achieved the desired results. This report is not intended to be an adverse reflection of the City or of its vendors nor is it an audit. The intent of this review is for City management to utilize these findings and recommendations to help in making well-informed strategic decisions in the near future regarding the on-street parking program while ultimately meeting City objectives.

Background

The Springfield Parking Authority (SPA) was established in 1981 as a "...body politic and corporate and political subdivision of the commonwealth..."¹ Additional legislation was later issued in 1985 to further regulate the SPA.² It was declared in the initial legislation that there was a lack of free circulation of traffic that was causing a public nuisance that was so severe that there was a risk of endangering the health, safety and welfare of the general public. The necessary solution was to require the construction and operation of conveniently located "off-street" parking facilities. The long-term strategic intent was to ultimately attract out of state visitors, promote tourism, correct a condition of economic dislocation, and create employment opportunities for residents of the Commonwealth. The SPA is managed by a five member board, all appointed by the mayor, who serve five year terms. The City of Springfield is not financially responsible for the operation of the SPA.³

¹ Chapter 674 of the Acts of 1981

² Chapter 178 of the Acts of 1985

³ Chapter 674 of the Acts of 1981 section 18(e) states, "Notwithstanding any other provisions of this act, unless authorized by other legislation, no funds raised by taxation or by any loan or pledge of the credit of the city or of the commonwealth shall be given, loaned to or used in aid of any individual, or of any private association, or of any corporation which is privately owned and managed, nor shall such funds be used by the Authority for any such purpose."



Historically, the City of Springfield internally administered the on-street parking program (i.e. the management of parking meters and parking ticket violation enforcement). While the City's finances were under the authority of the Springfield Finance Control Board from July 2004 to June 2009, the Finance Control Board hired a consultant, Infrastructure Management Group, Inc., to evaluate parking functions and to make recommendations that would improve the financial performance of both the City and the SPA. One of the consultant's recommendations was for the City to outsource the administration of the on-street parking program. Subsequently, per the recommendation, the management of the on-street parking program was transferred to the SPA from the City. The City through its Parking Clerk and Mayor, with the approval of the Finance Control Board, entered into an agreement granting the "...SPA the right to maintain, operate and manage the City's on-street parking program."⁴ This contract between the City and the SPA began in March 2008 and expires January 31, 2014.⁵

The SPA now currently manages both off-street parking operations (parking garages/parking lots) and on-street parking operations (management of parking meters/parking ticket violation enforcement). The SPA's parking facilities are comprised of approximately 4,500 parking spaces in five parking garages: I-91 North, I-91 South, Columbus Center, Civic Center, and Taylor Street. Also included are five parking lots: Dwight Street, Apremont Triangle, Morgan Square, Winter Street, and Trolley Park. The SPA additionally administers parking ticket violations for 971 on-street parking spaces in Springfield's Central Business District, and 711 parking meters.

The SPA initially selected Republic Parking System, Inc. as its vendor for managing both the SPA's off-street parking operations and the City's on-street parking operations through January 31, 2013.⁶ The original management of both the off-street and on-street parking programs from March 4, 2008 through January 31, 2013 is graphically represented below in Exhibit 1.1.

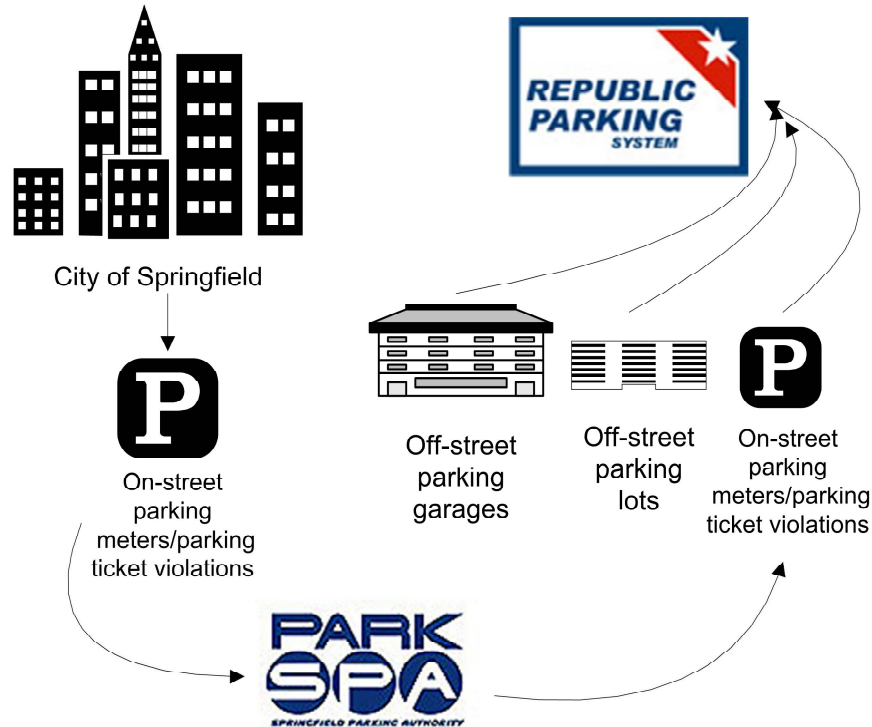
⁴ City Contract #1244

⁵ The initial contract expired 1/31/13. The current contract renewal expires 1/31/14.

⁶ Subsequent to the time period utilized for this review, 3/4/2008-8/31/2012, the SPA entered into a new vendor contract with Executive Parking, Inc.

Exhibit 1.1

The City's on-street parking program was outsourced from the City to the SPA in 2008. The SPA originally selected Republic Parking to manage the City's on-street program as well as the SPA's off-street operations.



Objectives, Scope, and Methodology

The objective of this review was to determine the actual financial performance of the outsourced on-street parking program over the course of the original agreement. Included in this objective was the need to determine whether benefits originally projected by Infrastructure Management Group to be received by the City after outsourcing the on-street parking program were actually realized.

To initially gain an understanding of the process, the City's contract with the SPA for the management of the on-street parking program was reviewed. The minutes from several Finance Control Board meetings were also reviewed for relevant discussions regarding objectives of the transfer and also any projected benefits. Tests were developed to determine whether there had been proper contract compliance and whether the on-street parking program was functioning as designed.

A time constraint was inherent to the review as there was an impending contract expiration date of January 31, 2013. Management had to quickly make the decision as to whether to renew, change or terminate the existing agreement. There was a risk of negative financial consequences if the contract was renewed without a review of financial performance and compliance to date.

Key requirements from the contract were selected for review. Through interviews and testing it was determined how the City and the SPA were conducting the required services delineated in the contract. The potential for the occurrence of fraud was considered but the review was not designed to identify all deficiencies in internal controls. Compliance issues discovered were communicated to the Law Department for review and later communicated to City management during the course of the project.



Parking related revenues were obtained from the City's prior accounting system for fiscal years 2000 to 2007.⁷ Parking related revenue and expenditure transactions were obtained from the City's current accounting system, MUNIS, for the period 7/1/2007 to 8/31/2012. Actual revenues and expenditures per the City's systems of record were compared to annual projected budgeted amounts submitted by the SPA to the City. The information was utilized as part of the basis for drawing conclusions as to the financial performance of the on-street parking program over the course of the current contract term.

Audited financial statements from the SPA specific to the on-street parking program were not made available to the City. This was prohibitive in enabling a proper reconciliation of City data to SPA data. In lieu of the ability to use audited financial data for the SPA's on-street parking program, audited financial statements for the SPA itself were reviewed to potentially determine the effects of the outsourcing of the on-street parking program. An opinion regarding the SPA's overall financial condition was already provided by the Certified Public Accountants engaged to audit the SPA, accordingly no such opinion is presented here nor should such inferences be made based on the limited data presented in this review. Previously audited transactions were not re-tested for this review.

Annual audited financial statements for the SPA as a whole were obtained for fiscal years 2004 through 2012. Information from the audited financial statements was compiled so that current financial condition could be compared with past results to look for financial trends. Part of the review of the financial statements included reviewing key financial statement elements through the use of business ratios. Consistency of data is essential in the presentation of multi-year ratios. Several of the audited financial statements presented the long-term portion of bonds payable as short-term. To produce "apples-to-apples" comparisons, the long-term classification was consistently maintained for all fiscal years.

Key business ratios are presented as graphs throughout this report to encourage management discussion and to present graphically some indicators of the Springfield Parking Authority's past financial results. There are numerous financial indicators that can be chosen when evaluating financial performance. By selecting only key business ratios to review, a manageable financial presentation is offered rather than communicating an unwieldy amount of financial indicators. City managers are encouraged to augment the approach used in this review with additional financial indicators or even replace any of the selected indicators with others when drawing absolute conclusions.

Calculating financial condition, position, and performance over time by reviewing trends as well as benchmarking the trends against data obtained from other municipalities assists in interpreting results. Data from the audited financial statements of five other communities were sampled for fiscal years 2009 and 2010 for comparison. The financial statements selected for comparison were from parking authorities in cities that have similar characteristics to the City of Springfield. Financial data from the parking

⁷ The City of Springfield operates on a fiscal year basis which runs July 1st through June 30th.



authorities were also chosen if audited financial statements were readily available online or provided upon request.

The following factors per the U.S. Census Bureau were used to find a sample of five comparable cities with data similar to that of the City of Springfield:

- i Location
- i Population
- i Percent of persons under 18 years old
- i Percent of persons 65 or older
- i Percent of persons living in the same house 1 year or more
- i Number of persons per household
- i Per Capita Income

The five cities ultimately selected as comparable cities to Springfield, Massachusetts for this review were: (1) Allentown, PA, (2) West New York, New Jersey, (3) Yonkers, New York, (4) Reading, Pennsylvania, and (5) Hartford, Connecticut.

Issues discovered during the course of the review along with recommendations and comments by City management are described in the following sections of this report. Significant preliminary findings were shared with management during the course of the review so that management had the ability to promptly address the findings.

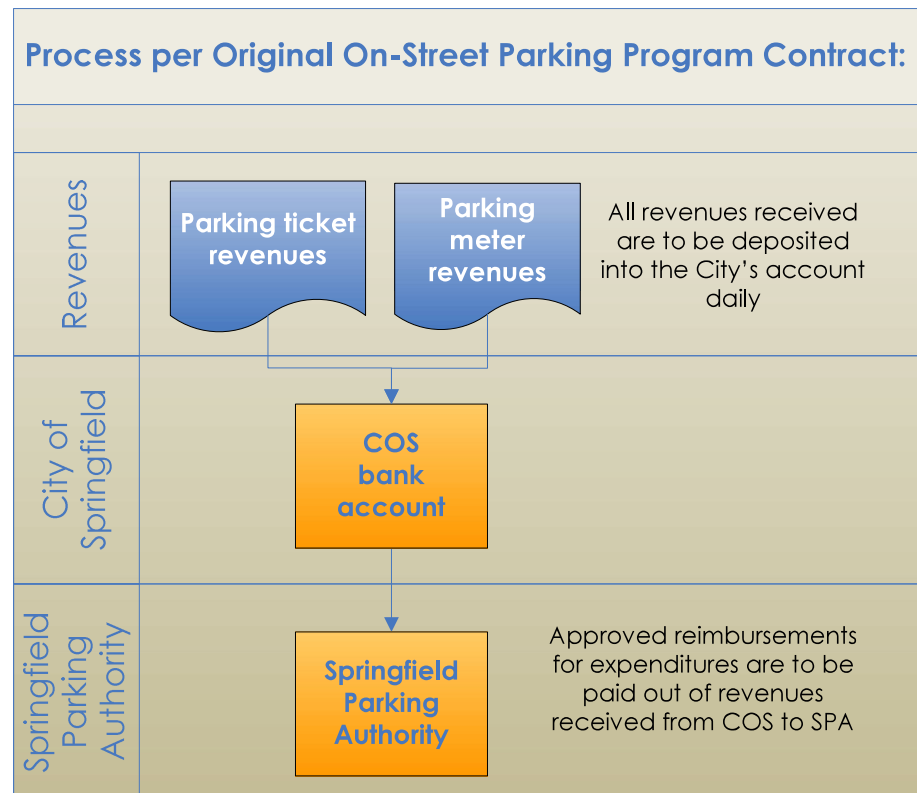
**Section 2****On-Street Parking Program:
Contract Compliance**

As previously mentioned, management of the City's on-street parking program, including enforcement and collection of parking violations, was transferred to the SPA in March 2008. The City through its Parking Clerk and Mayor, with the approval of the Springfield Finance Control Board, entered into an agreement granting the SPA the right to maintain, operate, and manage the City's on-street parking program.

The original contract itself was reviewed to gain an understanding of the process and the objectives of the agreement. It was ascertained that the intent of the financial terms of the original on-street parking contract was to ensure that all revenue was to be paid to the City daily and then approved operating expenses would be subsequently paid to the SPA on a reimbursement basis by the City out of those revenues.

The original agreement required all funds collected by the SPA (or its vendor) for the on-street parking program to be deposited into a City of Springfield bank account on a daily basis. Exhibit 2.1 below shows the required on-street parking program process as outlined in the original agreement.

Exhibit 2.1:
Process per original
on-street parking
program contract



**Finding 1:**

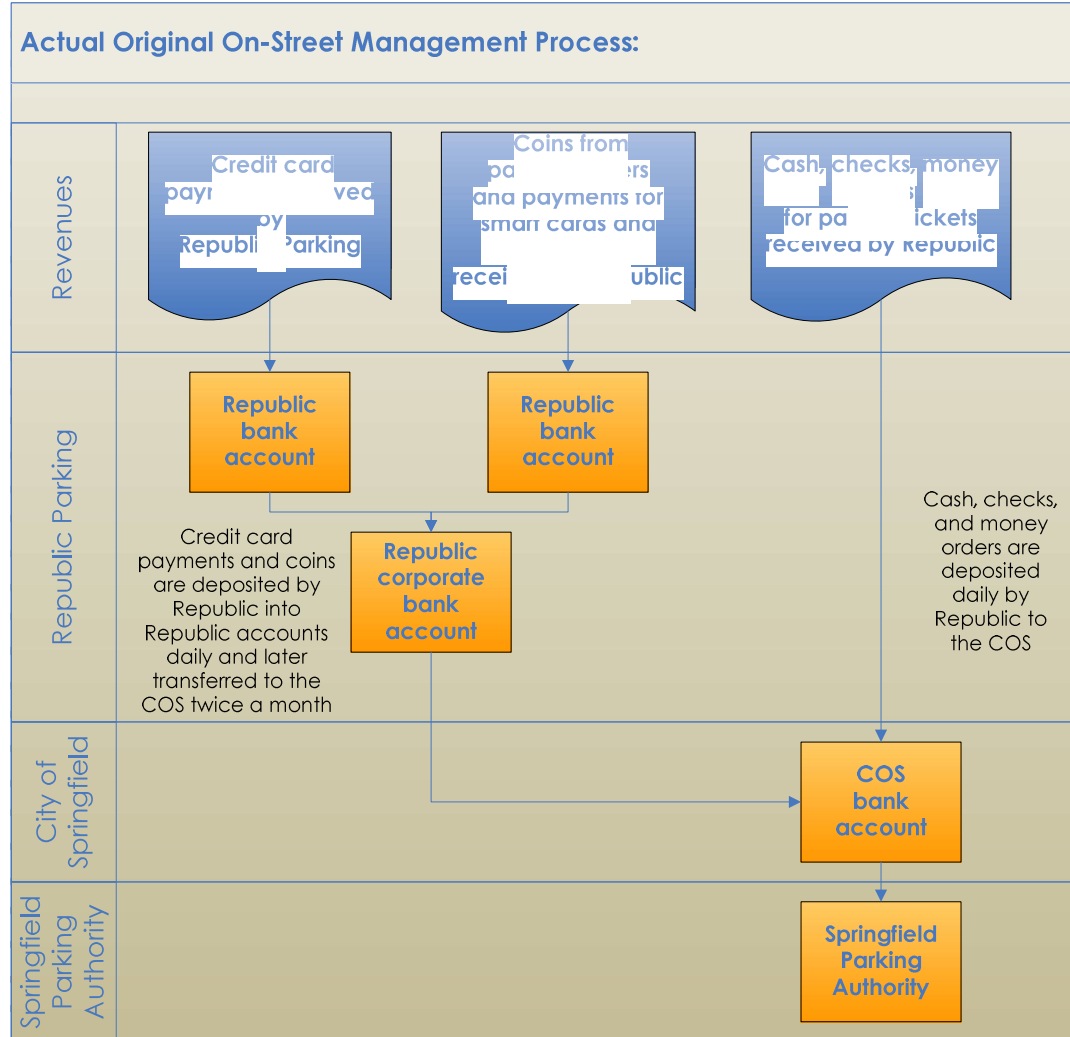
Revenues that were collected by the SPA's original vendor, Republic Parking, were not within the control of the City. This resulted in revenue that was turned over to the City in an untimely manner and created risk of misappropriation.

During the period examined, it was discovered that, in practice, the contract provisions concerning revenue turnover were not followed. The SPA's initial vendor, Republic Parking (Republic), collected all on-street parking revenue and placed much of the revenue within two of its bank accounts. Both bank accounts were under the sole control of Republic. The City was not a signatory on the accounts. The money was then further swept into a corporate bank account (again under the sole control of Republic). City revenues were not subsequently paid to the City on a daily basis by Republic. Instead, Republic typically paid the City out of the corporate account in the month following the collection period.

Exhibit 2.2 below illustrates the *actual* process that was observed during the course of this review. The actual process differed significantly from the intended process that would have been in accordance with the original contract.



Exhibit 2.2:
Actual on-street
management
process



The process set forth in the contract was not followed. The actual process was complicated and not a best practice as City revenue was deposited into multiple vendor accounts instead of into City accounts. Moreover, on behalf of the OIA, requests were made by staff members of the City Treasurer's Office to representatives of the SPA and Republic for copies of a sample number of bank statements for Republic's corporate account. Even though bank statements for Republic's local accounts were provided, SPA and Republic representatives refused to provide copies of Republic's corporate bank statements to the Treasurer's Office on the grounds that it is "...not just City of Springfield money in there." This response indicates that City funds were potentially co-mingled by Republic with revenues from other municipalities. The refusal to provide copies of bank statements related to these revenues by the SPA or its vendor violates the contract provisions concerning the City's access and right to audit.

This is also not a best practice in that there is a risk that deposits may not be made intact. In other words, there is no evidence that what was actually collected matches what was actually deposited. Over the term of the initial contract with the SPA there were two alleged employee thefts at the SPA and at Republic totaling over \$60,000. Both instances have been addressed by SPA management and/or law enforcement authorities but the



instances potentially could have been avoided if there had been proper adherence to the process outlined in the contract. Whenever cash is moved or changes hands several times, especially without proper supporting documentation, there is a risk that funds could be misappropriated.

It is also problematic that even if this adopted process of using vendor bank accounts was mutually agreed upon by both parties, the basic requirement of making daily deposits has not been adhered to for all revenue. In interviews performed, there seemed to be consensus among both City employees and those of the SPA and Republic that deposits were only required to be made twice a month. The contract set forth a process that would have eliminated and potentially rectified the practice of infrequent remittances. Infrequent remittances resulted in the City not having use of its own money and potentially resulted in less interest earned by the City on those funds. It should also be noted that the City occasionally was asked, but subsequently refused, to reimburse the expenses of the SPA prior to receiving City revenues from Republic. This is important because the City has been experiencing a severe budget crisis for the last several years and any decrease in cash flow, especially for projects that contain a high volume of transactions and large dollar amounts, would have been detrimental to the City's daily operations and services.

Sample data in Exhibit 2.3 demonstrates that payments were not made in accordance with the contract. The dates that daily revenue first went into Republic accounts and the dates that revenue was subsequently aggregated and remitted to the City for the sample period from January 2012 to August 2012 are shown below. Please note that the daily revenue received was ultimately remitted to the City one to two months after it was received by Republic.

**Exhibit 2.3:**

Daily revenue collection dates by Republic vs. date revenue actually was turned over to the City of Springfield

Collection Period	Date Payment Received by COS	Amount Remitted from Republic to COS
01/01/12 - 01/15/12	2/10/2012	\$ 23,670.00
01/16/12 - 01/31/12	3/02/2012	29,365.00
02/01/12 - 02/15/12	3/13/2012	46,257.50
02/16/12 - 02/29/12	4/05/2012	38,826.50
03/01/12 - 03/15/12	4/10/2012	24,751.00
03/16/12 - 03/31/12	4/19/2012	25,828.25
04/01/12 - 04/15/12	5/08/2012	22,373.00
04/16/12 - 04/30/12	5/22/2012	21,756.25
05/01/12 - 05/15/12	6/19/2012	22,725.50
05/16/12 - 05/31/12	6/19/2012	25,361.00
06/01/12 - 06/15/12	7/10/2012	23,685.00
06/16/12 - 06/30/12	7/10/2012	20,813.25
07/01/12 - 07/15/12	8/30/2012	17,741.25
07/16/12 - 07/31/12	8/30/2012	24,940.75
08/01/12 - 08/31/12	9/17/2012	43,403.41
Total Jan - Aug 2012		\$ 411,497.66

Recommendations

The contract should be enforced “as is” which requires daily deposits into a City account. Otherwise an alternative best practice should be developed by City management, incorporated into the agreement, and enforced.

The City Comptroller recommends requiring parking ticket revenue to be collected by the City Collector’s office as a potential change to the contract terms and City processes. The OIA and Treasurer/Collector’s office concur with this recommendation as this would shift the collection of revenue by the SPA or its vendor to collection by the City. Funds would be immediately recorded in the City’s system of record and deposited into a City owned and controlled account on the same day. Taxpayers could have a convenient “one-stop-shop” to pay all parking related fees at the City Collector’s office. If this method is selected by management a corresponding adjustment may need to be made to fees paid to the SPA for this collection service.

Management’s Response

*Through an Amendment to the On-Street Parking Management Agreement between the City and the SPA, all collections for **on-street citation payments** are now collected exclusively by the City Collector’s Office. This allows the revenue to be turned over to, and under the control of the City on a daily basis. Additionally, the money is not comingled with any other sources, while providing accurate collection data. The deposits are also reconciled on a daily basis, while enforcing the City’s internal controls regarding*



receipt and reconciliation of money. The new collection method will also provide better customer service, potentially resulting in an increase revenue collection for on-street payments.

Additionally, said amendment revised the structure of how payments are made by the SPA from parking meter collections to address the issue of coin deposits made into a bank account that the City has established for these revenues.

Finding 2:

The City's process of reconciling parking activity should be formalized and was hindered by incomplete and untimely documentation received.

Reconciliations, approvals, and monitoring are performed by City staff on an ad hoc basis. No formalized policies or procedures exist related to the administration of the City's contract with the SPA. Unstructured monitoring of contractual obligations can create ambiguity related to performance.

Staff members from the Treasurer/Collector's office that routinely monitor on-street transactions frequently expressed concern to the SPA and to City management regarding untimely remittances, documentation issues, and lack of responses to inquiries. The OIA learned that information was not provided to or accessible by the City's Parking Clerk regarding the number of tickets issued including range of ticket serial numbers, the number of tickets waived, and the reason(s) that the tickets were waived. Samples of backup documentation prepared by Republic contained mathematical and typographical errors, dates erroneously listed as "January 0, 1900", and totals displayed as "#####" or that were blank. Several Republic bank statements observed showed numerous deposits for meter revenue in even amounts (for example: \$1,000.00, \$2,200.00, etc.). Backup documentation showed uncommon line items with descriptions such as "Daily Meter Coin Not Deposited", "Meter Coin Daily Float", "Meter Coin Forward", and "End of Day Inventory". City employees noted that these issues created a challenge when trying to reconcile parking activity.

Recommendations

Though some monitoring and reconciliations are performed, additional steps could be taken to strengthen the review process. City departments should be directed by City management to work collaboratively in developing specific collection and reconciliation policies and procedures and either incorporate them into the contract or use them to augment the administration of the contract. In addition, City management should encourage the SPA to first properly monitor its vendor's records for accuracy before the records are submitted to the City. In general, controls should be strengthened to help eliminate accounting errors and establish proper oversight and administration of the City's contract to improve transparency between the parties.

**Management's Response**

The Amendment to the On-Street Parking Management Agreement addresses reconciliation and monitoring procedures to more accurately track SPA's collection and deposit activities and ensure that the provisions of the Contract are being adhered to. The SPA's Comptroller is now required to provide the City Treasurer with weekly accounting reports of all deposits made to the City, and the parties are responsible for meeting on a monthly basis to review all documentation submitted from the prior month.

Finding 3:

Contractually required annual audits of the on-street parking program were not provided to the City of Springfield.

The original contract required the City to provide to the SPA up to \$20,000 annually for the actual cost of an audit of the on-street parking program. The SPA was further required to submit the audit to the City's Chief Financial Officer.⁸

The full amount of \$20,000 per year for fiscal years 2010 through 2013, or \$80,000, was included in the operating budgets submitted by the SPA and ultimately approved by the City. Invoices totaling \$35,000 were subsequently submitted by the SPA to the City for reimbursement in fiscal years 2011 and 2012 for fees paid by the SPA for: "Annual Audit for On Street Parking Program" and "Annual Audit". The City paid \$35,000 per the invoices and backup documentation submitted by the SPA. However, annual audits related to the on-street parking program were not subsequently received by the City.

In lieu of the required annual audits, the City received two "agreed-upon procedures" reports prepared by a Certified Public Accounting firm utilized by the SPA. However it was expressly stated in each agreed-upon procedures report, "We were not engaged to, and did not, perform an audit, the objective of which would be the expression of an opinion on specified financial elements, accounts, or items."

The contractually required audits are essential in enabling the City to properly monitor and reconcile the on-street parking program. Reconciliations, analysis, and monitoring of expected and actual performance have thus been a challenge for the City. The absence of audited financial data for the on-street parking program combined with a lack of City control over collecting revenues in a timely fashion has led to a lack of transparency and basically rendered the City's relationship with the SPA to be on the "honor system".

The contract also stipulates annual incentive payments shall be payable to the SPA after the City verifies revenue collections from the SPA's annual audit of the on-street parking program. Incentive payments were paid to the SPA from the City in fiscal years 2009, 2010, and 2011 totaling \$39,355 without receipt or review of the required annual audits of the on-street parking program. Therefore incentive fees were paid without an appropriate reconciliation that would determine whether the payments were valid.

⁸ This title has subsequently changed to Chief Administrative and Financial Officer (CAFO).



Recommendations

Reimbursement of payments, or a credit adjustment, for prior year audits should be explored by City management.

The contractual audit requirement should be enforced “as is” which requires an annual audit of the on-street parking program. Otherwise an alternative best practice should be developed by City management, incorporated into the agreement, and enforced. Mutual expectations as to cost, format, and deliverables should be clearly understood and adhered to by all parties.

City management should establish internal procedures for ensuring that a specific employee is given the responsibility of monitoring whether the audits are actually received and whether the reports are received timely. The reports should be subsequently analyzed and reconciled to City transactions.

City management should meet annually with the CPA firm that is engaged by the SPA to prepare the audit of the on-street parking program. Financial statements, notes to financial statements, and the management discussion and analysis section of the audit report should be reviewed and analyzed by City management with questions addressed to the preparers of the financial statements. Issues could therefore be discussed timely and resolved by management and fiscal sustainability could be properly assessed relative to the on-street parking program.

Requested incentive payments must be properly analyzed and reconciled to the annual audits before payment is made to the SPA. Strategic decisions as to the continuance of the practice of paying incentive fees should be the subject of further discussion and financial analysis by City management.

Management's Response

*By amendment, the **annual auditing process** has been revised to include two separate City approvals for an audit program as well as an annual meeting between the City Treasurer and the selected auditing firm. An initial City approval is now required prior to the SPA's selection of a firm to perform the services, and the City's approval must also be obtained for all invoices submitted for payment by the SPA for said audit. The City will now also be able to meet with the auditing firm to review all documents, financial reports and notes, as well as to provide an opportunity for the City to ask any questions it may have about any of the materials.*

We agree that a discussion and any credit(s) to the city for auditing services not provided for over the prior term of the contract. We believe that this can be concluded within the next 30 days.

*The **paying of incentive fees to the operator** are no longer part of the amended on-street agreement with the Authority.*

**Finding 4:**

From March 2008 to August 2012, approximately \$800,000 was paid by the City to the SPA for “management fees”; however, there was no provision in the contract to do so.

From March 2008 to August 2012, the City paid the SPA \$788,311 in “management fees”. Payments of these management fees originated in fiscal year 2010 and were calculated monthly as 10% of total collections. Towards the end of fiscal year 2011, the City agreed to further increase these management fees by \$266,728 annually. Although approved by all appropriate parties, there was no formal provision incorporated into the contract for payment of management fees. An amendment to the existing contract to address these additional fees was not executed.

Supporting documentation was obtained that shows the City’s rationale for paying management fees to the SPA. The decision was made on the grounds that by doing so it would help the SPA to address its future debt service payments and to increase its debt ratio. Increasing the SPA’s debt ratio would enable the SPA to have the ability to restructure its debt in order to decrease future debt service payments and eliminate an impending balloon payment of approximately \$4,000,000 which is due July 2013. There was not a corresponding proposal by the SPA to increase services rendered. It was noted that the City’s decision was made to increase management fees only on a short-term basis, i.e., after completion of the debt restructuring the City intended to decrease the management fees.

The mutual decision regarding the payment of management fees should have been clearly and formally documented and incorporated into the contract. If decisions concerning changes to existing contractual provisions are not formally incorporated into an agreement then the intent of both parties may not be properly understood, vetted or enforceable.

Recommendations

If it is management’s intent to continue paying management fees to the SPA, the contract must be amended to include a provision for doing so along with requirements for supporting documentation, calculations, and payment terms. Changes to the agreement must be in writing and signed by all authorized parties. Management should monitor and refine City processes to ensure approved amended items to pay are properly incorporated into the terms of contract.

However, because the additional management fees were only chosen to be paid as a short term option, strategic decisions as to whether the management fees should continue must be the subject of further discussion and financial analysis by City management. This is especially relevant if the SPA is able to obtain refinancing options for its bonds or if the City takes over all revenue collection activities. Management should ensure that fees paid result in a benefit to the City and are not merely a subsidy to the SPA.

**Management's Response**

The amendment addresses a revised fee structure, so as to eliminate all incentive fee payments to the parking operator, and to simplify the mechanism by which the City makes fee payments to the SPA. The SPA is now only paid a single monthly management fee equal to 10% of the gross revenue collected from parking meters during the preceding month as well as payment for one employee in the business office. Presently, the SPA collects approximately \$30,000 in such revenue per month, resulting in a monthly management fee of roughly \$3,000.

It is important to note that SPA's parking operator no longer collects any on- street citation payments, and as such, that fee has been removed and is not included in the calculation of the fee to SPA's operator, nor in the calculation of the City's management fees paid to the SPA.

We agree that the City Treasurer be the single contact in overseeing all aspects of the contract(s) with the Authority and reconciliation of all invoices for payment.

Finding 5:

A recent copy of Republic's performance bond was not on file with the City and evidence of automobile insurance coverage for the SPA has not been provided.

The initial contract specifies that the SPA must require its vendor to obtain a \$500,000 performance bond. The most recent performance bond received by the City's Office of Procurement from Republic showed an expiration date of February 1, 2010. Numerous requests were made for a current continuation certificate during the course of this review, however, a more current certificate was not provided to the Office of Procurement. Therefore it can only be presumed that a performance bond was not in place for the SPA's current vendor, Republic, from February 1, 2010 through January 31, 2013.

Current copies of the Certificates of Liability Insurance for both the SPA and Republic were provided by the City's Office of Procurement. Initial testing indicated one of the listed insurers was not licensed in Massachusetts. However, further research showed the producer had inadvertently listed the agency rather than the insurance company on the certificate. A corrected certificate was subsequently issued which correctly listed insurers licensed in Massachusetts. However, under further review, it was discovered that the SPA's insurance certificates did not contain any information related to automobile liability coverage.⁹

⁹ Per City contract #1244, "The SPA shall at its sole cost and expense shall (upon the execution of this Agreement by the SPA and at all times thereafter) obtain, carry and maintain in force policies of automobile liability insurance written by insurance companies licensed in Massachusetts. The said insurance shall include but not be limited to minimum limits for bodily injury liability of Five Hundred Thousand Dollars (\$500,000.00) for each person and One Million Dollars (\$1,000,000.00) for each accident and a minimum limit of One Hundred Thousand Dollars (\$100,000.00) for property damage liability for each accident. This coverage may alternatively be provided with a minimum combined single limit of One Million Dollars (\$1,000,000.00) for bodily injury liability and property damage liability for each accident."



These are fundamental compliance issues as the lack of a required performance bond and/or required insurance coverage potentially prohibits the City from recovering losses or damages that may arise. The immediate financial burden associated with vendor performance risks is potentially shifted to the City.

Recommendations

City management must ensure that the SPA's vendor provides evidence of a performance bond or continued performance bond per contractual requirements on a timely basis. It is recommended that as an internal process, all contract amendments should include the City's Chief Procurement Officer in the signature process. The Office of Procurement would then be forewarned that updated performance bond information needs to be provided or requested. City management could subsequently receive earlier notification of issues with non-compliance.

The Law Department and City management should clarify whether the provision for automobile insurance is still a necessary requirement for the SPA. If it continues to be a valid necessity, compliance must be enforced. If the requirements have changed then the agreement should also be changed accordingly.

Management's Response

We agree that all Authority vehicles must be insured and certificates provided to the City. Further, in order to ensure the continued presence of a performance bond, and escrow account funds and automobile insurance coverage the City Treasurer shall institute internal controls and procedures for monitoring the SPA on enforcing the requirements of the contract, and the City's Chief Procurement Officer shall be added as a signatory to all City-SPA Contracts and Amendments.

The current operator maintains a performance bond in the amount of \$250,000, as required under the SPA-City On-Street Parking Management Contract Amendment. Additionally, the operator maintains a line of credit in the amount of \$150,000 for the specific purpose of providing emergency capital if necessary to ensure the performances of parking management services for the SPA.



Section 3

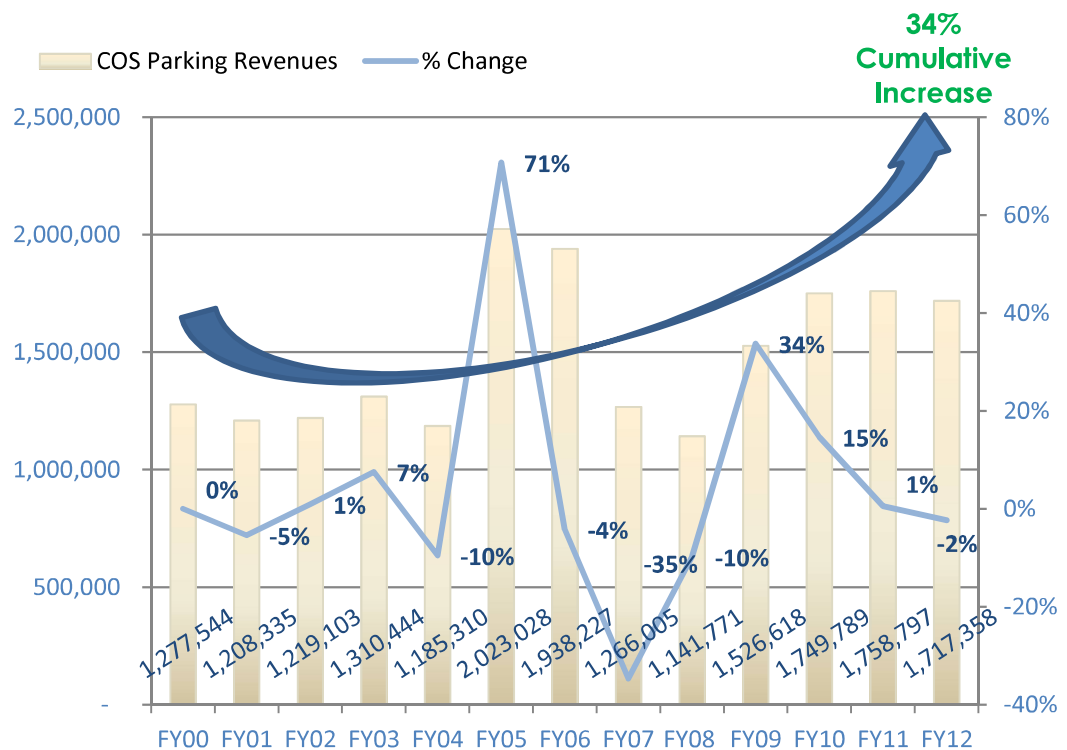
On-Street Parking Program:
City of Springfield Financial Data

The Office of Internal Audit was asked to examine the financial performance of the on-street parking program. Additionally, the OIA was asked to determine whether benefits that were originally projected to be received from outsourcing the on-street parking program were actually realized. This report is not intended to be an adverse reflection of the City or of its vendors nor is it an audit. The intent of this review is for City management to utilize these findings and recommendations to help in making well-informed strategic decisions in the near future regarding the on-street parking program while ultimately meeting City objectives.

Audited financial statements were not made available to the OIA specific to the on-street parking program. Therefore, the financial information below is based solely on data compiled from the City's accounting systems.

City revenue records for the on-street parking program were obtained for review. Revenue transactions were totaled for fiscal years 2000 - 2012. This period reflects revenues received by the City during both the City's and the SPA's management of the on-street parking program. The total revenue by fiscal year is illustrated below in Exhibit 3.1. The revenue data indicates that there was a 34.43% increase in revenues between fiscal year 2000 and fiscal year 2012. The percentage changes in revenue received from year to year during this multi-year period is also included in the exhibit.

Exhibit 3.1:
City of Springfield
on-street parking
total program
revenue
2000 - 2012

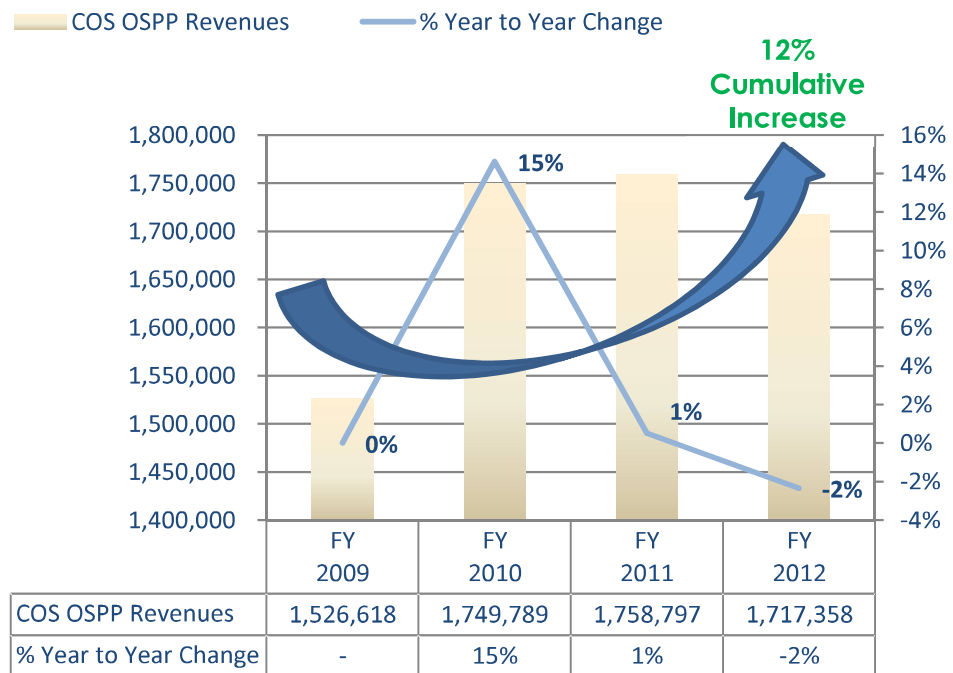




As previously mentioned, while the City's finances were under the authority of the Finance Control Board from July 2004 to June 2009, the Control Board hired a consultant, Infrastructure Management Group, Inc., to evaluate parking functions and to make recommendations that would improve the financial performance of both the City and the SPA. Some of the recommendations made by the consultant included outsourcing the on-street parking program, selling under-performing properties, selling the Civic Center garage and implementing a PILOT program (payment in lieu of taxes) of 5-10% of gross revenue¹⁰. The consultant projected a 20-24% increase in future annual revenue after adhering to the suggested recommendations. The recommendation to outsource the on-street parking program was implemented in fiscal year 2008. The Civic Center was not sold and no payments have been received by the City from the SPA for payments in lieu of taxes. The OIA was unable to determine how many of the other recommendations suggested by the consultant were actually effected.

The parking related revenue received by the City after outsourcing the on-street parking program is illustrated below in Exhibit 3.2 which shows the City received an approximate increase in revenue of 12.49%. Thus actual increases in revenue for the on-street parking program for the City are lower than original projections of 20-24%.

Exhibit 3.2:
City of Springfield
on-street parking
program revenue
during original
agreement
2009-2012



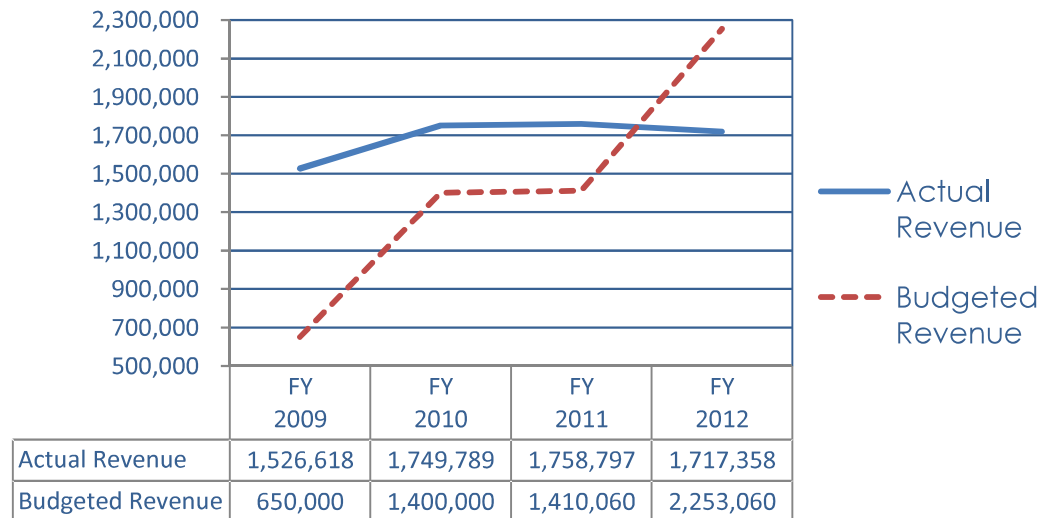
Note: 2008 was the initial year of the contract; partial year data is not included in this illustration.

¹⁰ The SPA is authorized to make payments from revenue received to the City from time to time in lieu of real estate taxes, personal property taxes, and betterment or other assessments per Chapter 674 of the Acts of 1981 in Section 5(t).



Budgeted revenues as compared to actual revenues are presented below in Exhibit 3.3. Budgeted revenues increased every year and actual revenues were generally favorable except in FY12 where actual revenues received fell below budgeted amounts by \$535,702.

Exhibit 3.3:
City of Springfield
budget to actual
parking related
revenue
during original
agreement
2009-2012



Note: 2008 was the initial year of the contract; partial year data is not included in this illustration.

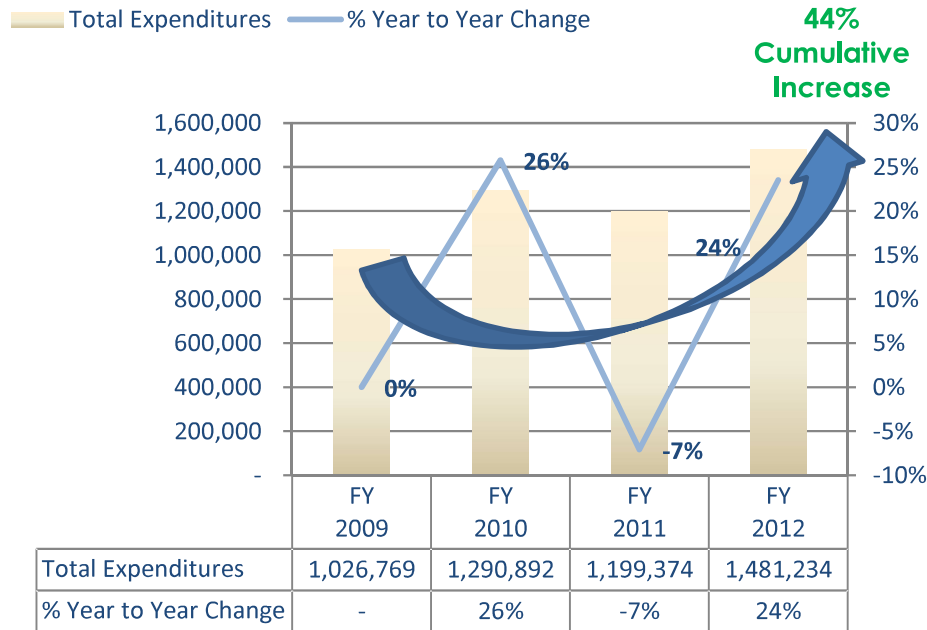
Finding 6:

Small increases in revenue combined with a trending increase in expenditures paid to the SPA have resulted in an unfavorable performance trend to the City.

In reviewing expenditures of the on-street parking program, it was noted that the SPA submits monthly invoices to the City requesting reimbursement of wages for approximately ten (10) SPA/Republic employees, related benefits, operating expenditures, capital expenditures, incentive fees, other contractual fees, and miscellaneous additional fees. Exhibit 3.4 illustrates a 44.26% cumulative increase in expenditures over the course of the original agreement through fiscal year 2012.



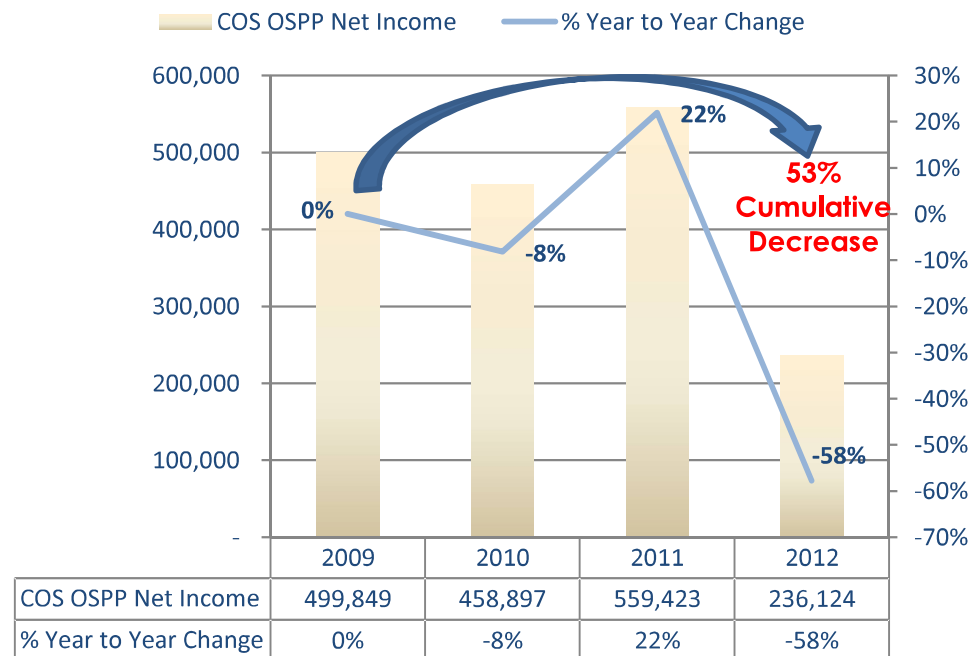
Exhibit 3.4:
City of Springfield on-
street parking
program
expenditures during
original agreement
2009-2012



Note: 2008 was the initial year of the contract; partial year data is not included in this illustration.

Even though there was, in general, an increase in revenue for the on-street parking program for the City, it appears that the costs increased faster [+44.26%] than revenue [+12.49%] resulting in less profit than if costs had been better controlled by the SPA. Overall there was a 52.76% decrease in net income realized by the City from 2009 to 2012 as illustrated in Exhibit 3.5.

Exhibit 3.5:
City of Springfield on-
street parking
program net income
2009-2012



Note: 2008 was the initial year of the contract; partial year data is not included in this illustration.



After compiling cumulative expenditures paid and subtracting those expenditures from revenue received by the City, calculations indicate that overall the City's net profit was approximately 28% of parking related revenues collected from 3/4/2008 through 8/31/2012. Approximately 72% was paid out of revenues to the SPA, and subsequently from the SPA to its vendor, Republic. In fiscal year 2012 the City's net profit was only 14%.

Exhibit 3.6 below illustrates the general breakdown of the on-street parking program revenues and expenditures as recorded by the City from 3/4/2008 through 8/31/2012.

Exhibit 3.6:
City of Springfield
on-street parking
program
3/4/2008 – 8/31/2012

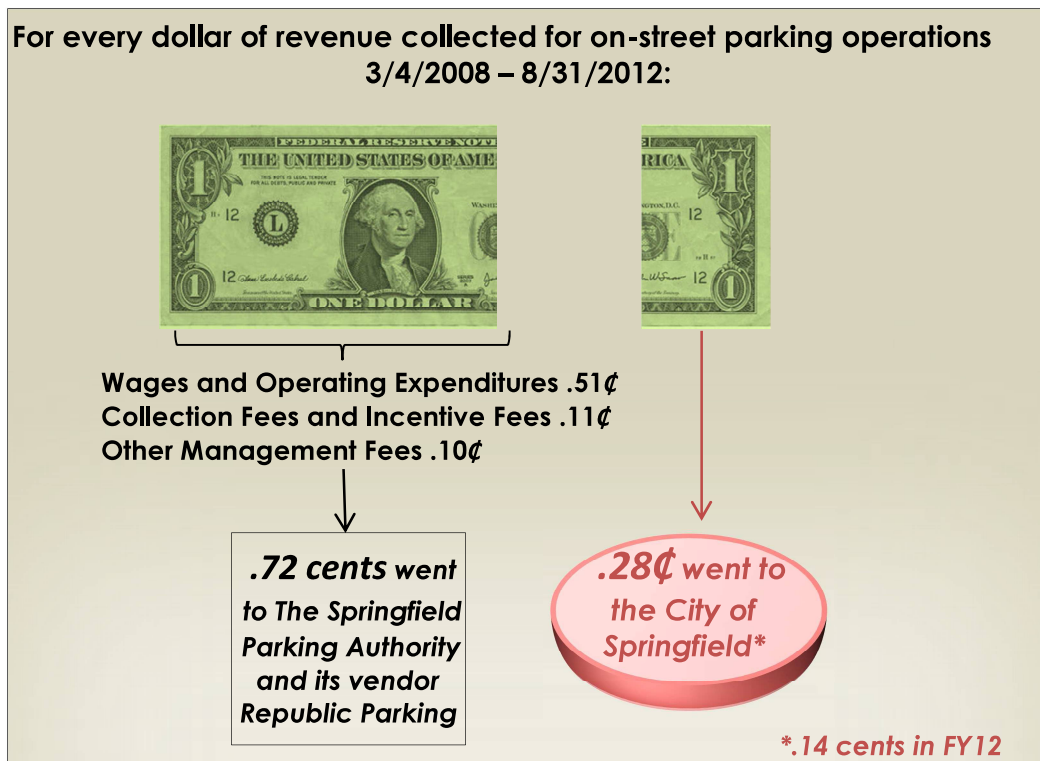




Exhibit 3.7 below shows the detailed amounts of revenues and expenditures from the on-street parking program during the course of the current agreement. Of particular concern is fiscal year 2012 where revenue decreased while expenditures increased. 28% of revenue was retained by the City of Springfield during the course of the agreement with only 14% retained in FY12.

Exhibit 3.7:
City of Springfield
on-street parking
revenues and
expenditures
3/4/2008 –
8/31/2012¹¹

	FY 2008 (partial year)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 (partial year)	Total
Revenues received by COS:							
Parking tickets	298,944	1,136,161	1,344,230	1,289,763	1,269,282	197,711	5,536,090
Parking meters and related	86,428	310,395	342,884	399,195	387,964	66,388	1,593,253
Handicapped parking	19,415	80,063	62,675	69,840	45,794	7,155	284,941
Restitution for employee theft					14,319		14,319
Total revenues received by COS	404,787	1,526,618	1,749,789	1,758,797	1,717,358	271,254	7,428,603
Expenditures to SPA from COS:							
<u>Operating expenditures</u>							
SPA employee salaries and benefits	-	161,535	92,108	100,764	134,469	9,605	498,481
SPA operational expenditures	159,039	660,274	752,282	690,919	779,728	-	3,042,242
SPA additional expenditures	18,303	23,289	56,988	98,099	26,791	379	223,850
Subtotal operating expenditures	177,343	845,098	901,378	889,782	940,989	9,984	3,764,573
<u>Contractual fees paid to SPA:</u>							
Collection fees (10%, 15%, or 23%)	32,357	173,717	196,208	136,931	161,653	84,332	785,199
Incentive payments (8%)	-	7,954	16,729	14,672	-	-	39,355
Subtotal contractual fees	32,357	181,671	212,937	151,603	161,653	84,332	824,554
<u>Other fees paid to SPA:</u>							
Management fees (10%)	-	-	176,577	157,989	378,592	75,153	788,311
Total expenditures to SPA from COS	209,700	1,026,769	1,290,892	1,199,374	1,481,234	169,469	5,377,438
Net income/(loss) to COS	195,087	499,849	458,897	559,423	236,124	101,785	2,051,164
Percent	48%	33%	26%	32%	14%	38%	28%

The expenditure trend can also be observed in the budgeted amounts provided by the SPA vs. the City's actual appropriated amounts. The original proposed operating budget amounts submitted by the SPA for Fiscal Years 2008 through 2013 totaled \$6,362,367. The City initially appropriated \$6,625,603 or \$263,236 more than what was requested per the SPA's submitted budget documents. An additional \$536,421 was requested by the SPA and subsequently appropriated by the City during these fiscal years after the City's normal budgeting season. This resulted in total appropriations of \$7,162,024

¹¹ One example of an area that needs further reconciliation is related to the collection of Handicapped Parking fines. Pursuant to MGL Chapter 40 section 22G, the City has segregated the SPA's reported Handicapped Parking fine collections and kept what was collected at 100% so that it can be used solely for the benefit of persons with disabilities. Because the SPA and its vendor are paid 72% of all collections, the portion related to Handicapped Parking fines is ultimately paid out of revenue in another area. City management should reexamine the matter of Handicapped Parking fines to determine whether they should be included, excluded, or handled in a different fashion than other revenues in the fee calculations per the agreement. Management should ensure that handicapped revenue per SPA's backup documentation and audited financial statements is reconciled and corresponds to the balance per that fund on the City's system of record.



which was \$799,657 over what was originally requested by the SPA. Exhibit 3.8 below lists the amounts requested by the SPA and the amounts ultimately appropriated by the City. The trend in City appropriations seems to be increasing rather than decreasing. Of particular concern is fiscal year 2012 in which the City appropriated the highest amount since inception of the contract towards expenditures.

Exhibit 3.8:
SPA operating
budgets submitted
and City of
Springfield amounts
appropriated
FY 2008-2013

Fiscal year	Amount per original proposed operating budget submitted by the SPA	Amount initially appropriated by the COS	Difference = (less) or more than the SPA's proposed operating budget	Additional City Council transfers during the fiscal year	Total City appropriation for the fiscal year	Difference = (less) or more than the SPA's proposed operating budget
2008	\$ 277,519	\$ 285,611	\$ 8,092	\$ -	\$ 285,611	\$ 8,092
2009	827,589	850,000	22,411	195,000	1,045,000	217,411
2010	1,119,238	1,397,072	277,834	-	1,397,072	277,834
2011	1,279,521	1,234,419	(45,102)	45,102	1,279,521	(0)
2012	1,360,617	1,360,617	-	296,319	1,656,936	296,319
2013	1,497,883	1,497,884	1	-	1,497,884	1
Totals	\$ 6,362,367	\$ 6,625,603	\$ 263,236	\$ 536,421	\$ 7,162,024	\$ 799,657

Additional amounts needed throughout the year by the SPA indicate that original budgets submitted were potentially understated and did not properly reflect accurate estimates of the amounts needed. This was also coupled with the City's willingness to give more of its revenues to the SPA in the form of management fees to temporarily help the SPA in obtaining refinancing options for its long term debt.

The SPA's proposed operating budgets are contractually required to be submitted on or before January 31st for the next fiscal year to allow timely budgetary approval by the Mayor/City Council and incorporation of the approved budget as an annual amendment to the contract. However, historically the City was not able to execute these contract amendments in a timely fashion. Sometimes the amendments were not implemented until halfway through the new fiscal year. As of the date of this report, the FY13 contract amendment has not yet been signed and formally incorporated into the contract. This amendment should have been signed and approved before 7/1/12. If proposed operating budgets are not submitted timely and properly approved, or if amounts are not projected accurately, it creates a challenge for the City to accurately appropriate the amounts on a fiscal year basis and to formally incorporate the amounts into the contract. It also impacts the City's ability to properly perform budget to actual analysis and to monitor performance.

Recommendations

The on-street parking program was found to be resulting in a small profit margin to the City. From 3/4/2008 through 8/31/12, out of every dollar in revenue collected, \$0.72 was paid to the SPA and/or its current vendor, Republic. Many variables potentially contributed to the lower than expected revenue received and the high expenses incurred for the on-street parking program including the economy, personnel/management changes, and the negotiated terms of the contracts. Continued collaboration between



the SPA and City management to find efficiencies is necessary to improve performance. This may include improving contractual relationships through a new management agreement. City funding for numerous positions within the SPA and its vendor should also be re-evaluated by City management. There are likely several ways to bring actual net income more in line with expectations. Any reasonable proposal that would support such a goal deserves immediate attention.

City management should re-examine the current contractual fee calculations and the annual revenue and expenditure budgets submitted by the SPA. Again if additional fees were chosen to be paid by the City as a short term option, strategic decisions as to whether the fees should continue must be the subject of further discussion and financial analysis by City management. The contractual fee provisions and maximum potential annual City appropriation should be changed to reflect the desired bottom line required by City management while balancing the minimum amount needed by the SPA and its vendor to provide required and necessary services to the City. Percentages retained by other municipalities with similar parking authority agreements should be analyzed for industry standards.

The City should work collaboratively with the SPA to perform frequent budget to actual comparisons along with strategic cost-benefit analyses to facilitate a baseline or expected net income stream that could be analyzed for performance. Indirect costs incurred by the City should also factor into these analyses. Management and/or the contract should also specify who “owns” the City’s analysis and reconciliation processes so that they will be consistently performed, monitored, and championed.

As improvements are made, City management should work collaboratively with the SPA in possibly establishing a PILOT program where payments would be made to the City from time to time in lieu of taxes. The earlier recommendation from the consultant, Infrastructure Management Group, Inc., stated that typically this amount averages 5 to 10% of gross revenue and implementation could possibly include a graduated program based on cash flow.

The current contract should be enforced and properly monitored by the City to ensure that the SPA’s proposed annual operating budgets are received on or before January 31st for the next fiscal year. For example, the SPA’s proposed FY14 budget should have been submitted to the City by 1/31/13 so that it may be adjusted and/or approved during the current FY14 budget process. The SPA’s proposed annual operating budgets (as well as the amounts subsequently appropriated by the City annually) should properly include thoughtful estimated amounts for all estimated expenditures and contractual fees. Additional requests submitted subsequent to this process should be the exception and not the norm. Otherwise an alternative best practice should be developed by City management and incorporated into the agreement.

City management should annually incorporate approved budgets as formal contract amendments as soon as approval is received by the Mayor and City Council for the related appropriation. Purchase orders should not be processed and payments should not be made in any fiscal year without a corresponding signed contract amendment in place.



Management's Response

Since July 2012 the following have been addressed resulting in the following:

An amendment to the On-Street Parking agreement with the Authority that includes:

- *Savings in SPA personnel funded by the city in the annual amount of **\$72,876**.*
- *Reduction in management fees, elimination of collection fees and incentive fees resulting in an annual savings of **\$391,468**.*
- *Elimination of a **\$15,000** annual contingency fund.*
- ***TOTAL ANNUAL SAVINGS: \$479,000***

The changes in the contract will result in a rate of return to the city for the on-street revenues of 40%. Over the last two years the rate of return to the city after expenses averaged just 18%.



Section 4

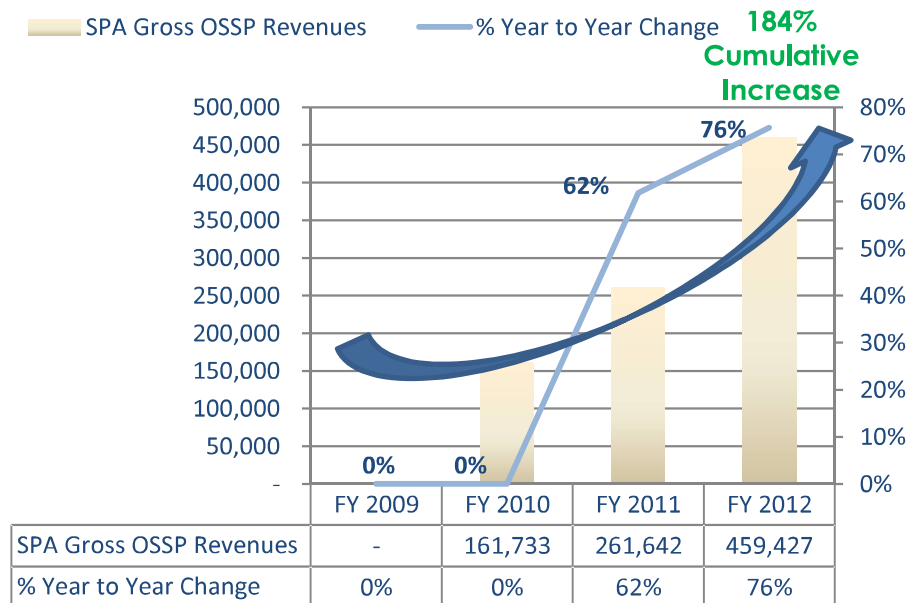
Springfield Parking Authority:
Financial Data

This section does not include specific findings related to areas of improvement for the City of Springfield. The information presented in this section is merely informational to City management to help in making well-informed strategic decisions in the near future regarding the on-street parking program.

Audited financial statements were not made available to the OIA specific to the on-street parking program. Audited financial data for the on-street parking program would have assisted in reviewing performance. In lieu of using on-street parking program audited financial statements, financial statements for the SPA itself were the only source of audited data available for review. The SPA's audited financial statements were used to try to determine how the outsourcing of the on-street parking program piece has affected the SPA's performance.

The Springfield Parking Authority annually engages an independent certified public accounting firm to prepare its audited financial statements. Copies of the reports were obtained by the OIA for fiscal years 2004 through 2012. The following review is based solely upon information obtained and compiled from the SPA's independent audited financial reports. Again, data pertaining specifically to the on-street parking program was not available. Per the SPA's audited financial statements it can be gleaned what the SPA's portion of on-street revenues realized were. Table 4.1 below illustrates that the SPA realized a 184% cumulative increase in on-street parking program revenues from fiscal years 2009 to 2012. During that same time period the City of Springfield realized a 12% increase as referenced earlier in Table 3.2.

Table 4.1:
SPA on-street parking
program revenues
2010-2012



Source: "On-street income" revenue line item per SPA's audited financial statements

Note: 2008 was the initial year of the contract; partial year data is not included in this illustration.



The audited financial statements contain additional elements of financial data that can be used for financial review. Financial ratios are the most common tools used as indicators for review of financial performance. There are numerous business and governmental ratios available for assessing financial performance. Many ratios have become standardized and are extremely valuable in evaluating business operations. Ratios are also useful in comparing current financial information to that of previous years or of other entities.

Some selected key financial ratios are presented below and are used to graphically present some elements of the SPA's financial performance.¹² The selected ratios can be utilized to review trends or identify areas that may need further review. City managers are encouraged to augment the approach used in this review with additional financial indicators or even replace any of the selected indicators with others.

The following types of business ratios were utilized and are presented below:

- i Solvency/Liquidity Ratios
- i Efficiency Ratios
- i Profitability Ratios

These selected indicators are merely a starting point for trying to evaluate financial data related to how the on-street parking program has affected the SPA's financial performance and should not be considered the standard for meeting all evaluation needs.

Included in each table below is a dotted line indicating the average ratio as calculated from other parking authorities in similar cities for fiscal years 2009 and 2010. This is included because calculating performance over time as well as benchmarking trends against data obtained from other municipalities are common components typically used to assist in interpreting results.

Solvency/Liquidity Ratios

Liquidity is the ability to pay current obligations and also the ability to meet unexpected needs for cash. Solvency or liquidity ratios measure how well short and long-term obligations can be satisfied. Each selected solvency/liquidity ratio is discussed in the following sections.

Debt Service Coverage Ratio

A significant ratio noted in the audited financial statements of the Springfield Parking Authority, is the debt service coverage ratio (DSCR). This ratio calculates the amount of cash flow that is available to meet annual principal and interest debt payments. The ratio is generally calculated by dividing net operating income by total debt service. A DSCR of 1.0 indicates a break even cash flow; it is at this point that the net operating income is exactly sufficient to cover any debt service payments. A DSCR less than 1.0 indicates a negative cash flow.

¹² Selected ratios were obtained from Dun & Bradstreet's "Fourteen Key Business Ratios" and also from the *Journal of Government Financial Management*



Per the SPA's audited financial statements, there is a requirement that the SPA must maintain a DSCR of 1.0 to 1.10. The DSCR is required to be measured on a quarterly basis. In the event that the SPA's DSCR falls below 1.0, it has 90 days to cure the violation. The violation can only be cured by bringing the DSCR to 1.20.

The ratios were only mentioned in the notes to the audited financial statements as to whether the SPA was in compliance. In fiscal years 2008, 2009, and 2010, the SPA was not in compliance with this requirement and also was unable to cure the violation within the 90 day required period. The SPA was recently in compliance with the requirement for fiscal years 2011 and 2012.

Quick Ratio

The quick ratio is a measurement of the extent current liabilities can be covered by current assets that are readily convertible into cash. It is a measurement of the ability to access resources to meet immediate needs including the payment of short-term debt. When the ratio is 1:1 (1.00), the business is said to be in a liquid condition. A larger ratio indicates greater liquidity.

Exhibit 4.2 shows that the SPA's quick ratios in the last five fiscal years have fallen below the target of 1.00. However, favorable recovery was realized in fiscal year 2012 which shows an increase by 93% over fiscal year 2011.

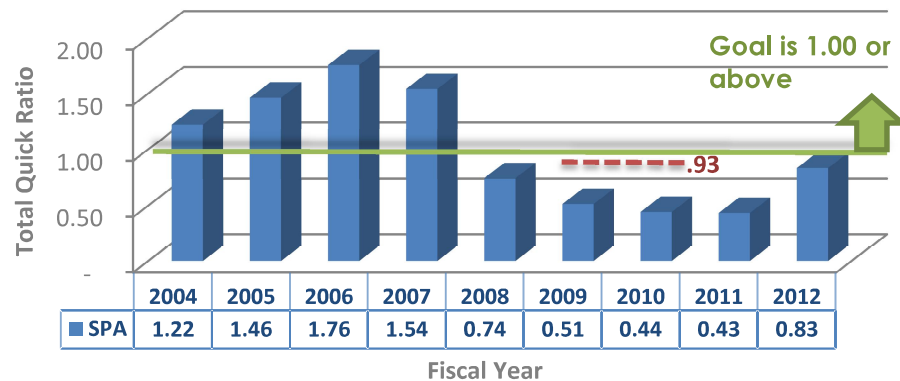
Exhibit 4.2
SPA Quick Ratios

SPA Quick Ratios for Fiscal Years 2004 - 2012

Cash + Accounts Receivable divided by Current Liabilities

— Solid Line = favorable quick ratio

- - - Dotted Line = average quick ratio from other similar communities



Expanding on the typical formula for calculating a Quick Ratio, Exhibit 4.3 presents the same ratio but with the current portion of notes and bonds payable omitted. This is a less severe indication of the ability to meet immediate operating liabilities. The goal of 1.00 was still not reached in either fiscal year 2010 or 2011. However, fiscal year 2012 indicates significant recovery from the previous two fiscal years achieving a ratio of 1.91.

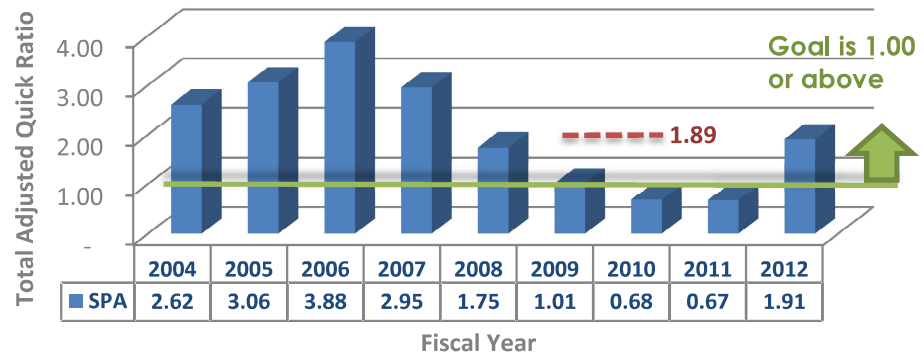


Exhibit 4.3 SPA Adjusted Quick Ratios

SPA Adjusted Quick Ratios for Fiscal Years 2004 - 2012

Cash + Accounts Receivable divided by Current Liabilities
[with notes and bonds payable omitted]

- Solid Line = favorable adjusted quick ratio
- - - Dotted Line = avg, adjusted quick ratio



Current Ratio

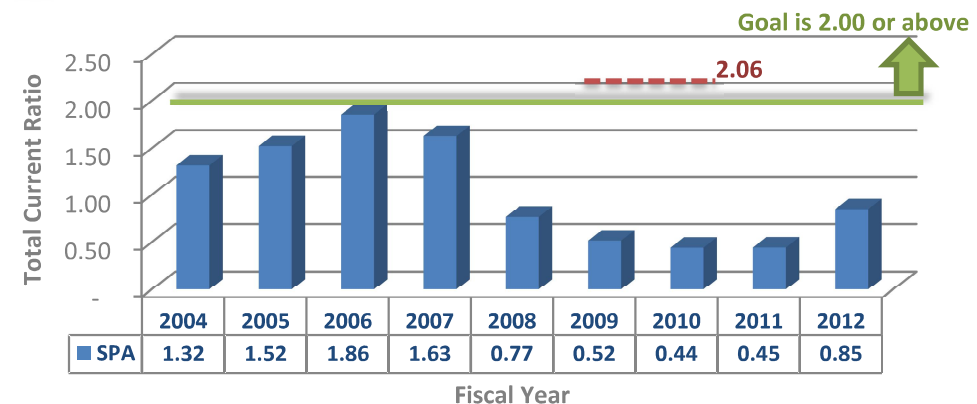
The current ratio is frequently used as a broad indicator of liquidity. It can also be used as an indicator of current debt-paying ability. The ratio measures the degree to which current liabilities are covered by current assets. A higher ratio indicates a more favorable ability to meet liabilities. The customary standard for the ratio is 2.0 or higher. The current ratios for the SPA in Exhibit 4.4 suggest a decrease in liquidity from fiscal years 2007 to 2010 but, even though the goal has not been reached, there has been current improvement seen in the last two fiscal years.

Exhibit 4.4 SPA Current Ratios

SPA Current Ratios for Fiscal Years 2004 - 2012

Current Assets divided by Current Liabilities

- Solid Line = favorable current ratio
- - - Dotted Line = average current ratios from other similar communities



Total Liabilities to Net Assets Ratio

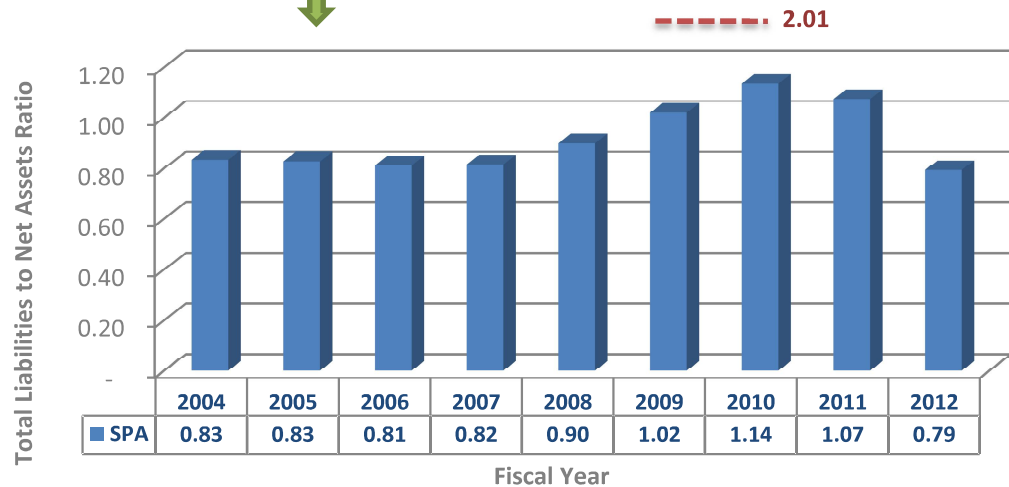
This measurement is an indicator of how the total debt relates to the equity of the owners. It measures the extent to which the SPA is leveraged. A lower ratio is favorable and could indicate greater flexibility to be able to borrow in the future. As illustrated in Exhibit 4.5, the initial trend was fairly consistent. The ratios increased from fiscal years 2008 through 2011 with a favorable decrease in 2012.



Exhibit 4.5
Total Liabilities to Net
Assets Ratios

**SPA Total Liabilities to Net Assets Ratios for
Fiscal Years 2004 - 2012**

--- Dotted Line = average ratios from other similar communities
A lower ratio is favorable



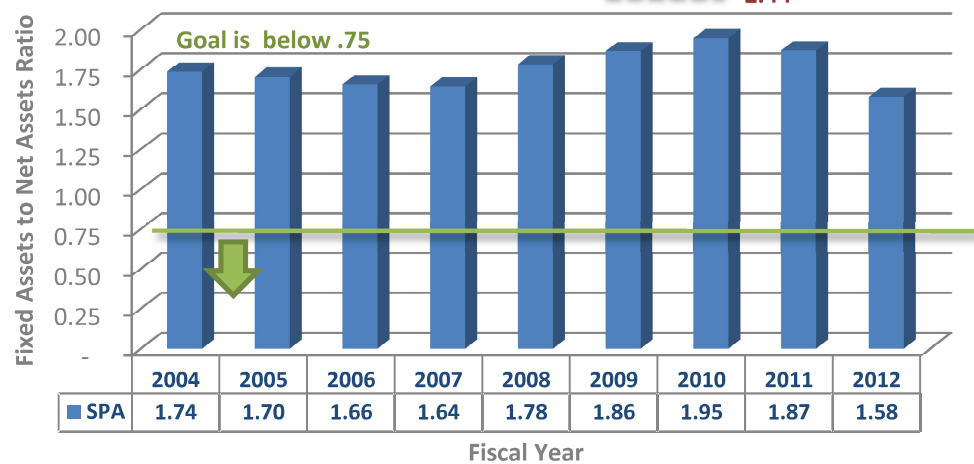
Fixed Assets to Net Assets Ratio

This ratio illustrates the investment of fixed assets as a percentage to total equity. In general, percentages that exceed 75% indicate that it could be a challenge for the entity to handle business climate changes. Capital is not easily convertible into cash which can affect supporting operations or unexpected issues. Exhibit 4.6 illustrates that the SPA, as well as the other similar communities reviewed, has a large amount of total investment in fixed assets which potentially could be the reason for the trends seen in the previous ratios. The ratio has favorably decreased in the last two fiscal years.

Exhibit 4.6
Fixed Assets to Net
Assets Ratios

**SPA Fixed Assets to Net Assets Ratios for
Fiscal Years 2004 - 2012**

— Solid Line = favorable fixed assets to net assets ratio
--- Dotted Line = average ratios from other similar communities





Efficiency Ratios

Efficiency ratios can be used to determine how proficiently economic resources are being utilized and how effectively suppliers are being paid. Each ratio is discussed in the following sections.

Assets to Sales Ratio

This indicator measures sales against the total investment that is used to generate those sales. An unusually high ratio may indicate that assets are not fully being utilized. Very low percentages could indicate overly conservative sales efforts. The SPA's assets to sales ratios have decreased in recent years. However, the ratios do not indicate a pattern or appear to be trending either too high or too low as is illustrated in Exhibit 4.7 below.

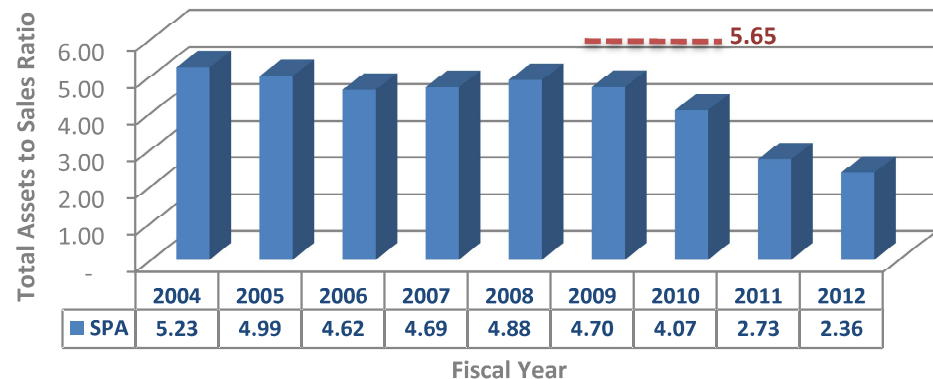
Exhibit 4.7
SPA Assets to Sales
Ratios

SPA Assets to Sales Ratio for Fiscal Years 2004 - 2012

Total Assets divided by Total Operating Revenues

--- Dotted Line = average from other similar communities

Ratio must not be abnormally high or too low ↑ ↓



Sales to Net Working Capital Ratio

Working capital is calculated by subtracting current liabilities from current assets. When the amount of sales is divided by this working capital calculation, it can be used to measure the number of times that working capital turns over annually in relation to sales. A higher turnover rate can indicate that the business entity is relying extensively upon credit as a substitute for a sufficient margin of operating funds. Therefore a lower ratio is favorable. Exhibit 4.8 below shows that the SPA has consistently maintained a ratio that has favorably trended downward over the years.

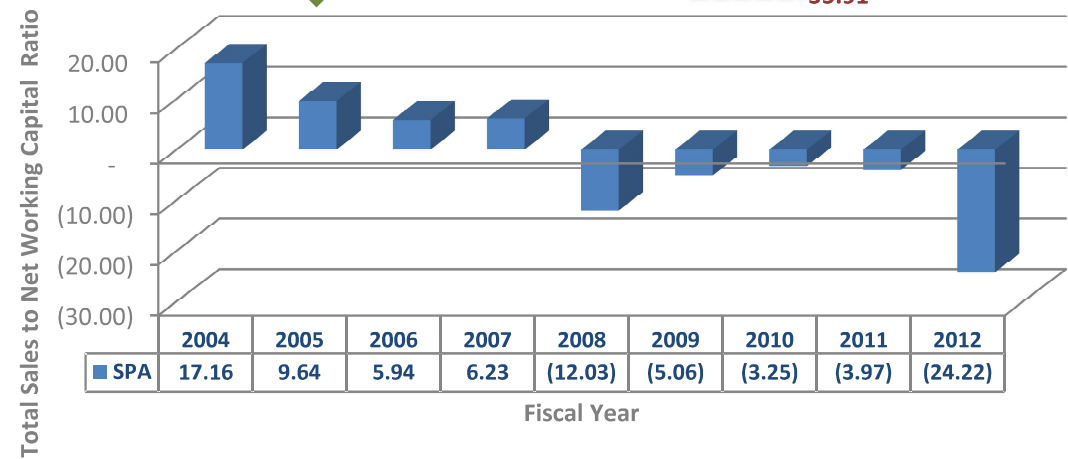


Exhibit 4.8
SPA Sales to Net
Working Capital
Ratios

SPA Sales to Net Working Capital Ratio for Fiscal Years 2004 - 2012
Sales divided by Net Working Capital

--- Dotted Line = average from other similar communities

A lower ratio is favorable



Accounts Payable to Sales Ratio

This ratio is a measurement of how suppliers are paid in relation to the sales activity being transacted. A higher ratio can indicate that suppliers are being used to help finance operations. Therefore a lower ratio is favorable. Exhibit 4.9 indicates there were some increases in fiscal years 2007 through 2010 with favorable decreases in the last two fiscal years.

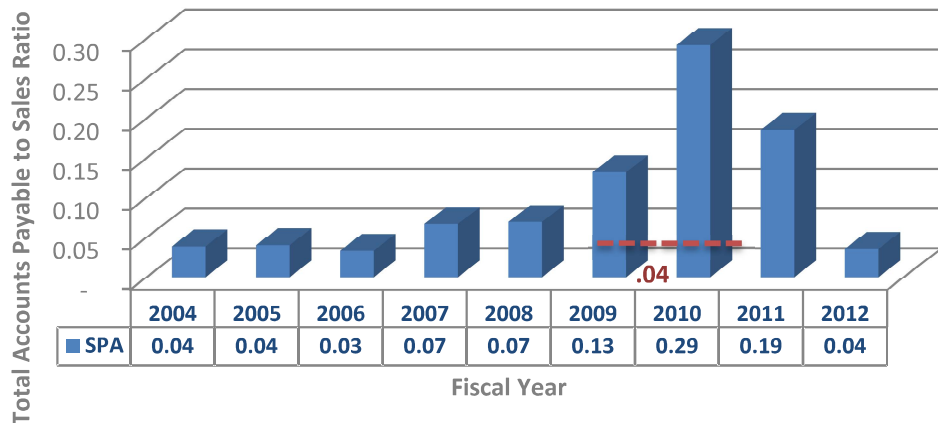
Exhibit 4.9
SPA Accounts
Payable to Sales
Ratios

SPA Accounts Payable to Sales Ratio for Fiscal Years 2004 - 2012

Accounts Payable divided by Total Operating Revenues

--- Dotted Line = average from other similar communities

A lower ratio is favorable



Financial Performance Ratio

According to the Journal of Government Financial Management, financial performance has traditionally not been measured as an overall indicator of financial condition. However to help users to appreciate the effect of a current year surplus or deficit on total net assets, the authors suggested dividing the change in net assets by total net



assets. It was also suggested to perform the review as a trend over at least five years. Exhibit 4.10 below illustrates a favorable cumulative change over the last nine fiscal years from (.03) to .09.

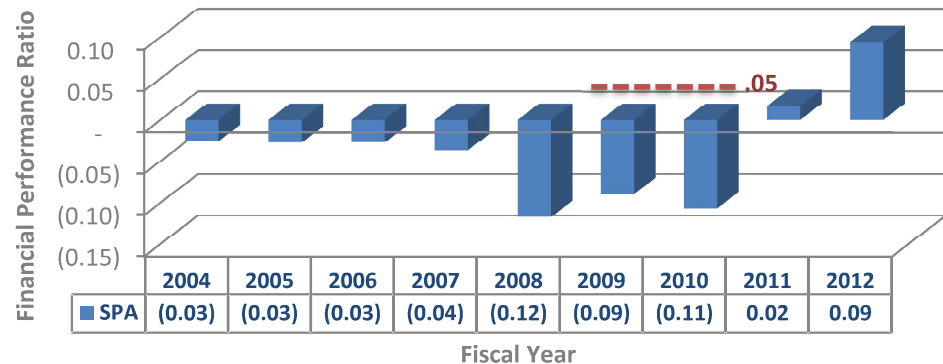
Exhibit 4.10
SPA Financial
Performance Ratios

SPA Financial Performance Ratio for Fiscal Years 2004 - 2012

Change in Net Assets divided by Total Net Assets

--- Dotted Line = average from other similar communities

A higher ratio is favorable ↑



Profitability Ratios

Profitability ratios measure how profit was earned relative to sales, total assets and net worth. Each ratio is discussed in the following sections.

Return on Sales Ratio

This indicator is also known as a “profit margin” ratio. It is commonly used to evaluate efficiency in controlling costs in relation to sales. It measures the profits earned for each dollar of sales. A higher ratio can indicate how prepared an entity is to handle downturns that are a result of adverse conditions. After seven years of negative ratios there was marked improvement in fiscal years 2011 and 2012 as shown in Exhibit 4.11.

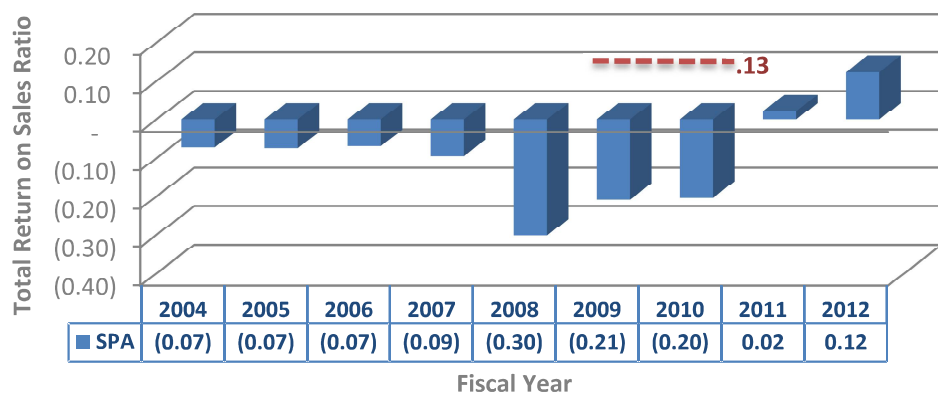
Exhibit 4.11
SPA Return on Sales
Ratios

SPA Return on Sales Ratio for Fiscal Years 2004 - 2012

Net Profit divided by Net Sales

--- Dotted Line = average from other similar communities

A higher ratio is favorable ↑



**Return on Assets Ratio**

This ratio is a key indicator of profitability. It measures the amount earned on assets invested. A higher ratio indicates a healthy return on assets. Exhibit 4.12 below illustrates seven years of negative ratios with a marked improvement in the last two fiscal years of 2011 and 2012.

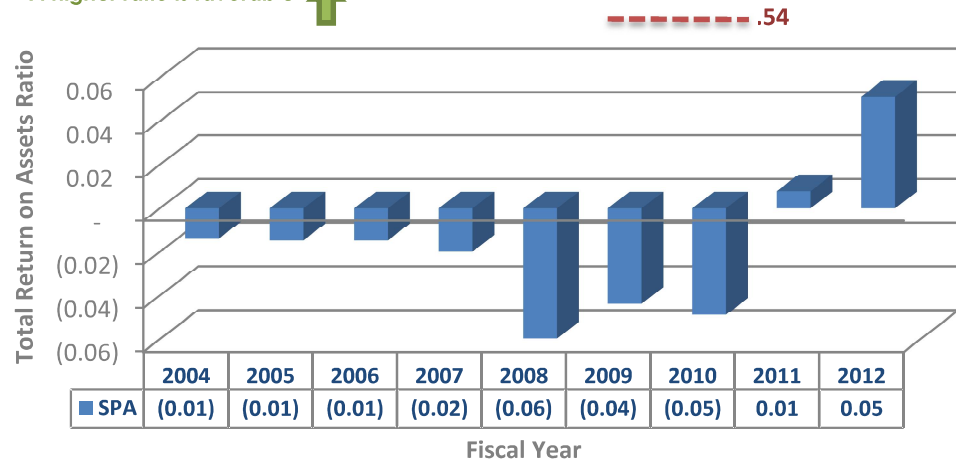
Exhibit 4.12
SPA Return on Assets
Ratios

SPA Return on Assets Ratio for Fiscal Years 2004 - 2012

Net Profit divided by Average Total Assets

--- Dotted Line = average from other similar communities

A higher ratio is favorable ↑

**Return on Net Worth Ratio**

Also known as the “return on equity” ratio, this indicator measures an entity’s ability to realize an adequate return on capital invested. A higher measurement indicates favorable financial leverage. Exhibit 4.13, consistent with the prior two profitability ratios above, illustrates that the return on net worth ratio for the SPA went up from a low of (-.11) in 2008 to a high of .10 in 2012.

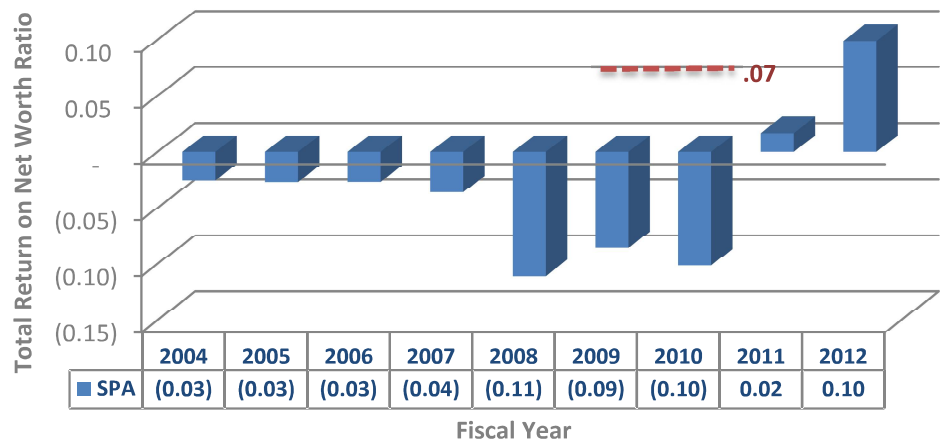
Exhibit 4.13
SPA Return on Net
Worth Ratios

SPA Return on Net Worth Ratio for Fiscal Years 2004 - 2012

Net Profit divided by Average Total Net Worth

--- Dotted Line = average from other similar communities

A higher ratio is favorable ↑



**Financial Position Ratio**

There are various reporting models used for reviewing financial position. The Journal of Government Financial Management suggests using a financial position indicator that focuses on accumulated net assets and how much of those net assets are available for providing future services. Therefore a higher ratio is favorable. This suggested indicator is illustrated here in Exhibit 4.14 where, as was seen in the previous profitability ratios, there was also a favorable increase in fiscal year 2012.

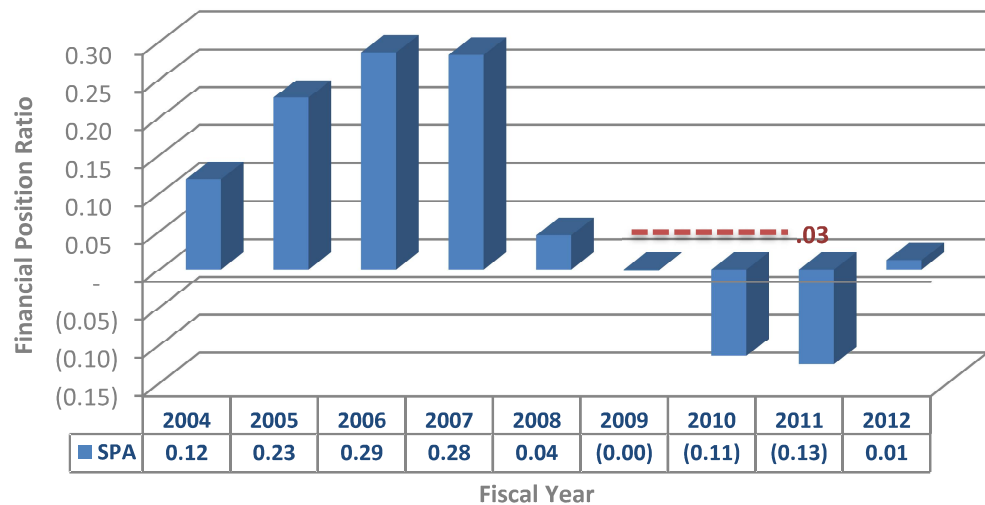
Exhibit 4.14
SPA Financial Position
Ratios

SPA Financial Position Ratio for Fiscal Years 2004 - 2012

Unrestricted Net Assets divided by Expenses

--- Dotted Line = average from other similar communities

A higher ratio is favorable ↑



In summary, the selected ratios may indicate that there was not an immediate favorable impact for the SPA as a result of the City outsourcing the on-street parking program but that favorable results have recently been realized. These indicators were potentially affected by other variables which should be further determined by City management before using them to draw absolute conclusions. It may be possible for the SPA to mitigate the effects of business cycles and economic uncertainties by restructuring existing debt, obtaining more favorable contractual arrangements with vendors, or by finding other ways to generate positive operating cash flow.



Conclusion

The City has a symbiotic relationship with the Springfield Parking Authority (SPA). A well-functioning parking program is an important component of a revitalized downtown and an essential source of revenue for the City. Affordable parking is necessary to the City's economic development and the SPA in turn needs the support of the City in order to continue to serve the parking needs of Springfield. Parking income to the City is a beneficial byproduct of a well-managed parking program.

After reviewing aspects of the current on-street parking program, it is evident that the positive financial benefit from outsourcing the City's on-street parking program has been an evolution and not a revolution; favorable financial impact is changing with time rather than the City or the SPA seeing any immediate sweeping positive changes. There are indications that the original on-street parking program vendor was reimbursed at a rate that was not as advantageous as anticipated to the City or the SPA.

Six issues were identified that indicate the need for enhancing City oversight and monitoring efforts to mitigate identified risks. City departments should strive to fully understand their service providers, services performed, roles of affiliated companies, and financial performance of programs. The recommendations above are intended to be used by City management in making well-informed strategic decisions in the near future regarding the SPA and its vendor while ultimately ensuring that City objectives are achieved.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2324 A

3.1

July Revenue Vs. Expenditure Report (Mayor Sarno)

CITY OF SPRINGFIELD, MASSACHUSETTS

Statement of Revenues and Other Sources,
and Expenditures and Other Uses
Budget and Actual - General FundFor the period ended
07/31/13

Revenues and Other Sources:	Revised Budget	Actual	Variance Over/(Under)	%
Real Estate & Personal Property Taxes	\$ 165,624,697	\$ 33,108,576	\$ (132,516,121)	20%
Real Estate & Personal Property Taxes - Tax Liens	-	593,266	593,266	0%
Motor Vehicle Excise	8,800,000	617,704	(8,182,296)	7%
Penalties, interest and other taxes	5,054,500	235,890	(4,818,610)	5%
Charges for Services	12,892,275	1,493,618	(11,398,657)	12%
Intergovernmental	338,346,131	28,343,683	(310,002,449)	8%
MSBA Payments	15,987,228	-	(15,987,228)	0%
Licenses and Permits	4,635,740	259,513	(4,376,227)	6%
Fines and Forfeits	339,250	42,905	(296,345)	13%
Interest earned on Investments	1,185,179	(47,368)	(1,232,547)	-4%
Miscellaneous	6,368,818	2,855	(6,365,963)	0%
FY 2013 Net School Spending Shortfall (a.)	20,000,000	20,000,000	-	100%
Stabilization Reserves	7,350,000	7,350,000	-	100%
Other Financing Sources	5,295,020	5,295,020	-	100%
Total Revenues and Other Sources	591,878,838	97,295,663	(494,583,175)	16%
Expenditures and Other Uses:				
General government	19,872,315	2,464,550	17,407,765	12%
Public safety				
Police	38,776,603	2,518,772	36,257,831	6%
Fire	19,486,362	1,581,559	17,904,803	8%
Centralized Dispatch	1,738,594	102,460	1,636,134	6%
Other	3,297,832	551,918	2,745,913	17%
Health and Welfare	5,169,721	442,932	4,726,789	9%
Public works	10,227,390	4,458,620	5,768,770	44%
Education	377,868,724	26,590,165	351,278,559	7%
Culture and recreation	11,697,811	1,777,960	9,919,851	15%
Pension and fringe	53,111,269	28,539,079	24,572,190	54%
State and district assessments	3,245,637	279,383	2,966,254	9%
Debt Service	40,759,110	667,218	40,091,892	2%
Pay as you go Capital	2,095,020	-	2,095,020	0%
Other Financing Use - Trash Enterprise Supplement	4,532,450	4,532,450	-	100%
Total Expenditures and Other Uses	591,878,838	74,507,065	517,371,772	13%
Excess (deficiency) of revenues and other sources over expenditures and other uses	\$ -	\$ 22,788,598	\$ 22,788,597	

(a.) The FY 2013 Net School Spending Requirement shortfall must be appropriated in the School Budget pursuant to Chapter 70. Section 11 of the Education Reform Act of 1993.

CITY OF SPRINGFIELD, MASSACHUSETTS

Budget and Actual - General Fund

Expenditures and Encumbrances

For the period ended

07/31/13

Expenditures and Other Uses:

	Original Budget	Transfers In/(Out)	Revised Budget	Expenditure	Encumbrance	Variance Over/(Under)	%
General government	19,872,315	-	19,872,315	2,017,984	446,566	17,407,765	12%
Public safety							
Police	38,776,603	-	38,776,603	2,070,302	448,469	36,257,831	6%
Fire	19,486,362	-	19,486,362	1,211,896	369,663	17,904,803	8%
Centralized Dispatch	1,738,594	-	1,738,594	102,316	144	1,636,134	6%
Other	3,297,832	-	3,297,832	139,746	412,172	2,745,914	17%
Health and Welfare	5,169,721	-	5,169,721	366,995	75,937	4,726,789	9%
Public works	10,227,390	-	10,227,390	3,898,200	560,421	5,768,770	44%
Education	357,868,723	20,000,000	377,868,723	23,121,213	3,468,951	351,278,559	7%
Culture and recreation	11,697,811	-	11,697,811	1,062,143	715,818	9,919,851	15%
Pension and fringe	53,111,269	-	53,111,269	27,549,079	990,000	24,572,190	54%
State and district assessments	3,245,637	-	3,245,637	279,383	-	2,966,254	9%
Debt Service	40,759,110	-	40,759,110	667,218	-	40,091,892	2%
Pay as you go Capital	2,095,020	-	2,095,020	-	-	2,095,020	0%
Other Financing Use - Trash Enterprise Supplement	4,532,450	-	4,532,450	4,532,450	-	-	100%
Total Expenditures and Other Uses	571,878,836	20,000,000	591,878,838	67,018,925	7,488,140	517,371,772	13%



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2307

4.1

Budget Transfer Across Departments \$250,000 (Mayor Sarno)

WHEREAS, An order to transfer amounts borrowed but not expended for various capital projects that have been completed or abandoned, to pay costs of other capital projects of the City in accordance with Chapter 44, Section 20 of the General Laws, Be it ordered by the City Council of the City of Springfield as follows:

WHEREAS, the City appropriates the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) originally borrowed to pay costs of various projects which have been completed or abandoned by the City, to fund the projected costs for demolition and asbestos remediation for Arch Street ; and

WHEREAS, the department heads having control of the appropriations from which the funds are to be transferred have approved the transfers; and

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the transfer, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, that the City Council approves the transfer of Two Hundred and Fifty Thousand Dollars (\$250,000.00) originally borrowed to pay costs of various projects which have been completed or abandoned by the City, to fund the projected costs for demolition and asbestos remediation for Arch Street.

From:

Capital Outlay - Art & Residence Streets

3401-00-000-0000-0000-000000-0000000-701000-

\$45,166.75

Capital Outlay - Chandler Street Building Improvements

3405-00-000-0000-0000-000000-0000000-701000-

\$ 482.00

Capital Outlay - State Street Project

3411-00-000-0000-0000-000000-0000000-701000-

\$ 9,676.00

Capital Outlay - Levy / Dike Repair

3412-00-000-0000-0000-000000-0000000-701000-

\$ 10,239.00

Capital Outlay - Our Lady of Hope / Sacred Heart

3146-00-000-0000-0000-000000-0000000-701000-

\$ 184,436.25

To:

Arch Street - Demolition and Asbestos Remediation

3559-10-180-0000-0000-0010-000000-0000000-580800-ARCH1

\$250,000.00

FINANCIAL IMPACT:

\$250,000



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2311 A

4.2

Budget Transfer W/In a Department \$32,000 (Mayor Sarno)

WHEREAS, to assist with the increasing case load for the City of Springfield for the fiscal year commencing July 1, 2013 and ending June 30, 2014 (FY'14), pursuant to Mass. Gen. Laws ch. 44, Section 33B, and Chapter 468 of the Acts of 2008, the Chief Administrative and Financial Officer and his Honor the Mayor have requested authorization from the City Council to transfer the sum of \$32,000 from the Human Resources / Labor Relations department Salaries and Wages to the Human Resources / Labor Relations, OTPS in order to contract with a Labor Relations firm to help expedite the department's case load

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the transfer, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, that the City Council approves the transfer of the sum of \$32,000 from the Human Resources / Labor Relations department Salaries and Wages to the Human Resources / Labor Relations, OTPS in order to contract with a Labor Relations firm to help expedite the department's case load.

From: Personnel - Salaries & Wages

0100-10-152-0000-0000-0010-000000-0000000-501000- \$32,000.00

To: Personnel - Professional Services

0100-10-152-0000-0000-0010-000000-0000000-530105- \$32,000.00

Order (ID # 2311)

Meeting of September 9, 2013

FINANCIAL IMPACT:

\$32,000

City of Springfield
36 Court Street
Springfield, MA 01103



Office of Management
and Budget

To: Springfield City Council
From: Timothy J. Plante, Chief Administrative & Financial Officer
Date: 9/9/2013
Re: Order for Council Meeting – 9/9/2013
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the September 9, 2013 Council meeting which authorizes a transfer of funds in the FY14 Operating Budget between Human Resources - Personal Services and OTPS.

Background: The Human Resource / Labor Relations department has proposed to enter into a professional services contract with the Law offices of Scibelli & ViVenzio, P.C., in order to provide a part time attorney to help assist with the increasing case load in the Labor department. The initial cost for this contract, in FY14, will be \$31,667. Currently the labor department is facing a significant problem with the steady increase in open cases. The department currently has 105 open cases, with one Full Time attorney, and one Part Time attorney. In 2011 and 2012 the department had three Full Time attorneys working on 103 and 107 open cases.

In addition to conducting all labor relations matters for the City and its departments, which also includes the Springfield Public Schools, the labor relations department is currently understaffed due to unforeseen circumstances. By hiring a part time attorney to help assist with open cases is a creative solution that will help the department negotiate collective bargaining agreements, settlements with unions, and advocating on behalf of the City at Arbitrations to name a few.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

This certification is made in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

Attachment: CAFO Certification HR_LR (2311 : Budget Transfer W/In a Department \$32,000)



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2306

5.1

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of SS Tyler St. (11715-0081) to Craftsman's Association, Inc. (Mayor Sarno)

WHEREAS, the City of Springfield acquired title to vacant land located in Springfield, Massachusetts known as South Side Tyler Street (Parcel-ID # 11715-0081), formerly with building thereon and formerly known as 253 Tyler Street, through tax title foreclosure proceedings in Land Court; and

WHEREAS, the Tax Title Custodian determined that said property is not needed for general municipal purposes; and

WHEREAS, the Office of Procurement solicited requests for proposals for the purchase and redevelopment of said property pursuant to RFP (Bid) Number SPG-12-188; and

WHEREAS, the Mayor upon the recommendation of the City's RFP Review Committee has accepted the proposal submitted by Craftsman's Association, Inc., an abutting property owner.

NOW THEREFORE BE IT ORDERED, that the Mayor be and is hereby authorized in the name of and on behalf of the City of Springfield to execute and deliver a quitclaim deed to Craftsman's Association, Inc. for the transfer of title to South Side Tyler Street (Parcel-ID # 11715-0081) for consideration of One Thousand and 00/100 Dollars (\$1,000.00) in substantially the same form as the draft deed attached hereto.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2310

5.2

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of ES Foster Street (05320-0018) to Earl L. Andrews (Mayor Sarno)

WHEREAS, the City of Springfield acquired title to vacant land located in Springfield, Massachusetts known as East Side Foster Street (Parcel-ID # 05320-0018), formerly with building thereon and formerly known as 69 Foster Street, through tax title foreclosure proceedings in Land Court; and

WHEREAS, the Tax Title Custodian determined that said property is not needed for general municipal purposes; and

WHEREAS, the Office of Housing solicited requests to abutters to submit applications for the purchase and redevelopment of said property pursuant to the Abutter Lots Sales Program of the City of Springfield; and

WHEREAS, the application submitted by Earl L. Andrews, owner of 63 Foster Street, was accepted by the Abutter Lots Sales Program Committee.

NOW THEREFORE BE IT ORDERED, that the Mayor be and is hereby authorized in the name of and on behalf of the City of Springfield to execute and deliver a quitclaim deed to Earl L. Andrews for the transfer of title to East Side Foster Street (Parcel-ID # 05320-0018) for consideration of Nine Hundred Ninety-Two and 25/100 Dollars (\$992.25) in substantially the same form as the draft deed attached hereto.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2312

5.3

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of WS Nagle St., Indian Orchard (08910-0018) to Antonio A. Pires and Anibal Pires (Mayor Sarno)

WHEREAS, the City of Springfield acquired title to vacant land located in Springfield, Massachusetts known as West Side Nagle Street, Indian Orchard (Parcel-ID # 08910-0018) through tax title foreclosure proceedings in Land Court; and

WHEREAS, the Tax Title Custodian determined that said property is not needed for general municipal purposes; and

WHEREAS, the Office of Housing solicited requests to abutters to submit applications for the purchase and redevelopment of said property pursuant to the Abutter Lots Sales Program of the City of Springfield; and

WHEREAS, the application submitted by Antonio A. Pires and Anibal Pires, owners of the abutting lot known as West Side Nagle Street, Indian Orchard (Parcel-ID # 08910-0017), was accepted by the Abutter Lots Sales Program Committee.

NOW THEREFORE BE IT ORDERED, that the Mayor be and is hereby authorized in the name of and on behalf of the City of Springfield to execute and deliver a quitclaim deed to Antonio A. Pires and Anibal Pires for the transfer of title to West Side Nagle Street, Indian Orchard (Parcel-ID # 08910-0018) for consideration of Five Hundred Twenty-Eight and 50/100 Dollars (\$528.50) in substantially the same form as the draft deed attached hereto.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2313

5.4

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of WS Andrew St. (00440-0002) to Lorilee I, LLC (Mayor Sarno)

WHEREAS, the City of Springfield acquired title to vacant land located in Springfield, Massachusetts known as West Side Andrew Street (Parcel-ID # 00440-0002) through tax title foreclosure proceedings in Land Court; and

WHEREAS, the Tax Title Custodian determined that said property is not needed for general municipal purposes; and

WHEREAS, the Office of Housing solicited requests to abutters to submit applications for the purchase and redevelopment of said property pursuant to the Abutter Lots Sales Program of the City of Springfield; and

WHEREAS, the application submitted by Lorilee I, LLC, an abutting property owner, was accepted by the Abutter Lots Sales Program Committee.

NOW THEREFORE BE IT ORDERED, that the Mayor be and is hereby authorized in the name of and on behalf of the City of Springfield to execute and deliver a quitclaim deed to Lorilee I, LLC for the transfer of title to West Side Andrew Street (Parcel-ID # 00440-0002) for consideration of Two Thousand Seven Hundred Twenty-One and 50/100 (\$2,721.50) Dollars in substantially the same form as the draft deed attached hereto.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2314

5.5

MMRS Grant - No Match - \$50,000 (Mayor Sarno)

WHEREAS, the City's Office of Emergency Preparedness ("Department") has been awarded a Metropolitan Medical Response Program Grant of \$50,000.00 from the Massachusetts Executive Office of Public Safety and Security; and

WHEREAS, the grant is funded by the Department of Homeland Security and will be used to pay the salary and benefits of a project manager, as well as procure portable ventilators, oxygen manifolds, antibiotics, nerve agent antidotes, contingency hospital beds, and emergency medical supplies; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, Sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Metropolitan Medical Response Program Grant \$50,000.00

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

5.5.a

This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: City of Springfield (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety & Security, Office of Grants & Research MMARS Department Code: EPS	
Legal Address: (W-9, W-4,T&C): 1212 Carew Street, Springfield, MA 01104		Business Mailing Address: 10 Park Plaza, Suite 3720, Boston, MA 02116	
Contract Manager: Robert Hasset		Billing Address (if different):	
E-Mail: rhasset@springfieldcityhall.com		Contract Manager: Diane Perrier	
Phone: 413-787-6720 Fax: 413-787-6735		E-Mail: Diane.Perrier@state.ma.us	
Contractor Vendor Code: VC6000192140		Phone: 617-725-3301 Fax: 617-725-0260	
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
		RFR/Procurement or Other ID Number: Application	
☒ NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) ☐ Statewide Contract (OSD or an OSD-designated Department) ☐ Collective Purchase (Attach OSD approval, scope, budget) ☒ Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) ☐ Emergency Contract (Attach justification for emergency, scope, budget) ☐ Contract Employee (Attach Employment Status Form, scope, budget) ☐ Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		☐ CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20 ____ Enter Amendment Amount: \$ ____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) ☐ Amendment to Scope or Budget (Attach updated scope and budget) ☐ Interim Contract (Attach justification for Interim Contract and updated scope/budget) ☐ Contract Employee (Attach any updates to scope or budget) ☐ Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. ☒ Commonwealth Terms and Conditions ☐ Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. ☐ Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) ☒ Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ 50,000.00			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: ☒ agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Metropolitan Medical Response System Planning and Implementation, using FFY12 SHSP funds. CFDA 47.067			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:			
☒ 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ☐ 2. may be incurred as of ____, 20 ____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ☐ 3. were incurred as of ____, 20 ____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>06/30</u> , 20 <u>14</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>7/2/13</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Donna J. S. S. S.</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>7-25-13</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Ellen J. Frank</u> Print Title: <u>Executive Director</u>	

Attachment: MMRS Grant FY14 (2314 : MMRS Grant - No Match - \$50,000)



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2279

5.6

Dispatch Support & Incentive Grant - No Match - \$663,261 (Mayor Sarno)

WHEREAS, the Dispatch Department ("Department") has been awarded a State 911 Support Incentive Grant of \$663,261.00 from the Massachusetts Executive Office of Safety and Security; and

WHEREAS, the grant is intended to support the City's dispatch center; and

WHEREAS, the Department intends to use the grant funds to pay for dispatchers' salaries; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

State 911 Support Incentive Grant \$663,261



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2281

5.7

Dispatch Training Grant - No Match - \$145,291 (Mayor Sarno)

WHEREAS, the Dispatch Department ("Department") has been awarded a "FY2013 State 911 Department Training Grant" of \$145,291.00 from the Executive Office of Public Safety and Security; and

WHEREAS, the purpose of this grant is to reimburse for training-related costs associated with the 9-1-1 system. This is a non-supplanting grant; and

WHEREAS, the Department intends to use the grant funds for training and membership fees along with software and lodging expenses related to training; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

FY2013 State 911 Department Training Grant - \$145,291.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2283

5.8

Fire Dept Grant - \$3,000 - No Match (Mayor Sarno)

WHEREAS, the Springfield Fire Department (Department) has been awarded a grant in the amount of \$3,000.00 from Factory Mutual Insurance Company; and

WHEREAS, the funds have been provided for the purpose of purchasing iPads with accessories; and

WHEREAS, the Department intends to use the donation funds for the purposes outlined by the grantor; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants;

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds and the required City matching contribution described herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, Sec 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Fire Department Grant \$ 3000.00

Factory Mutual Insurance Company
1151 Boston -Providence Turnpike
PO Box 9102
Norwood, MA 02062



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2285

5.9

Grant Acceptance - No Match Required \$99,996.00 (Mayor Sarno)

WHEREAS, the Department of Elder Affairs ("Department") has been awarded a Servicing the Health Information Needs of Elders (SHINE) Grant of \$99,996.00 From the Massachusetts Executive Office of Elder Affairs; and

WHEREAS, the grant funds provide health insurance and medical information, screening and application assistance to low income seniors; and

WHEREAS, the Department intends to use the grant funds to provide health insurance counseling and outreach services; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

SHINE - \$99,996.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Mitchell Doty
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2286

5.10

Grant Acceptance - No Match Required (\$78,000) (Mayor Sarno)

WHEREAS, the Mayor, on behalf of the *Mayor's Office of Consumer Information*, ("Department") has been awarded a "Local Consumer Aid Fund Grant" of \$78,000.00 from the Commonwealth of Massachusetts Office of the Attorney General; and

WHEREAS, the purpose of the grant program is to assist in the resolution of consumer complaints; and

WHEREAS, the Department intends to use the grant funds for the operation of a Local Consumer Program to educate consumers on their consumer protection rights and to mediate consumer complaints, whereby funds will pay for staff salaries and student intern stipends and for those expenses associated with the processing and handling of the consumer complaints (i.e. supplies, postage, copier, travel); and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

2014 Local Consumer Aid Fund Grant - \$78,000



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2287

5.11

Library Trust Income - No Match Required \$31,139.51 (Mayor Sarno)

WHEREAS, the Library Department has been awarded Library Trust Income of \$31,139.51 From the Springfield Library Foundation; and

WHEREAS, the income represents the fourth quarter payment to the Library of trust income for FY2013;

WHEREAS, the Department intends to use the grant funds to purchase library materials; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Acting Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Library Trust Income \$31,139.51



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2288

5.12

Grant Acceptance - No Match Required \$7,000 (Mayor Sarno)

WHEREAS, the Library Department has been awarded a Davis Foundation grant of \$7,000 From the Irene E. & George A. Davis Foundation; and

WHEREAS, the grant was given to support the Springfield Library Literacy Volunteers program

WHEREAS, the Department intends to use the grant funds to support the Springfield Library Literacy Volunteers program; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Acting Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Davis Foundation Grant - \$7,000.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2289

5.13

MassAHEC- No Match Required \$114,000 (Mayor Sarno)

WHEREAS, the Department of Health and Human Services ("Department") contracted with the University of Massachusetts/Worcester and has received a Grant for \$114,000 from the MassAHEC Network ; and

WHEREAS, the mission of the MassAHEC Network is to reduce health disparities across the Commonwealth by enhancing skills and increasing the diversity of the healthcare workforce and facilitation of access to culturally and linguistically responsive health care services; and

WHEREAS, the Department has accepted the grant funds and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

MassAHEC - \$114,000.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2291

5.14

Mass in Motion - No Match Required \$70,000 (Mayor Sarno)

WHEREAS, the Department of Health and Human Services ("Department") has been awarded a "Mass in Motion Municipal Wellness and Leadership Grant" of \$70,000.00 from The Department of Public Health, Bureau of Community Health and Prevention; and

WHEREAS, the funding is provided to improve policy, systems, and environmental conditions that impact the health of the community; and

WHEREAS, the Department intends to use the grant to continue the change work the Department has been engaged in to support healthier eating and active living; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Mass in Motion - \$70,000.00



City of Springfield

TABLED

Meeting: 09/09/13 07:00 PM
Initiator: Kathy Breck
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2293

5.15

Order Amending Ordinance Chapter 82- Purchasing and Contracts to Reflect Amendments to Chapter 30B (Mayor Sarno)

WHEREAS, in July, 2013, the General Court amended portions of Massachusetts General Laws Chapter 30B ("Chapter 30B"), which is known as the Uniform Procurement Act; and

WHEREAS, Chapter 30B provides the scope, procedure, limits and rules governing procurement procedures for municipalities and other entities, which the City of Springfield is required to follow; and

WHEREAS, sections of City of Springfield Ordinance Chapter 82 -Purchasing and Contracts, originally enacted in 1990, need to be immediately amended to reflect various amendments to Chapter 30B, in order for the City to take advantage of the efficiencies and streamlined procurement procedures approved the Legislature;

NOW THEREFORE, BE IT ORDERED, that the City Council of the City of Springfield, with the approval of the Mayor, hereby amends City of Springfield Ordinance Chapter 82 -Purchasing and Contracts, to reflect the amendments to Chapter 30B, as follows:

1. Section 82-11, paragraph (A), is hereby deleted and replaced with the following new Section 82-11(A):

"A. Contracts made by any department, board or commission where the amount involved exceeds the threshold set forth in Mass. Gen. Laws ch. 43, sec. 29 (the City Charter), shall be in writing, and must be approved by the Mayor and the head of the department. A Chief Procurement Officer who awards a contract shall maintain a file on each such contract and shall include in such file a copy of all written documents for at least six years from the date of the final payment, as required by Chapter 30B, section 3, as it may be amended from time to time. Contracts awarded under Chapter 30B, section 4, shall be procured and awarded in compliance with the terms of Massachusetts General Laws Chapter 30B, as it may be amended from time to time."

2. Section 82-12, paragraph (A), is hereby deleted and replaced with the following new Section 82-12(A):

"A. The purchase of services and supplies at amounts greater than those set forth in Chapter 30B, section 4, shall be made pursuant to the applicable sections of Chapter 30B, as they may be amended from time to time. "

3. Section 82-12, paragraphs (B) and (C), are hereby deleted and replaced with the following new Section 12(B):

"B. Purchases of supplies or services under Chapter 30B, section 4(a) shall be made by seeking written or oral quotations from no fewer than three (3) persons customarily providing such supplies or services. The procurement officer shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation, pursuant to Chapter 30B, section 4(b), as it may be amended from time to time. A purchase of supplies or services in an amount less than the amount set forth in Chapter 30B, section 4(a) shall be obtained through the exercise of sound business practices pursuant to Chapter 30B, section 4(c), as it may be amended from time to time."

4. Section 82-12, paragraph (E), is hereby amended as follows:

The first sentence of paragraph (E) is amended to read: "Whenever the Chief Procurement Officer, after reasonable investigation, determines in writing that only one practicable source for the required supply or service exists, the Procurement Officer may award such a contract without competition, but only to the extent consistent with the provisions of Chapter 30B, section 7, as it may be amended from time to time."

5. Section 82-16, paragraphs (E), (F), and (I), are amended as follows:

a) In paragraphs (E) and (I), wherever the words "more than \$500" or "\$500 or more" appear, the words "at or over the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time", shall be substituted.

b) In paragraph (F), wherever the words "less than \$500" appear, the words "less than the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time", shall be substituted.

6. Section 82-23, paragraph (A), is amended as follows:

In the first sentence, the words "in the amount of \$10,000 or more" are deleted and the words "in an amount at or above the threshold set forth in Chapter 30B, section 6(a), as it may be amended from time to time" are substituted.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2298

5.16

Read / Write/ Now Grant - No Match Required \$216,125 (Mayor Sarno)

WHEREAS, the Library Department ("Department") has been awarded an "Adult and Community Learning Services Grant" of \$216,125 from the Massachusetts Department of Elementary and Secondary Education; and

WHEREAS, the grant is for adult and community learning services; and

WHEREAS, the Department intends to use the grant funds for its Read / Write / Now Program; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation.

Read / Write / Now - \$216,125



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Mitchell Doty
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2301 A

5.17

DPW Engineering Department - 5 Year Plotter Lease (Mayor Sarno)

WHEREAS, Massachusetts General Laws chapter 30B, section 12(b) provides that the Chief Procurement Officer may not award a contract for more than three (3) years without a majority vote of the governmental body; and

WHEREAS, the City is upgrading its large scale scanner/printer unit to replace an aging unit which is causing lease and maintenance costs to rise yearly; and

WHEREAS, the City has received an acceptable lowest-bid lease quote and equipment maintenance agreement from Joseph Merritt & Co.; and

WHEREAS, the length of the lease over 5 years would cost approximately \$4,368 per year, and save approximately \$18,859 over a five-year term; and

NOW THEREFORE BE IT ORDERED, pursuant to Mass. Gen. Laws ch. 30B, section 12(b), that the City Council approves the award of a contract for lease of the large scale scanner/printer unit for five (5) years.

FINANCIAL IMPACT:

\$4,368.00/year for five years, or \$21,840.00

City of Springfield
36 Court Street
Springfield, MA 01103



Division of Administration
and Finance

To: Springfield City Council
From: Timothy J. Plante, Acting Chief Administrative & Financial Officer
Date: August 30, 2013
Re: Order for Council Meeting – September 9, 2013
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the September 9, 2013 Council meeting which approves a five-year lease with the Joseph Merritt & Co. from Hartford, CT of \$4,368.00 per year to provide a large scale plotter/scanner to the Department of Public Works Engineering Division.

Background: Over the last two years there has been a dramatic increase in the yearly cost of the lease and maintenance for the current unit due to its age. The yearly cost in 2011 was \$4,400+/-, 2012 was \$5,300+/- and the bill just received from Canon, for 2013, is \$6,600. DPW also has been informed that the City should expect to receive a minimum of a 10% increase every year due to the age and service requirements of the current unit.

After reviewing options for new equipment, it was decided to go out to bid for a new machine, and those bids were recently received. Joseph Merritt & Co. from Hartford, CT submitted the lowest bid. Their equipment submittal and their maintenance agreement is acceptable, with their fixed monthly cost over a 5-year period of \$325 per month for leasing the equipment, and \$39 per month for a maintenance agreement, resulting in a total cost of \$364 per month, or \$4,368 per year.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Acting Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

This certification is made in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

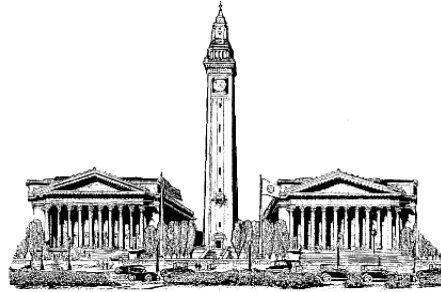
Attachment: CAFO Certification DPW PLOTTER (2301 : DPW Engineering Department - 5 Year Plotter Lease)

**DEPARTMENT OF
PUBLIC WORKS**

ENGINEERING DIVISION

70 TAPLEY STREET
SPRINGFIELD, MA 01104

413-787-6210 413-787-6029 FAX



CITY OF SPRINGFIELD
MASSACHUSETTS

Date: August 14, 2013

To: TJ Plante, Jennifer Winkler, Lauren Stabilo, Maria Gomes

From: Christopher M. Cignoli, P.E. – City Engineer

Re: Engineering Dept. Plotter Lease

The Engineering Department currently has a large scale scanner / printer unit that is used in our day to day operations in the department. The unit was purchased from Océ in 2002 under a lease agreement and a maintenance contract. Océ has been purchased by Canon, so Canon is now our vendor.

Over the last two years we have seen a dramatic increase in the yearly cost of the lease and maintenance due to the age of the equipment—the yearly cost in 2011 was \$4400+/-, 2012 was \$5300+/- and the bill we just received from Canon for 2013 is \$6600. We have also been informed that we should expect to receive a minimum of a 10% increase every year due to the age and service requirements of the unit.

After reviewing options for new equipment, it was determined that we had to go out to bid for a new machine. Recently, bids were received and Joseph Merritt & Co. from Hartford, CT submitted the lowest bid. We have reviewed their equipment submittal and their maintenance agreement and find it acceptable. Their fixed monthly cost for a 5-year period is \$325/mo for leasing the equipment, and \$39/mo for a maintenance agreement, for a total cost of \$364/mo, or \$4368/year.

The comparison for the current unit vs. what we could upgrade to is as follows:

Year	Current Contract	New Contract
2013	\$6,666.48	\$4,368.00
2014	\$7,333.13	\$4,368.00
2015	\$8,066.44	\$4,368.00
2016	\$8,873.08	\$4,368.00
2017	\$9,760.39	\$4,368.00

Total	\$40,699.53	\$21,840.00
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As you can see if we were to lease this new piece of equipment we would accomplish three things:

1. It gives my Department a new piece of equipment with better features
2. Does not require any adjustment to my projected budget and we have a fixed cost for 5 years
3. It saves the City \$18,859+/- over a 5 year period

I also understand that I may need to go to the City Council for approval of a five-year term contract—I have no problem doing so.

Please let me know if you have any questions as I would like to proceed as quickly as possible.

Thanks for your help!



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2303

5.18

Library Donation - \$134,413.00 (Mayor Sarno)

WHEREAS, the Library Department has been awarded a Donation in the amount of \$134,413.00 from the Springfield Libraries Foundation, Inc ; and

WHEREAS, will fund the operational and capital improvements expenses for the Mason Square Library

WHEREAS, the Department intends to use the grant funds for Mason Square operating expenses

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

SPRINGFIELD LIBRARY FOUNDATION - \$134,413.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2304

5.19

STOP ACCESS (5035) - No Match Required \$80,000 (Mayor Sarno)

WHEREAS, the Department of Health and Human Services has been awarded an increase of \$80,000 to Stop Access Grant (5035) from State Department of Public Health, Bureau of Substance Abuse Services for the grant period July 1, 2013 through June 30, 2014; and

WHEREAS, the Department intends to use the grant funds to provide Stop Access prevention services; and

WHEREAS, the Department has accepted the grant funds and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

STOPS ACCESS (5035) - Increase: \$80,000.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2305

5.20

STOP ACCESS (5034) Increase - No Match Required \$80,000 (Mayor Sarno)

WHEREAS, the Department of Health and Human Services has been awarded an increase of \$80,000 to Stop Access Grant (5034) from State Department of Public Health, Bureau of Substance Abuse Services for the grant period July 1, 2013 through June 30, 2014; and

WHEREAS, the Department intends to use the grant funds to provide Stop Access prevention services; and

WHEREAS, the Department has accepted the grant funds and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

STOPS ACCESS (5034) - Increase: \$80,000.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2309

5.21

MLCHC - No Match Required \$5,000 (Mayor Sarno)

WHEREAS, the Department of Health and Human Services (Department), Springfield Health Services for Homeless (Spfld. HSH), has contracted with the Massachusetts League of Community Health Centers (MLCHC) and has received a Grant of \$5,000 from the MLCHC for the period July 15, 2013 through June 30, 2014; and

WHEREAS, the mission of the MLCHC funding for this Community Health Center (CHC) project across the Commonwealth is to enhance emergency preparedness, continuity of operations, planning and surveillance reporting ; and

WHEREAS, the Department has accepted the grant funds and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

MLCHC - \$5,000



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2315

5.22

Parks Trail Grant - No Match - \$48,205 (Mayor Sarno)

WHEREAS, the Parks Department ("Department") has received a "Recreational Trails Program Grant" award of \$48,205.00 from the Massachusetts Department of Conservation and Recreation; and

WHEREAS, the purpose of the grant is to fund trail protection, construction, and stewardship projects throughout Massachusetts; and

WHEREAS, the department intends to use the grant funds for Forest Park's most utilized portion of its non-paved trails and has identified sites specific and integral to the accessibility of Forest Park's trail system that currently present challenges and have limited the overall maintenance and stability of the trails, especially during inclement weather or related storm events; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, Sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Recreational Trails Program Grant \$48,205.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2316

5.23

Fire Donation - \$1,500 (Mayor Sarno)

WHEREAS, the Fire Department has been awarded a Donation of \$1,500.00 from the Exxon Mobil Corporation, PO Box 2519, Houston, TX 77252-2519

WHEREAS, the funds provided shall be used for the purpose of the Fire Department's training program as requested by the donor,

WHEREAS, the Department intends to use the Donation funds for the purpose of training Springfield firefighters as requested by the donor, and

WHEREAS, the Department has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds listed below for the purposes of public education:

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the donation funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec 53A, that the City Council approves the expenditure by the Department of the donation funds listed below for the purposes of such donation, subject to the approval of the Mayor, and the donation funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the donation without further appropriation:

Fire Department Donation \$1,500.00

Exxon Mobil Corporation
PO Box 2519
Houston, TX 77252-2519



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM

Initiator: Chris Kulig

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2317

5.24

Fire Donation for 9/11 Memorial - \$400 (Mayor Sarno)

WHEREAS, the Fire Department ("Department") has received a donation of \$400.00 from the Springfield Branch of MA Retired Police and Firefighters ("Donor"); and

WHEREAS, the Donor requests that the funds shall be used for the maintenance and upkeep of the City's 9/11 memorial; and

WHEREAS, the Department intends to use the funds for the purpose of maintaining the City's 9/11 memorial as requested by the Donor; and

WHEREAS, the Department has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds listed below for the purposes of public education:

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the donation funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec 53A, that the City Council approves the expenditure by the Department of the donation funds listed below for the purposes of such donation, subject to the approval of the Mayor, and the donation funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the donation without further appropriation:

Springfield Branch of MA Retired Police and Firefighters
\$400.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2318

5.25

DESE Partners for Youth Success - \$25,985 (Mayor Sarno)

WHEREAS, the Springfield Parks Department ("Department") has been awarded a grant of \$25,985.00 from the Massachusetts Department of Elementary and Secondary Education (DESE); and

WHEREAS, the Department intends to use the grant funds to fund Partners for Youth Success programs at three (3) Springfield middle schools; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

DESE Partners for Youth Success: \$25,985.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2320

5.26

New North Citizens Council - No Match - \$25,000 (Mayor Sarno)

WHEREAS, the Springfield Parks Department ("Department") has been awarded a grant of \$25,000.00 from the Springfield New North Citizens Council (NNCC); and

WHEREAS, the Department intends to use the grant funds to fund evening gym and after-school programming; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

New North Citizens Council - \$25,000.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2321

5.27

Emergency Preparedness Performance Grant - No Match - \$70,030 (Mayor Sarno)

WHEREAS, the City's Office of Emergency Preparedness ("Department") has been awarded an Emergency Preparedness Performance Grant of \$70,030.00 from the Massachusetts Emergency Management Agency; and

WHEREAS, the grant will be used to purchase an Automatic Vehicle Location (AVL) software, mapping, display monitor, GPS monitoring system; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, Sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Metropolitan Medical Response Program Grant \$70,030.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Chris Kulig
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2322

5.28

DPIR Grant - No Match - \$100,000 (Mayor Sarno)

WHEREAS, the City's Office of Housing ("Department") has been awarded a Distressed Properties Identification and Revitalization Grant of \$100,000.00 from the Office of the Attorney General of the Commonwealth of MA; and

WHEREAS, the grant will be used for identifying and revitalizing distressed properties in the City of Springfield; and

WHEREAS, the Department has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, Sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Distressed Properties Identification and Revitalization Grant \$100,000.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM

Initiator: Chris Kulig

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2323

5.29

Supportive Housing Grant - No Match - \$152,827 (Mayor Sarno)

WHEREAS, the Office of Housing ("Department") has been awarded a grant in the amount of \$152,827.00 from US Department of Housing and Urban Development; and

WHEREAS, the funds provided are intended to be used to improve the lives of homeless men, women, and children through local planning efforts and through direct housing and service programs; and

WHEREAS, the Department intends to use the grant funds for the purposes as requested by the donor; and

WHEREAS, the Department has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds listed below for the purposes of such donation; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the donation funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws Ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

HUD Continuum of Care grant (2nd allocation): \$ 152,827.00



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM

Initiator: Pat Burns

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2329

5.30

Emergency Spending for Demolition of the Former Chestnut Junior High School (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield, pursuant to Mass. Gen. Law ch. 44 Section 31, and Chapter 468 of the Acts of 2008, the Chief Administrative and Financial Officer and his Honor the Mayor have requested authorization from the City Council to incur liabilities in excess of appropriations in a Special Purpose Demolition Fund to fund demolition and remediation expenses incurred as a result of a major fire at the former Chestnut Junior High School on Tuesday September 3, 2013.

WHEREAS, the building is owned by the City, and that it poses an immediate threat to the health and safety of persons and property

WHEREAS, payments of liabilities incurred under this authority may only be made with written approval of the Director of the Bureau of Accounts

WHEREAS, the City Treasurer shall use available funds in the Treasury and the City Comptroller will report any amounts of liabilities incurred to the Director of the Bureau of Accounts.

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources are and will continue to be adequate to support the proposed expenditures and obligations involved in this authorization, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, that the City Council approves authorization for the City to incur liabilities in excess of appropriations in a Special Purpose Demolition Fund to fund demolition and remediation expenses incurred as a result of a major fire at the former Chestnut Junior High School on Tuesday September 3, 2013.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Kathy Breck
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2332

5.31

Order Declaring the Former Brookings School as Surplus Property (Mayor Sarno)

ORDER DECLARING REAL PROPERTY KNOWN AS THE ELIAS BROOKINGS SCHOOL BUILDING LOCATED AT 367 HANCOCK STREET (PARCEL #06250-0157), SPRINGFIELD, MASSACHUSETTS SURPLUS PROPERTY FOR DISPOSITION

WHEREAS, the City of Springfield ("the City") is the owner of certain real property located at 367 Hancock Street, Springfield, Springfield, Massachusetts (Parcel #06250-0157), known as the former Elias Brookings School Building ("the Property"), which was heavily damaged in the June 1, 2011 tornado; and

WHEREAS, following the tornado, students from the Elias Brookings School have been attending school in portable classrooms, and a new Elias Brookings School is under construction; and

WHEREAS, on August 15, 2013, the Springfield School Committee, in accordance with Massachusetts General Laws Chapter 40, Section 15A, voted to declare that the Property is no longer needed for school purposes, and approved the transfer of the Property to a department within the City in order for the building to be redeveloped in accordance with all applicable laws, ordinances and zoning regulations, in connection with the disposition of the Property to a private entity (see attached vote); and

WHEREAS, the City now desires to make the Property available for disposition by declaring the Property surplus, and soliciting requests for proposals for the Property, in accordance with Mass. Gen. Laws ch. 30B, section 16; and

WHEREAS, the City intends to sell the Property for private redevelopment consistent with all applicable laws, rules regulations and ordinances, as well as the terms and conditions set forth in the Requests for Proposals; and

WHEREAS, NOW THEREFORE, BE IT ORDERED, that the City Council of the City of Springfield, with the approval of the Mayor, acting pursuant to Mass. Gen. Laws ch. 30B, section 16(a), hereby declares the Property to be surplus real property to be made available for disposition by the City of Springfield, and any new owner shall not be restricted in the use, except that the use must be legal and conform to local zoning requirements, the terms of the request for proposals, and any applicable urban renewal covenants, and further authorizes and approves that the City of Springfield develop a Request for Proposals for disposition pursuant to the requirements of Mass. Gen. Laws ch.30B, section 16, including evaluation criteria, rules for award, proposal submission requirements, and the contract terms and conditions, and to take all other steps

necessary to dispose of the Property pursuant to the provisions of Chapter 30B.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2334

5.32

Order Authorizing Expenditure of Gift Funds of \$26,900 for the Old First Church (Mayor Sarno)

WHEREAS, the City of Springfield is the owner of the premises at Court Square known as Old First Church ("Church"); and

WHEREAS, as the Owner of the Church, the City is the beneficiary of the permanently endowed "Old First Church Fund for the Maintenance of its Meetinghouse and Organ" ("Fund"), which fund is administered by and through the Community Foundation of Western Massachusetts; and

WHEREAS, the City is entitled to receive an annual distribution from said Fund as long as the City is in compliance with the following requirements:

- a. the City of Springfield is the owner of the meetinghouse portion of the premises (the original main wooden structure and not the newly attached brick structure);
- b. the funds may be used for maintenance of the meeting house and of the Aeolian-Skinner Organ in place at the meetinghouse, but for no other purpose;
- c. any reconstruction to the meetinghouse must be in compliance with the Preservation Restriction Agreement made between the Commonwealth of Massachusetts, Massachusetts Historical Commission and First Church of Christ, Congregational of Springfield, Mass., dated June 21, 2001 and filed at Book 11708, Page 377 in the Hampden County Registry of Deeds; and

WHEREAS, the City of Springfield is currently in compliance with all of the fund requirements (see attached letter), is entitled to receive the annual distribution, and pursuant to M.G.L. c. 44, Section 53A, Patrick J. Sullivan, Executive Director of Parks, Buildings, and Recreation Management, has agreed to accept the current distribution of \$26,900.00 for the purpose and consistent with the Fund restrictions;

NOW THEREFORE, BE IT ORDERED, that pursuant to M.G.L. c. 44, section 53A, and subject to the approval of the Mayor, the City Council hereby authorizes the Department of Parks, Buildings, and Recreation Management to accept the current year gift of

\$26,900.00 from the Community Foundation as administrator of the Fund, and to expend such gift for the maintenance of the meeting house and the organ, consistent with the requirements described in this order.

FINANCIAL IMPACT:

Gift of \$26,900 for the Old First Church, from the Community Foundation



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Anthony I. Wilson
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2336

5.33

Order Authorizing Expenditure of Gift of \$65,000.33 for Camp Wilder (Mayor Sarno)

WHEREAS, the Department of Parks, Buildings and Recreation Management ("Department") has been gifted an amount of Sixty Five Thousand Dollars and Thirty Three Cents (\$65,000.33) from The Society of Everett Barney Inc. ("Gift") for the benefit of the Department, specifically for the purpose of renovating Camp Wilder for the citizens of Springfield and to provide park and recreation activities for the children of the City of Springfield; and

WHEREAS, the Department is committed to the rebuilding and renovation efforts of Camp Wilder and the surrounding woodland area, which sustained over 1.5 million dollars in damage from the tornado that struck the City on June 1, 2011, much of which did not qualify for FEMA reimbursement funds to rebuild;

WHEREAS, the Society of Everett Barney Inc., in the dissolution of trust, has gifted the remaining assets of the trust to the City of Springfield Parks Department in the amount of \$65,000.33; and

WHEREAS, the Department intends to use the Gift funds exclusively to rebuild and renovate Camp Wilder; and

WHEREAS, the Executive Director of the Parks Department has accepted the Gift and requests authorization from the City Council and the Mayor to expend the Gift funds listed below for the purposes of such Gift; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the Gift funds listed herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the Gift funds listed below for the specific purposes of such Gift, subject to the approval of the Mayor, and the Gift funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the Gift without further appropriation:

GIFT FROM THE SOCIETY OF EVERETT BARNEY - \$65,000.33 FOR THE RENOVATION AND REBUILDING OF CAMP WILDER

FINANCIAL IMPACT:

Order (ID # 2336)

Meeting of September 9, 2013

Gift of \$65,000.33 for renovating Camp Wilder, from the dissolution of a Trust formerly held by The Society of Everett Barney, Inc.



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2337

5.34

Order Accepting Chapter 32, Sec. 20A, Indemnification of Retirement Board Members (Mayor Sarno)

WHEREAS, the General Court has enacted Mass. Gen. Laws ch. 32, sec. 20A ("Act"), entitled "Retirement Systems, Indemnification, Retirement Board Members", a copy of which is attached hereto; and

WHEREAS, said Act also provides for "local acceptance" by the local legislative body before the implementation of the provisions of the Act, and in the City of Springfield under the "Plan A" form of government that requires the approval of the City Council and the Mayor; and

WHEREAS, the City of Springfield believes that indemnification for civil actions should be extended to members of the Retirement Board, subject to the provisions of Chapter 32 of the Massachusetts General Laws; and

NOW THEREFORE, BE IT ORDERED, that the City Council of the City of Springfield, with the approval of the Mayor, hereby accepts Mass. Gen. Laws ch. 32, sec. 20A, as amended, which states:

"In any city, town or other entity which accepts the provisions of this section, in a city, by a vote of the city council with the approval of the mayor; in a town, by a vote of the town meeting; in a municipality having a town council form of government, by a vote of the town council; and in any other entity having a retirement board subject to the provisions of this chapter, by a vote of the governing board of such entity, any civil action brought against a member of a retirement board, the defense or settlement of which action is made by an attorney employed by the retirement board, such member shall be indemnified for all expenses incurred in the defense thereof and shall be indemnified for damages to the same extent as provided for public employees in chapter two hundred and fifty-eight; provided, however, that the claim arose out of acts performed by such member or members while acting within the scope of his official duties; and provided, further, that no member of a retirement board shall be indemnified for expenses incurred in the defense of an action, or damages awarded in such action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such member."



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Ronald Molina-Brantley
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2338 A

5.35

An Order Authorizing the Expenditure of Grant Funds by the Department of Elder Affairs - Match Required (Mayor Sarno)

WHEREAS, the Department of Elder Affairs ("Department") has been awarded a Senior Community Service Employment Grant of \$598,488.00 from Senior Service America, Inc. (SSAI); and

WHEREAS, the Senior Community Service Employment Program (SCSEP) offers low-income older people paid community service and training as an entry into productive work; benefiting (1) eligible people who enroll and (2) the community in which the program is located; and

WHEREAS, the Department intends to use the grant funds to enroll eligible persons during the program period, assigning them to part-time community service positions, and transition a portion of such persons to unsubsidized employment during the program year; and

WHEREAS, the grant will pay \$598,488, and requires a match from the City of \$77,923 through in kind services or expenses; and

WHEREAS, the Department of Elder Affairs has accepted the grant and requests authorization from the City Council and the Mayor to expend the grant funds listed below for the purposes of such grants; and

WHEREAS, the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, has certified that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the City Council Order authorizing the expenditure of the grant funds and the required City matching contribution described herein, subject to the approval of the Mayor, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of the grant funds listed below for the purposes of such grant, subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for the purposes of the grant without further appropriation:

Senior Aides - \$598,488



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Lou DiCarlo
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2290

6.1

Order of Location for the Installation and Maintenance of Underground Utilities

By the City Council of the City of Springfield, Massachusetts:
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the WESTERN MASSACHUSETTS ELECTRIC COMPANY, be and it is hereby granted a location for and permission to
<<Insert proper utility template>>

Pomona Street - Installing Conduits & Transformer (WMECO)

<<Enter brief purpose>>

Also that permission be and hereby granted said {ResUserUserLookup1} to complete the above request.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on September 9, 2013

City Clerk

We hereby certify that on August 7, 2013, at 5:00 PM, at Pomona Street and Sumner Avenue a public hearing was held on the petition of the WESTERN MASSACHUSETTS ELECTRIC COMPANY for permission to complete the above mentioned request.

City Clerk

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Springfield, Massachusetts, on the September 9, 2013, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Lou DiCarlo
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2302

6.2

Order of Location for the Installation and Maintenance of Underground Utilities

By the City Council of the City of Springfield, Massachusetts:
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the BAY STATE GAS COMPANY , be and it is hereby granted a location for and
permission to
<<Insert proper utility template>>

East Columbus Avenue - Installing Gas Main (Columbia Gas)

<<Enter brief purpose>>

Also that permission be and hereby granted said {ResUserUserLookup1} to complete the
above request.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on September 9, 2013

City Clerk

We hereby certify that on August 21, 2013, at 5:00 PM, at East Columbus Avenue at Union Street a public hearing was held on the petition of the BAY STATE GAS COMPANY for permission to complete the above mentioned request.

City Clerk

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Springfield, Massachusetts, on the September 9, 2013, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Lou DiCarlo
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2308

6.3

Order of Location for the Installation and Maintenance of Underground Utilities

By the City Council of the City of Springfield, Massachusetts:
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the , be and it is hereby granted a location for and permission to
<<Insert proper utility template>>

Melrose Street Discontinuance & Street Line Relocation

<<Enter brief purpose>>

Also that permission be and hereby granted said {ResUserUserLookup1} to complete the above request.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on September 9, 2013

City Clerk

We hereby certify that on August 28, 2013, at 5:00 PM, at Walnut Street and Marshall Street a public hearing was held on the petition of the for permission to complete the above mentioned request.

City Clerk

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Springfield, Massachusetts, on the September 9, 2013, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: 3149 - Section 46****DATE: September 9, 2013**

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: Jason & Nidal Abeid

ADDRESS: 23 & 25 Euclid Avenue

CHANGE REQUESTED: Res B to Res C

RECOMMENDATION: Not Recommend

Respectfully Submitted,

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE 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, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3149 - Section 46, Section Not Recommend** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Not Recommend 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 September 9, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: 3150 - Section 46****DATE: September 9, 2013**

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:

William M. McCarthy

ADDRESS:

351 E. Columbus Avenue

CHANGE REQUESTED:

Bus A to Bus B

RECOMMENDATION: Not Recommend

Respectfully Submitted,

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE 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, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3150 - Section 46, Section Not Recommend** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Not Recommend 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 September 9, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: 3151 & Section 19****DATE: September 9, 2013**

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:

Charles H. Richard

ADDRESS:644 Boston Road, NS Boston Road, NS
Boston Road**CHANGE REQUESTED:**

Res A to Bus A

RECOMMENDATION: Recommend

Respectfully Submitted,

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE 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, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3151 & Section 19, Section Recommend** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Recommend 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 September 9, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson



City of Springfield

36 Court Street
Springfield, MA 01103

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: At-Large Councilor Ashe, Ward 8 Councilor Lysak

DOC ID: 2123 C

TABLED

ORDINANCE (ID # 2123)

Pawnbrokers and Junk Dealers

Pawnbrokers and Junk Dealers - Chapter 270

ORD. NO. ____

AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 270 thereof, entitled Pawnbrokers and Junk Dealers, by deleting and repealing section 270-7.

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

Section 1. Section 270-7 of Chapter 270, Pawnbrokers and Junk Dealers, of the Code of the City of Springfield, is hereby amended to read as follows:

No article purchased or received by the keeper of a secondhand or junk shop shall be sold until at least twenty-three (23) days from the date of its purchase or receipt has elapsed. The article shall be kept in an unaltered condition for the required time period. For the purposes of this section, "unaltered condition" means that item or article shall be kept in the same condition it was in the time it was brought into the shop by the seller.

HISTORY:

05/06/13 City Council

TABLED

Next: 07/15/13

07/15/13 City Council

REFERRED TO COMMITTEE

Next: 09/09/13

**City of Springfield**

36 Court Street
Springfield, MA 01103

SCHEDULED**ORDINANCE (ID # 2272)**

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2272 B

Chapter 302 – STORMWATER MANAGEMENT

ORD. NO. ____302

AN ORDINANCE TO AMEND the Code of the City of Springfield, to add Chapter 302, entitled “Stormwater Management”.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1:

Chapter 302: Stormwater Management

1. The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of the City of Springfield by establishing minimum requirements and procedures to control adverse impacts associated with stormwater runoff from new development and redevelopment.
2. The objectives of this chapter are:
 - A. Establish regulations for land development activities that preserve the health of water resources by reducing the adverse impacts to water quality from stormwater discharge to rivers, lakes, reservoirs and streams in order to attain federal water quality standards;
 - B. Require that new development, redevelopment and all land conversion activities maintain the natural hydrologic characteristics of the land in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage and to protect the integrity of aquatic habitats and stream channels;
 - C. Prevent the discharge of pollutants, including hazardous chemicals, into stormwater runoff;
 - D. Minimize the volume and rate of stormwater which is discharged to rivers, streams, reservoirs, lakes and combined sewers that flow from any site during construction and following development;
 - E. Prevent erosion and sedimentation from land development, and reduce stream channel erosion caused by increased runoff;

- F. Require post-development runoff volume and quality to be equivalent to or an improvement on pre-development runoff conditions by reducing runoff volumes, increasing infiltration, and improving runoff water quality;
 - G. Provide for the recharge of groundwater aquifers and maintain the base flow of streams;
 - H. Encourage the use of Low Impact Development (LID) practices such as reducing impervious cover, treating and infiltrating stormwater at the source, utilizing environmentally sensitive site design and, the preservation of open space and natural areas, to the maximum extent practicable;
 - I. Provide stormwater facilities that are functional, attractive, maintain the natural integrity of the environment, and are designed to protect public safety;
 - J. Minimize damage to public and private property from flooding;
 - K. Require maintenance provisions to ensure the stormwater treatment devices and facilities will continue to function as designed;
 - L. Establish procedures for the City's review of stormwater management plans, and for the City's inspection of approved stormwater controls; and
 - M. Comply with state and federal statutes and regulations relating to stormwater discharges.
3. **Compatibility with other permit and ordinance requirements**
This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

4. **Definitions**

The following definitions shall apply in the interpretation and implementation of this chapter.
Additional definitions may be adopted by separate regulation:

A. **CLEAN WATER ACT:** the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereinafter amended.

B. **CONSTRUCTION ACTIVITY:** disturbance of a site by removal or moving of vegetative surface cover or topsoil, grading, excavation, clearing or filling.

C. **IMPERVIOUS SURFACES:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved parking lots, sidewalk, and rooftops.

D. **LAND DEVELOPMENT:** any construction activity or land disturbance of a site that is currently in a natural vegetated state or does not contain alteration by man-made activities.

E. **LAND DISTURBANCE:** any land clearing, grading, bulldozing, digging or similar activities.

F. **LOW IMPACT DEVELOPMENT (LID):** a set of approaches that seeks to mimic a site's pre-development hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. Instead of conveying, managing and/or treating stormwater in large, end-of-pipe facilities, LID utilizes small-scale, decentralized practices that infiltrate, treat, evaporate, and transpire rain water and snow melt including bioretention areas, grassed swales, reducing impervious areas, preservation of open space, development density, lot size and configuration, street design, parking design, and other structural stormwater treatment methods.

G. **MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** the Policy issued by the Massachusetts Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the

authority of the Massachusetts Wetlands Protection Act [M.G.L. c. 131 § 40] and Massachusetts Clean Waters Act [M.G.L. c. 21 § 23-56]. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

H. OWNER: every person who alone, jointly or severally with others: (a) has legal title to any building, structure or parcel of land; or (b) has care, charge or control of any building, structure, or parcel of land in any capacity including but not limited to, an agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) a lessee under a written lease agreement; or, (d) a mortgagee in possession; or, (e) an agent, trustee or other person appointed by the courts.

I. PERSON: any individual, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public corporation or body, the Commonwealth or political subdivision thereof, the federal government, and any other legal entity, its legal representatives, agents, or assigns, to the extent permitted by law.

J. POST-DEVELOPMENT: the conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

K. PRE-DEVELOPMENT: the conditions that exist at the time that plans for the land development of a site are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

L. REDEVELOPMENT: any construction, alteration, or improvement exceeding land disturbance of [5,000] square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.

M. SITE: the parcel of land being developed, or a designated planning area in which the land development or redevelopment project is located.

N. STORMWATER AUTHORITY: the Stormwater Authority shall be the Department of Public Works of the City of Springfield. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this chapter. Other boards and/or departments participate in the review process as defined in the Stormwater Regulations adopted in accordance with this chapter.

O. STORMWATER MANAGEMENT: the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater management includes the use of LID management practices.

P. STORMWATER MANAGEMENT PERMIT (SMP): a permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the City from the deleterious affects of uncontrolled and untreated stormwater runoff.

5. Administration

A. Stormwater Authority. The Department of Public Works of the City of Springfield is hereby designated as the Stormwater Authority. The Stormwater Authority shall administer, implement and enforce this chapter. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees and agents.

B. Stormwater Regulations. The Stormwater Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this chapter after conducting a public hearing to receive comments on any proposed regulations or revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Stormwater Authority to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this chapter.

C. Stormwater Management Manual: The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Handbook, for execution of the provisions of this chapter. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

D. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of the Stormwater Regulations promulgated as a result

of this chapter: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

-
- E. Appeals of Action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this chapter shall be to a court of competent jurisdiction.
-

6. Applicability

A. Permit or Waiver Required

Prior to the commencement of construction for any proposed development listed below, a Stormwater Management Permit, or a waiver of the requirement for a Stormwater Management Permit, must be issued by the Stormwater Authority. No person shall, on or after the effective date of this chapter, initiate any land clearing and grubbing, land grading, earth moving or development activities without first complying with this chapter.

i. Multi-family residential developments involving *[four]* or more units;

ii. Any new commercial, industrial, institutional structures under the same ownership, with at least *[5,000]* square feet of gross floor area, *[10,000]* square feet of impervious surface, or that require *[ten]* or more parking spaces;

iii. Redevelopment or additions to existing commercial, industrial, and institutional uses which result in an additional impervious surface area or gross floor area of greater than *[5,000]* square feet, or which results in an increase of *[ten]* or more parking spaces;

iv. Construction activities and subdivisions disturbing greater than or equal to *[one acre]*;

v. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development or redevelopment that together disturbs *[one or more acres]*.

B. Exemptions

The following uses and activities are exempt from the requirements for Stormwater Management Permit:

- i. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the Natural Resources Conservation Service;
- ii. Any logging which is consistent with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Environmental Management;
- iii. Developments that do not disturb more than *[one acre]* of land, provided that they are not part of a larger common development plan;
- iv. Repairs to any stormwater or sewage treatment or collection systems and/or drinking water transmission or distribution systems deemed necessary by the Springfield Department of Public Works or the Springfield Water and Sewer Commission;
- v. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Springfield Department of Public Works; and
- vi. Any other uses and activities not specified in Section A.

7. Permit Procedures and Performance Standards

- A. Procedures, requirements and fee schedules for Stormwater Management Permits, and stormwater and LID performance standards shall be defined and included as part of any rules and regulations promulgated as permitted under this chapter.
- B. Issuance of a Stormwater Management Permit shall not be construed as a guarantee by the City of Springfield, the Stormwater Authority or its employees or agents, of the design or efficiency of the approved stormwater management system.

8. **Enforcement**

The Stormwater Authority, or an authorized agent of the Stormwater Authority shall enforce this chapter, regulations adopted hereunder, orders, and violation notices and enforcement orders issued hereunder, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any rules and regulations promulgated as permitted under this chapter.

9. **Severability**

The invalidity of any section, provision, paragraph, sentence or clause of this chapter shall not invalidate any section, provision, paragraph, sentence or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

HISTORY:

07/15/13 **City Council**

FIRST READING

Next: 09/09/13



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 2273)

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2273 A

Chapter 301 – STORM DRAINS

ORD. NO. ____301

AN ORDINANCE TO AMEND the Code of the City of Springfield, to add Chapter 301, entitled “Storm Drains”.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1:

Chapter 301: Storm Drains

1. Purpose

- A. Regulation of illicit connections and discharges to the municipal storm drain system is required by federal and state law, and is necessary for the protection of the city’s water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- B. The objectives of this chapter are:
 - i. to prevent pollutants from entering the city's municipal separate storm sewer system (MS4);
 - ii. to prohibit illicit connections and unauthorized discharges to the MS4;
 - iii. to require the removal of all such illicit connections;
 - iv. to comply with state and federal statutes and regulations relating to stormwater discharges; and
 - v. to establish the legal authority to ensure compliance with the provisions of this chapter through inspection, monitoring, and enforcement.

2. Definitions

A. For the purposes of this chapter, the following shall mean:

- i. **AUTHORIZED ENFORCEMENT AGENCY:** The Department of Public Works of the City of Springfield (hereinafter the “Department”), its employees or agents designated to enforce this chapter.

- ii. **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
- iii. **CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.
- iv. **DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or the Commonwealth from any source.
- v. **GROUNDWATER:** Water beneath the surface of the ground.
- vi. **ILLICIT CONNECTION:** A surface or subsurface drain or conveyance, which allows an unlawful discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this chapter.
- vii. **ILLICIT DISCHARGE:** A direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 11.16.070. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 11.16.070 of this chapter.
- viii. **IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.
- ix. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the city.
- x. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency, or jointly with the Commonwealth, that authorizes the discharge of pollutants to waters of the United States.

- xi. **NON-STORMWATER DISCHARGE:** A discharge to the municipal storm drain system not composed entirely of stormwater.
- xii. **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
- xiii. **POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into the municipal storm drain system or any waters of the Commonwealth. Pollutants shall include without limitation:
 - 1. paints, varnishes, and solvents;
 - 2. oil and other automotive fluids;
 - 3. non-hazardous liquid and solid wastes and yard wastes;
 - 4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations and floatables;
 - 5. pesticides, herbicides, and fertilizers;
 - 6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
 - 7. dissolved and particulate metals;
 - 8. animal wastes;
 - 9. rock, sand, salt, soils;
 - 10. construction wastes and residues; and
 - 11. noxious or offensive matter of any kind.
- B. **PROCESS WASTEWATER:** Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.
- C. **RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

- D. **STORMWATER:** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- E. **SURFACE WATER DISCHARGE PERMIT.** A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.
- F. **TOXIC OR HAZARDOUS MATERIAL or WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.
- G. **WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including, without limitation, a river, brook or underground stream.
- H. **WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.
- I. **WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

3. Applicability

This chapter shall apply to flows entering the municipally owned storm drainage system.

4. Responsibility for Administration

The Department shall administer, implement and enforce this chapter. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Director of the Department to employees or agents of the Department.

5. Regulations

The Department may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter.

6. Prohibited Activities

- A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.
- B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Department.

7. Exemptions

- A. Discharge or flow resulting from fire fighting activities.
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - i. Waterline flushing;
 - ii. Flow from potable water sources;
 - iii. Springs;
 - iv. Natural flow from riparian habitats and wetlands;
 - v. Diverted stream flow;
 - vi. Rising groundwater;
 - vii. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - viii. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - ix. Discharge from landscape irrigation or lawn watering;
 - x. Water from individual residential car washing, or temporary fund-raising car wash events;

- xi. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining or tested for chlorine levels with a pool test kit prior to draining, and the pool is drained in such a way as not to cause a nuisance;
- xii. Discharge from street sweeping;
- xiii. Dye testing, provided verbal notification is given to the Department prior to the time of the test;
- xiv. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- xv. Discharge for which advanced written approval is received from the Department.

8. Suspension of Storm Drainage System Access

- A. The Department may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- B. Any person discharging to a municipal storm drain system in violation of this chapter may have their municipal storm drain system access terminated if such termination would abate or reduce an illicit discharge. The department will notify a violator of the proposed termination of municipal storm drain system access. The violator may petition the Department for reconsideration and hearing. A person commits an offense if the person reinstates municipal storm drain system access to premises terminated pursuant to this section, without prior approval from the Department.

9. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation

resulting in or which may result in discharge of pollutants to the municipal storm drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Department of Public Works, and the Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

10. Enforcement

- A. The Department or an authorized agent of the Department shall enforce this chapter, and any regulations, orders, violation notices, and enforcement orders issued thereunder, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief. If a person violates the provisions of this chapter, or any regulation, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to abate or remediate the violation.
- C. Orders. The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this chapter or the regulations thereunder, which may include:
 - i. elimination of illicit connections or discharges to the MS4;
 - ii. termination of access to the MS4;
 - iii. performance of monitoring, analyses, and reporting;
 - iv. that unlawful discharges, practices, or operations shall cease and desist; and
 - v. remediation of contamination in connection therewith.
- D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

- E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the city, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.
- F. Criminal Penalty. Any person who violates any provision of this chapter, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ [_____]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the city may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, 21D. The Director of the Department, or the Director's designee shall be the enforcing person. The penalty for the 1st violation shall be \$[_____]. The penalty for the 2nd violation shall be \$[_____]. The penalty for the 3rd and subsequent violations shall be \$[_____]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- H. Entry to Perform Duties Under this Chapter. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this chapter and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.
- I. Appeals. The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.
- J. Remedies Not Exclusive The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law.

11. Severability

The provisions of this chapter are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

12. Transitional Provisions

Residential property owners shall have sixty (60) days from the effective date of this chapter to comply with its provisions provided good cause is shown for the failure to comply with the chapter during that period.

HISTORY:

07/15/13 City Council

FIRST READING

Next: 09/09/13



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 2325)

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: At-Large Councilor Thomas M. Ashe

DOC ID: 2325 A

Pawnbrokers and Junk Dealers

Chapter 270 Pawnbrokers and Junk Dealers Proposed Ordinance

ORD. NO. ____270

AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 270 thereof, entitled Pawnbrokers and Junk Dealers, by repealing and amending the following sections:

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1. Section 1 of Chapter 270, Pawnbroker's Licenses, fee, of the Code of the City of Springfield, is hereby amended to read as follows:

- A. The Police Department may license suitable persons to carry on the business of pawnbrokers in this City, pursuant to the provisions of Chapter **140** of the General Laws. Upon application or license renewal of all persons involved in secondhand dealer or as a pawnbroker shall submit to a CORI check of their criminal history. The Police Commissioner or his designee shall determine the suitability of the applicant and/or employees of the applicant.
- B. The fee for such license shall be \$200.

Section 2. Section 2 of Chapter 270, Junk and secondhand dealer's licenses, of the Code of the City of Springfield, is hereby amended to read as follows:

No person, firm, or corporation shall engage in the business of operating a shop for the purchase, sale or barter of secondhand articles without obtaining a license thereof and complying with the terms of this section. The Police Department may license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metal or secondhand articles, pursuant to the provisions of Chapter **140** of the General Laws.

Section 3. Section 3 of Chapter 270, Records of purchases, of the Code of the City of Springfield, is hereby amended to read as follows:

- A. Every keeper of a shop for the purchase, sale or barter of junk, old metal or secondhand articles and every pawnbroker within the limits of this City shall keep a permanently bound book in which shall be written, at the time of every purchase or upon the receipt of

any article, a description thereof, which shall include, but shall not be limited to, all distinguishing marks, etchings, engravings, model names, model numbers and serial numbers. The name, age and residence of the person from whom, and the day and hour when, such purchase or receipt was made, and such book shall at all times be open to the inspection of officers of the Police Department and of any person authorized to make such inspection.

- B. The license holder shall photograph any and all items pawned, sold, pledged, or otherwise deposited with the license holder. The required photo shall be clear and such quality that the item(s) shall be clearly identified. The photos shall be stored in a digitized format and the image must be retrievable and a clear copy provided to police upon request. The above described photos shall be maintained by the license holder for a minimum of three years
- C. Every license holder shall allow a representative of the New England State Police Information Network (NESPIN) to enter his shop and install the software necessary on the shopkeepers computing device to allow the shopkeeper to electronically transmit a record of his/her transactions. Before the tenth hour of every day, ante meridian, every shopkeeper shall transmit a record of his/her transactions from the prior day. The record transmitted must include the information included in section 270-3(A) and (B) of this ordinance.

Section 4. Section 6 of Chapter 270, Dealing with minors, of the Code of the City of Springfield, is hereby amended to read as follows:

No keeper of a junk shop, second hand dealer, or pawnshop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any junk, old metal or secondhand articles of a minor knowingly or having reason to believe him to be such.

Section 5. Section 7(A) of Chapter 270, Time period for holding articles prior to resale, of the Code of the City of Springfield, is hereby amended to read as follows:

No article purchased or received by the keeper of a pawn shop or second hand dealer shall be sold until at least 30 days from the date of its purchase or receipt have elapsed. The article shall be kept in an unaltered condition for the required time period. For the

purposes of this section, "unaltered condition" means that the item or article shall be kept in the same condition it was in at the time it was brought into the shop by the seller.

Section 6. Section 8 of Chapter 270, Hours of business for junk shops or second hand dealers, of the Code of the City of Springfield, is hereby amended to read as follows:

pawn shops and second hand dealers shall be closed except between the hours of 7:00 a.m. and 9:00 p.m. of each weekday, and no keeper thereof and no junk collector shall purchase any junk, old metal or secondhand articles except during such hours. Any shop wishing to open on Saturday must receive written permission from the Police Commissioner or his designee. All pawn shops and second hand dealers must maintain regular business hours.

Section 7. Section 10 of Chapter 270, Purchase of certain items prohibited; violations and penalties, of the Code of the City of Springfield, is hereby amended include subsection "D" which is to read as follows:

- D. Violations of any section of Chapter 270 may result in a fine of not less than \$300, suspension of license, or revocation of license.

**City of Springfield**

36 Court Street
Springfield, MA 01103

SCHEDULED**ORDINANCE (ID # 2326)**

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Ward 5 Councilor Clodo Concepcion

DOC ID: 2326 A

Compensation

Chapter 61 Section 5 Compensation - Proposed Ordinance

ORD. NO. ____

AN ORDINANCE TO AMEND the Code of the City of Springfield, Section 5 of Chapter 61 thereof, entitled Compensation, by amending section 5 of Chapter 61.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1. Section 5 of Chapter 61, Compensation, of the Code of the City of Springfield, is hereby amended to read as follows:

The annual compensation of the Mayor shall be \$95,000, and effective the first Monday in January, 2014, the annual compensation shall be \$135,000.00.



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 2327)

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Ward 8 Councilor John A. Lysak

DOC ID: 2327 A

Tobacco Products

Chapter 362 - Tobacco Products

Proposed Ordinance

ORD. NO. ____362

AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 362 thereof, entitled Tobacco Products, by Chapter 362.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1. Section 1 of Chapter 362, Purpose, of the Code of the City of Springfield , is hereby amended to read as follows:

Therefore, this chapter implements a strict and enforceable system to prevent access to and the illegal sale of tobacco products and nicotine delivery products to minors.

Section 2. Section 2 of Chapter 362, Definitions, of the Code of the City of Springfield , is hereby amended to include the following:

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Section 3. Section 3 of Chapter 362, Sales to minors prohibited, of the Code of the City of Springfield , is hereby amended to include the following:

C. No person or entity shall sell or distribute nicotine delivery products to any person under the age of eighteen (18). Nicotine delivery products shall be subject to all sections of this Chapter 362, except §362-8. Violators shall be punished according to the provisions of §362-11.



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 2331)

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: President At-Large Councilor James J. Ferrera III

DOC ID: 2331

Residency Requirements

Article II of Chapter 73 Personnel - Residency Requirements

ORD. NO. ____

AN ORDINANCE TO AMEND the Code of the City of Springfield, Article II of Chapter 73 thereof, entitled Residency Requirements, by deleting and repealing Chapter 73.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Chapter 73 of the Revised Ordinances of the City of Springfield shall include:

- Section 1: Every person first employed by the City of Springfield on or after January 1, 2014, shall be a resident of the City of Springfield, and shall not cease to be a resident of the City of Springfield during his employment by the City. For the purpose of this article, an employee shall be any person receiving monies from the City or any City department subject to withholding taxes by the state or federal government.
- Section 2: All waivers granted pursuant to §73-13 shall expire as of January 1, 2014. All persons, currently employed by the City of Springfield, who were granted a waiver under §73-13, shall, by July 1, 2014, become a resident of the City as defined herein. Failure to do so shall be determined to be a voluntary termination of employment.
- Section 3: All postings or notices of employment with the City of Springfield shall be limited to residents of the City, as defined herein. If a candidate, who meets the minimum qualifications for the position and resided within the City of Springfield, does not apply for the position, then nonresidents may be considered for the position. Any person who is not a resident of the City of Springfield at the time of hiring shall become a resident within six (6) months of the first day of employment.
- Section 4: Upon taking employment with the City, and annually on February first thereafter, every person subject to this section shall file with his or her Department head, or like officer, a certificate, signed under the pains and penalties of perjury, stating his or her name, and place of residence. A copy of every such certificate shall be transmitted by the Department head or like officer to the Springfield Residency Compliance Commission within five (5) business days of filing. Upon receipt of a certificate indicating a place or residence not within the City of Springfield, or if no such certificate is filed, the Department head or like officer shall forthwith strike the name of the employee from the payroll, that person shall cease to be

employed by the City, and the Department head or like officer shall give notice of his action to the City Clerk, who shall transmit the same to the City Council, the Mayor, and the Collector-Treasurer. No person so stricken from a payroll, shall be reemployed by the City for a period of one year following the cessation of his or her employment. Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter, but failure to receive a copy shall not be held to excuse any violation.

- Section 5: Any Department Head of the City who makes payment of wages to any person stricken from a payroll under the provisions hereof, within one year of the date of striking, and any person accepting such payment, shall be punished by a fine of two (\$2.00) dollars for each dollar so paid or accepted.
- Section 6: To the extent permissible by law, no collective bargaining agreement hereafter entered into by the City of Springfield shall contain any provision contrary to the provisions hereof, nor shall the absence of any provision with respect to the residency of any person hired after the date of such contract be deemed to prevent enforcement of this section.
- Section 7: To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a Civil Service list for employment by the City of Springfield shall be restricted to City of Springfield residents.
- Section 8: In the event that this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this ordinance with respect to any position not governed by that law.
- Section 9: The provisions hereof shall not be waived by the Mayor nor the City Council with respect to a particular person or position.
- Section 10: The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.
- Section 11: In construing this ordinance, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This ordinance shall be deemed to affect both Civil Service and non-Civil Service employees of the City.

Approved as to From:

Associate City Solicitor

PURSUANT TO RULE 22 OF THE RULES AND ORDERS OF THE CITY COUNCIL, 2013,
THE LAW DEPARTMENT CANNOT APPROVE THIS ORDINANCE “AS TO FORM” FOR
THE FOLLOWING REASON(S):

THE LAW DEPARTMENT HAS CONCERNS ABOUT THE LEGALITY OF UNIFORMLY
TERMINATING PREVIOUSLY GRANTED RESIDENCY WAIVERS OF EMPLOYEES



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 2333)

Meeting: 09/09/13 07:00 PM
Department: Law
Category: Local Law
Prepared By: Anthony I. Wilson
Initiator: Anthony I. Wilson
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2333 A

Senior Tax Work Off

ORD. NO _____

AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 355 thereof, entitled Taxation.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 1.

The Code of the City of Springfield is hereby amended by adding thereto a new chapter, to be Article IV, Chapter 355-15, Senior Citizen Property Tax Work-Off Program, to read as follows:

§ 355-15 Authority.

§ 355-16 Program Goals.

§ 355-17 Eligibility requirements.

§ 355-18 Employment opportunities.

§ 355-19 Selection process.

§ 355-20 Credit guidelines.

§ 355-21 Applications.

§ 355-22 Applicant limitations.

§ 355-15 Authority.

This chapter is hereby established upon acceptance by the city council of General Laws chapter 59, § 5k.

§ 355-16 Program Goals.

- A. To assist senior citizen homeowners of the city with the payment of residential property tax bills.
- B. To increase the involvement of senior citizens in the municipal government and the school system of the city.
- C. To acknowledge and affirm the skills and abilities of Springfield senior citizens and the community's continuing need for their services.

§ 355-17 Eligibility requirements.

A. An applicant must meet or exceed the following requirements to be eligible to participate in the program:

- (1.) Must have attained the age of 60 years by July 1 for the fiscal year in which the credit is intended to apply.
- (2.) Must own and reside in a home in the city or be the current spouse of such homeowner residing in the same household for which real estate taxes are paid to the city by the applicant and on which a credit is requested. Ownership means the assessed owner of the property on which the tax to be credited is assessed, or have acquired ownership before the work is performed and the credit applied. If the property is subject to a trust, the senior must have legal title (be one of the trustees), on the applicable January 1 assessment date.

§ 355-18 Employment opportunities.

- A. There must be a request for assistance under the program by municipal or school department offices based upon the needs of the municipal or school department offices.
- B. The employment opportunities include, but are not limited to municipal offices, schools and special projects.

§ 355-19 Selection process.

- A. An applicant must meet eligibility requirements set forth in subsection 355-17
- B. The applicant must have the appropriate skills necessary for the position.
- C. The department head and the applicant must agree and assent to the assignment of the applicant to a particular department.
- D. The Director of Elder Affairs or their designee will coordinate and execute this program and shall develop an application for the senior tax work-off program.
- E. The Director of Elder Affairs or their designee will enter all qualified applicants into a lottery and randomly select the applicants.

§ 355-20 Credit guidelines.

- A. The hourly rate for service cannot exceed the state's minimum wage or be lower than the federal minimum wage. Therefore, the rate shall be set to the state's minimum wage.

- B. The maximum credit to an individual shall be \$500.00 per fiscal year. The maximum credit per household shall be \$500.00 per fiscal year.
- C. The maximum number of hours worked will be determined according to current state minimum wage, i.e. \$500.00 divided by the state minimum wage.
- D. The credits will be charges against the overlay account. No checks will be issued.
- E. Upon completion of the number of hours necessary to reach the maximum credit allowed under this section of work service or fraction thereof a credit in accordance with M.G.L. c. 184, §52, will be applied to the corresponding fiscal year tax bill. Earned credits must be applied to the actual tax bills for the fiscal year.
- F. The maximum credit to any senior during the program year shall be \$500.00 per year (number of hours worked at the state minimum wage). Applicants shall be aware that the credit allowed shall be considered taxable income although the city is not obligated to issue IRS Form 1099 for payments less than \$600.00.

§ 355-21 Applications.

- A. The Regional Serving the Health Information Needs of Elders (“SHINE”) Director or their designee shall monitor, supervise and administer the program.
- B. Applications for such program, including, but not limited to, the forms of application, required supporting documentation and limitations on time period for that application process for each fiscal year, shall be prepared by the director or her designee in coordination with the City of Springfield Human Resources director in a form suitable to meet the goals of this division.

§ 355-22 Applicant limitations.

- A. Acceptance is based on the ability of the applicant to perform tasks required in available positions.
- B. Placements are drawn by Random Lottery. Requests for certain positions by applicants will be considered; however, applicants must be willing to accept a position when offered based on the offer made by the Regional SHINE Director or her designee.
- C. Applicants have the right to refuse placements, but each lottery winner will be taken on an interview.
- D. Applicants must certify that their income does not exceed the limits set by the Massachusetts Circuit Breaker Tax Credit.
- E. To start, the program will be limited to no more than twenty (20) participants. Positions will be offered on the basis of qualification, availability, location and physical limitation. The program will be evaluated before continued implementation in FY 2015.

F. Applicants are not eligible to participate in two consecutive fiscal years.

G. To be credited in a given fiscal year, work must be completed by February 15 of the fiscal year or an earlier date determined by the Director of Elder Affairs.

Section 2. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining section, subsection, sentence, clause or part of this ordinance.

Approved as to From:

Anthony I. Wilson

Associate City Solicitor


City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED
ORDINANCE (ID # 2297)

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Ward 2 Councilor Michael A. Fenton

DOC ID: 2297 C

Chapter 73-8 Residency Requirements – Condition of Employment

ORD. NO. ____73-8

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield, Chapter 73 thereof, entitled Residency Requirements, by deleting and repealing section 8.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1. Section 8 of Chapter 73, Residency Requirements, of the Code of the City of Springfield, is hereby amended to read as follows:

- A. Except as provided for in this article, every person first employed by the City of Springfield on or after March 17, 1995, shall, within twelve (12) months of the start of employment, be a resident of the City of Springfield and shall not cease to be a resident during his employment by the City.
- B. For the purpose of this article, an employee shall be any person receiving monies from the City or any City department subject to withholding taxes by the state or federal government.
- C. Notwithstanding the provisions of this article, all employees employed by the City of Springfield on March 17, 1995, shall be considered to have fully complied with the residency provisions of this article.

HISTORY:

08/19/13 City Council

FIRST READING

Next: 09/09/13



City of Springfield
36 Court Street
Springfield, MA 01103

Meeting: 09/09/13 07:00 PM
Department: Law
Category: General
Prepared By: Anthony I. Wilson
Initiator: Anthony I. Wilson
Sponsors: Ward 2 Councilor Michael A. Fenton
DOC ID: 2295

TABLED

SPECIAL ACT (ID # 2295)

An Act Filling Vacancies in Ward Seats of the City Council by Special Election

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

AN ACT FILLING VACANCIES IN WARD SEATS OF THE CITY COUNCIL BY SPECIAL ELECTION

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: Section two of chapter three hundred and eight of the Acts of nineteen hundred and ninety-two will have no force and effect upon ward seats of the Springfield City Council.

Section 2: Notwithstanding the provisions of section fifty A of chapter forty-three of the general laws or any other general or special law to the contrary, if a vacancy occurs, for any reason, in a ward seat of the city council more than two hundred and ten (210) days prior to the expiration of that term, the city clerk shall notify the city council prior to the next city council meeting.

At the first meeting, following notice from the clerk, the city council shall adopt an order calling for a special preliminary election, on a Tuesday, not less than sixty-two and not more than seventy-six days after the adoption of such order and a special election, on a Tuesday, not more that twenty-eight days after the preliminary election. The special election shall be conducted consistent with the Charter of the City of Springfield.

If the number of candidates, certified by the elections office, is less than double the

number plus one of the vacant seats then the Board of Election Commissioners shall cancel the preliminary election.

The ward seat shall remain vacant until such time as it has been filled by election. If the vacancy shall occur less than 210 days prior to the expiration of the term of that seat, but at least ten days before the regularly scheduled general election to fill that seat, the candidates in that general election shall be notified by the Election Commission of the vacancy.

Section 3: Notwithstanding the provisions of any general or special law to the contrary, to ascertain the will of the people of the city of Springfield, the board of election commissioners shall cause the following binding public opinion question to be placed on the official ballot to be used in the city at the next regular municipal election to be held on the fifth day of November in the year two thousand and thirteen:

THIS QUESTION IS BINDING.

Shall the vacancies in ward seats of the city council of the city of Springfield be filled by special election?

SECTION 4. If a majority of the voters casting a ballot on this binding question shall vote in the affirmative, the provisions of said act shall take effect January 1, 2014.

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, respectfully 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 FILLING VACANCIES IN WARD SEATS OF THE CITY COUNCIL BY SPECIAL ELECTION**”, in substantially the same form as a draft Act attached hereto.

Respectfully submitted,

Domenic J. Sarno, Mayor

City of Springfield
36 Court Street
Springfield, MA 01103

HISTORY:

08/19/13 City Council
Next: 09/09/13

REFERRED TO COMMITTEE



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

SPECIAL ACT (ID # 2328)

Meeting: 09/09/13 07:00 PM

Department: Law

Category: General

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Luna, Ferrera III, Williams

DOC ID: 2328

An Act Exempting the City of Springfield from the Residency Provision of Massachusetts General Laws Chapter Seventy-One Section Thirty-Eight

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

AN ACT EXEMPTING THE CITY OF SPRINGFIELD FROM THE RESIDENCY PROVISION OF MASSACHUSETTS GENERAL LAWS CHAPTER SEVENTY-ONE SECTION THIRTY-EIGHT

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. Notwithstanding the residency provisions of Massachusetts General Laws Chapter seventy-one Section thirty-eight, or any other general or special law to the contrary, employees of the School Department of the City of Springfield shall be subject to residency regulations as enacted by the City of Springfield.

SECTION 2. The provisions of said act shall take effect upon 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 EXEMPTING THE CITY OF**

**SPRINGFIELD FROM THE RESIDENCY PROVISION OF MASSACHUSETTS
GENERAL LAWS CHAPTER SEVENTY-ONE SECTION THIRTY-EIGHT,”** in
substantially the same form as a draft Act attached hereto.

Respectfully submitted,

City of Springfield
36 Court Street
Springfield, MA 01103

CITY OF SPRINGFIELD
In the City Council , 2013

ORDERED, that the mayor be, and hereby is authorized on behalf of the City of Springfield, to take any and all steps necessary to secure the passage by the General Court of the special legislation entitled “**AN ACT EXEMPTING THE CITY OF SPRINGFIELD FROM THE RESIDENCY PROVISION OF MASSACHUSETTS GENERAL LAWS CHAPTER SEVENTY-ONE SECTION THIRTY-EIGHT,”** in substantially the same form as a draft Act attached hereto, except for clerical or editorial errors.



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

RESOLUTION (ID # 2335)

Meeting: 09/09/13 07:00 PM
Department: City Council
Category: Council Request
Prepared By: Susan Kacoyannakis
Initiator: Kateri B. Walsh
Sponsors: Walsh, Allen, Shea, Ashe
DOC ID: 2335 A

Forest Park Middle School

WHEREAS, the Springfield City Council congratulates the City of Springfield and the School Department for the wonderful job on the renovations of the Forest Park Middle School, and

WHEREAS, the \$43.4 million is one of the last projects in the state that qualifies for 90 percent reimbursement of costs through the Massachusetts School Building Authority, and

WHEREAS, the project is a blend of historic preservation features and 21st century technology, and

WHEREAS, the exterior architecture was preserved, along with features such as fully restored wood floors, items such as 100 year old drapes in the auditorium were replaced, and

WHEREAS, the gym was previously located in the basement of the original building, with very little room and pillars that created hindrances to basketball games and other physical fitness activities, and

WHEREAS, while the school expanded, the enrollment has declined from approximately 950 students to 700 for an improved learning environment, and

WHEREAS, students at the Forest Park Middle School had to be relocated during the renovations, with the School Department separating the students at three different locations for the past two years,

WHEREAS, the newly renovated school is a hidden gem in the Forest Park neighborhood,

NOW, THEREFORE, BE IT RESOLVED that the Springfield City Council strongly urges the School Department to invite the neighbors of the Forest Park Middle School to come in for a tour.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council wishes Principal Medina Ali and her students a successful academic year.



City of Springfield
36 Court Street
Springfield, MA 01103

Meeting: 09/09/13 07:00 PM
Department: Law
Category: Local Law
Prepared By: Anthony I. Wilson
Initiator: Anthony I. Wilson
Sponsors: Ward 4 Councilor E. Henry Twiggs
DOC ID: 2124 G

TABLED

ORDINANCE 2013-3

Reconsideration - Veto Override - Residency Requirements - Chapter 73

Reconsideration - Veto -Residency Requirements

ORD. NO. ____

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield, Article II of Chapter 73 thereof, entitled Residency Requirements, by deleting and repealing section 70.

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

Section 1. Section 13 of Article II of Chapter 73, Residency Requirements, of the Code of the City of Springfield, is hereby amended to read as follows:

WAIVER. The provisions of this chapter may be waived only in the manner described herein. All requests for waiver shall be submitted in writing to the Director of Labor Relations. The Director of Labor Relations shall forward the request to the Mayor and City Council. With the request, the Director of Labor Relations shall provide details about the job posting including, but not limited to: the date the job was posted, the date the posting was closed, the number of applicants who applied, and the number of Springfield residents who applied. After the request is forwarded to the Mayor and the City Council, the job posting will be opened for a second time for a period not less than seven days. The posting will be publicly posted on the City's website.

If a candidate, who meets the minimum qualifications for the posted position and who resided within the City of Springfield, does not apply for the position, then the Mayor, in his sole discretion, may grant the waiver. Any such waiver granted by the Mayor must be forwarded directly to the City Council for purposes of notification. Nothing in this Section shall be deemed to invalidate waivers granted by the Mayor or the Control Board prior to January 1, 2014 nor shall this Section restrict the Mayor to make reappointments to existing city employees.

A department head or deputy department head shall not be eligible for a waiver of the residency requirement.

Councilor Twiggs moved for reconsideration at the next regular meeting.

Councilor Twiggs moved for reconsideration at the next regular meeting.

HISTORY:

05/06/13	City Council	FIRST READING	Next: 06/03/13
06/03/13	City Council	SECOND READING	Next: 06/17/13

Ordinance 2013-3

Meeting of September 9, 2013

06/17/13	City Council	TABLED
07/15/13	City Council	TABLED

Next: 07/15/13

Next: 09/09/13

By posted on the Official Bulletin Board of the Office of the City Clerk and on City's Website

Wayman Lee, Esquire - City Clerk

A True Copy Attested

September, 2013

(Warrant must be posted at least *seven (7) days* prior to September 17, 2013)



City of Springfield

SCHEDULED

Meeting: 09/09/13 07:00 PM
Initiator: Wayman Lee
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2340 C

12.2

Polling Place - Preliminary (Mayor Sarno)

CITY OF SPRINGFIELD
In the City Council September 9, 2013

ORDERED, that the polling places for the **City Preliminary** to be held in the City of Springfield on **TUESDAY, SEPTEMBER 17, 2013** be and they are hereby designated as follows:

WARD 1

- A. RIVERVIEW ADMINISTRATION BLDG.82 DIVISION STREET
- B. RIVERVIEW ADMINISTRATION BLDG.82 DIVISION STREET
- C. NEW NORTH CITIZEN'S COUNCIL DROP IN CENTER.2584 MAIN STREET
- D. BAY STATE PLACE 414 CHESTNUT STREET
- E. BAY STATE PLACE414 CHESTNUT STREET
- F. HOBBY CLUB 309 CHESTNUT STREET
- G. FIRE DEPT. HEADQUARTERS...SPRING & WORTHINGTON STREETS
- H. THE GOOD LIFE CENTER.1600 E. COLUMBUS AVE

WARD 5

- A. HIGH SCHOOL OF SCENCE & TECH. . . . 1250 STATE & ALTON STREET
- B. HIGH SCHOOL OF SCIENCE & TECH . . . 1250 STATE & ALTON STREET
- C. MARY LYNCH SCHOOL ... 315 NORTH BRANCH PARKWAY
- D. GREENLEAF COMMUNITY CENTER 1188 ½ PARKER STRET
- E. PINE POINT LIBRARY 204 BOSTON ROAD
- F. DUGGAN MIDDLE SCHOOL 1015 WILBRAHAM ROAD
- G. GREENLEAF COMMUNITY CENTER 1188 ½ PARKER STREET
- H. CHURCH OF THE ACRES... 1383 WILBRAHAM ROAD

POLLING PLACES SHALL BE OPEN FROM 7:00 AM TO 8:00 PM