



City of Springfield

Regular Meeting

~ Final ~

36 Court Street
Springfield, MA 01103

<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Monday, September 9, 2013

7:00 PM

Springfield City Hall -- Council Chambers

I. 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.

Attendee Name	Title	Status	Arrived
Bud L. Williams	Vice President At-Large Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Present	
Timothy J. Rooke	At-Large Councilor	Present	
Zaida Luna	Ward 1 Councilor	Present	
Kenneth E. Shea	Ward 6 Councilor	Present	
Michael A. Fenton	Ward 2 Councilor	Present	
John A. Lysak	Ward 8 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Thomas M. Ashe	At-Large Councilor	Present	
Clodo Concepcion	Ward 5 Councilor	Present	
James J. Ferrera III	President At-Large Councilor	Present	

II. Committee Reports

1. Committee Report (ID # 2330)

AUDIT COMMITTEE

COMMENTS - Current Meeting:

The City Council Audit Committee met on August 27, 2013 (Councilors Twiggs, Rooke and Edwards) and Councilor Twiggs gave a verbal and written report stating the Committee has met with Cecelia Goulet, Acting Director of the Internal Audit Office, Kevin Kennedy, Director of the Office Planning and Economic Development and the report made 6 findings relative to the financial performance of the Springfield Parking Authority's On-Street Parking Program and a copy of the performance review is attached the this report. The Council received the report by a unanimous voice vote.

ATTACHMENTS:

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

RESULT: RECEIVED REPORT

III. Communication

1. Order (ID # 2324)

July Revenue Vs. Expenditure Report

COMMENTS - Current Meeting:

Statement of Revenues, Expenses and Other Sources for the Period Ending - 07/31/2013 - **Read and Patrick Burns, City Comptroller made presentation to the City Council relative to the period ending 7/31/13 and the Report is the first of his 12 monthly reports and the only change is that the state now pays State Aide monthly rather than quarterly with should enhance the city's cash flow. Council received the Report by unanimous voice vote and the Report was put on file for the Finance Committee to discussion.**

ATTACHMENTS:

- July Revenue Vs Expenditure Report (PDF)

RESULT: RECEIVE REPORT

IV. Financial Orders

1. Order (ID # 2307)

Budget Transfer Across Departments \$250,000

FINANCIAL IMPACT:

\$250,000

COMMENTS - Current Meeting:

Read the first time and Rule 19 suspended and an explanation was given by T J Plante, CAFO that the transfer of \$250,000.00 dollars from Capital Outlay - Arterial & Residence Streets; Capital Outlay - Chandler Street Building Improvement; Capital Outlay - State Street Project; Capital Outlay - Levy/Dike Repair; Capital Outlay - Our Lady of Hope/Sacred Heart to Arch Street - Demolition and Asbestos Remediation in order to fund the projected costs for the Arch Street demolition and asbestos remediation. Councilor Fenton express concerns about the cost and asked that the matter go the Finance Committee and was seconded by Councilor Rooke.

RESULT: REFERRED TO COMMITTEE	Next: 10/7/2013 7:00 PM
---	--------------------------------

2. Motion To: Motion to Refer to Finance Committee

COMMENTS - Current Meeting:

Councilor Fenton made a motion to refer to the Finance Committee and was seconded by Councilor Rooke and said Motion passed by a unanimous voice vote.

RESULT: REFER TO COMMITTEE
--

3. Order (ID # 2311)

Budget Transfer W/In a Department \$32,000

FINANCIAL IMPACT:

\$32,000

COMMENTS - Current Meeting:

Read the first time and Rule 19 suspended and an explanation was given by T J Plante, CAFO stating that the transfer of \$32,000.00 dollars from Personnel - Salaries & Wages to Personnel - Professional Services in order to hire an outside attorney to help expedite the Personnel Department's case load. Councilor Williams, Rooke and Ferrera after leaving the chair expressed concerns about the where the money was coming from and while it was not coming from the HR Director's salary and asked the CAFO if he could get a copy of the contact and solicitation for the Director's job. Mr. Plante said the \$32,000 is a bargain because the City does not have to pay benefits as they would if the City hired an employee part-time or full time and HR Director was hired by the Control Board and he does not have access to those records as they had been moved to DOR in Boston.

ATTACHMENTS:

- CAFO Certification HR_LR (PDF)

RESULT: REFERRED TO COMMITTEE

Next: 10/7/2013 7:00 PM

4. Motion To: Motion to Refer to Committee - General Government**COMMENTS - Current Meeting:**

Councilor Rooke made a motion to refer to Committee and was seconded by Councilor Luna and said motion passed by an unanimous voice vote.

RESULT: REFER TO COMMITTEE
--

V. Orders**1. Order (ID # 2306)**

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

COMMENTS - Current Meeting:

Read and an explanation was given by Tina Quagliato from the Office of Housing and Melvyn Altman, Associate City Solicitor that the property was being transferred to Craftsman's Association, Inc an abutter to add to his property and additional parking for it business and was sold for \$1,000.00 dollars.

ATTACHMENTS:

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

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Melvin A. Edwards, Ward 3 Councilor
SECONDER: Timothy C. Allen, Ward 7 Councilor
AYES: Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen,
 Edwards, Ashe, Concepcion, Ferrera III

2. Order (ID # 2312)

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

COMMENTS - Current Meeting:

Read and an explanation was given by Tina Quagliato from the Office of Housing and Melvyn Altman, Associate City Solicitor that the property was being transferred to Antonio A. Pires and Anibal Pires an abutter for redevelopment purposes and was sold for \$528.50 dollars.

ATTACHMENTS:

- Deed WS Nagle St. (Par.18) (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: E. Henry Twiggs, Ward 4 Councilor
SECONDER: Bud L. Williams, Vice President At-Large Councilor
AYES: Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen,
 Edwards, Ashe, Concepcion, Ferrera III

3. Order (ID # 2313)

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

ATTACHMENTS:

- Deed WS Andrew St. (Par.2) (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Bud L. Williams, Vice President At-Large Councilor
SECONDER: E. Henry Twiggs, Ward 4 Councilor
AYES: Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen,
 Edwards, Ashe, Concepcion, Ferrera III

4. Order (ID # 2310)

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

COMMENTS - Current Meeting:

Read and an explanation was given by Tina Quagliato from the Office of Housing and Melvyn Altman, Associate City Solicitor that the property was being transferred to Earl L. Andrews an abutter for redevelopment purposes and was sold for \$992.25 dollars.

ATTACHMENTS:

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

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Bud L. Williams, Vice President At-Large Councilor
SECONDER: E. Henry Twiggs, Ward 4 Councilor
AYES: Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen,
 Edwards, Ashe, Concepcion, Ferrera III

5. Order (ID # 2314)

MMRS Grant - No Match - \$50,000

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO that the grant was from Mass Executive Office of Public Safety and Security “Metropolitan Medical Response Program Grant” in the amount of \$50,000.00 to pay for Office of Emergency Preparedness salary, benefits as well as the procurement of ventilators, oxygen manifolds, antibiotics, nerve agent antidotes, contingency hospital beds and emergency medical supplies.

ATTACHMENTS:

- MMRS Grant FY14 (PDF)

RESULT: **PASSED BY VOICE VOTE**

6. Order (ID # 2279)

Dispatch Support & Incentive Grant - No Match - \$663,261

COMMENTS - Current Meeting:

Read and an explanation was given by Angelina Santiago, Dispatch Department that the grant was from Mass Executive Office of Public Safety and Security “State 911 Support Incentive Grant” in the amount of \$663,261.00 to pay for Dispatch salaries.

ATTACHMENTS:

- Dispatch Support & Incentive Grant \$663k (PDF)

RESULT: **PASSED BY VOICE VOTE**

7. Order (ID # 2281)

Dispatch Training Grant - No Match - \$145,291

COMMENTS - Current Meeting:

Read and an explanation was given by Angelina Santiago, Dispatch Department that the grant was from Mass Executive Office of Public Safety and Security “State 911 Department Training Grant” in the amount of \$145,291.00 to reimburse for training related costs associated with the 9-1-1 system.

ATTACHMENTS:

- Dispatch Training Grant \$145,291 (PDF)

RESULT: PASSED BY VOICE VOTE

8. Order (ID # 2283)

Fire Dept Grant - \$3,000 - No Match

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO that the grant was from Factory Mutual Insurance Company in the amount of \$3,000.00 to purchase iPads with accessories for the Springfield Fire Department.

ATTACHMENTS:

- fm global check (PDF)
- fm global letter (PDF)

RESULT: PASSED BY VOICE VOTE

9. Order (ID # 2285)

Grant Acceptance - No Match Required \$99,996.00

COMMENTS - Current Meeting:

Read and an explanation was given by Jan Denny, Director of the Office of Elder Affairs that the "SHINE" Grant was from Mass Executive Office of Elder Affairs in the amount of \$99,996.00 to provide health insurance counseling and outreach services to senior citizens.

ATTACHMENTS:

- Elders - SHINE Grant \$99,996 (PDF)

RESULT: PASSED BY VOICE VOTE

10. Order (ID # 2286)

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

COMMENTS - Current Meeting:

Read and an explanation was given by Mille Johnson, Director of the Mayor's Office of Consumer Information that the grant was from Mass Office of the Attorney General in the amount of \$78,00.00 to the City in the resolution of consumer complaints, pay salaries, educate consumers on their consumers rights, hire interns and other cost associated with the program.

ATTACHMENTS:

- 2014 Consumer Information Grant Award Letter (PDF)

RESULT: PASSED BY VOICE VOTE

11. Order (ID # 2287)

Library Trust Income - No Match Required \$31,139.51

COMMENTS - Current Meeting:

Read and an explanation was given by John Ramsey of the Library Department that the grant was from Springfield Library Foundation in the amount of \$31,139.51 represents the 4th quarter payment to purchase library materials.

ATTACHMENTS:

- Library Trust Income \$31,139.51 (PDF)

RESULT: PASSED BY VOICE VOTE

12. Order (ID # 2288)

Grant Acceptance - No Match Required \$7,000

COMMENTS - Current Meeting:

Read and an explanation was given by John Ramsey of the Library Department that the grant was from the Davis Foundation in the amount of \$7,000.00 to support the Library's literacy volunteers program.

ATTACHMENTS:

- DAVIS FOUNDATION Grant \$7,000 (PDF)

RESULT: PASSED BY VOICE VOTE

13. Order (ID # 2289)

MassAHEC- No Match Required \$114,000

COMMENTS - Current Meeting:

Read and an explanation was given by Helen Caulton-Harris, Commissioner Health and Human Services that the grant in the amount of \$114,000 dollars was from MassAHEC Network to reduce health disparities and increase the diversity in the healthcare workforce.

ATTACHMENTS:

- Mass AHEC (PDF)

RESULT: PASSED BY VOICE VOTE

14. Order (ID # 2291)

Mass in Motion - No Match Required \$70,000

COMMENTS - Current Meeting:

Read and an explanation was given by Helen Caulton-Harris, Commissioner Health and Human Services that the grant in the amount of \$70,000 dollars was from "Mass in Motion Municipal Wellness and Leadership Grant" to improve policy, systems and environmental conditions that impact the health of the community.

ATTACHMENTS:

- Mass in Motion \$70,000 (PDF)

RESULT: PASSED BY VOICE VOTE**15. Order (ID # 2293)**

Order Amending Ordinance Chapter 82- Purchasing and Contracts to Reflect Amendments to Chapter 30B

HISTORY:**08/19/13****City Council****REFERRED TO COMMITTEE****Next: 09/09/13****COMMENTS - Current Meeting:**

The matter was referred back to General Government Committee for a committee meeting without vote.

RESULT: REFERRED TO COMMITTEE**Next: 10/7/2013 7:00 PM****16. Order (ID # 2298)**

Read / Write/ Now Grant - No Match Required \$216,125

COMMENTS - Current Meeting:

Read and an explanation was given by John Ramsey of the Library Department that the grant was from Mass Department of Elementary and Secondary "Adult and Community Learning Services Grant" in the amount of \$216,125.00 for Read/Write/Now adult and community learning programs.

ATTACHMENTS:

- DOE \$216,125 (PDF)

RESULT: PASSED BY VOICE VOTE**17. Order (ID # 2301)**

DPW Engineering Department - 5 Year Plotter Lease

FINANCIAL IMPACT:

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

COMMENTS - Current Meeting:

Read and an explanation was given by Chris Cignoli, City Engineer DPW that DPW is seeking the authority to enter into a 5 lease in accordance with MGL Chapter 30B the City Council must approve any agreement over 3 years.

ATTACHMENTS:

- CAFO Certification DPW PLOTTER (PDF)
- Plotter - Scanner Selection (PDF)

RESULT: PASSED BY VOICE VOTE**18. Order (ID # 2303)**

Library Donation - \$134,413.00

COMMENTS - Current Meeting:

Read and an explanation was given by John Ramsey of the Library Department that the grant was from Springfield Library Foundation in the amount of \$134,413.00 to fund the operational and capital improvements expenses for the Mason Square Library.

ATTACHMENTS:

- Library Foundation - Mason Square (PDF)

RESULT: PASSED BY VOICE VOTE**19. Order (ID # 2304)**

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

COMMENTS - Current Meeting:

Read and an explanation was given by Helen Caulton-Harris, Commissioner Health and Human Services that the grant in the amount of \$80,000.00 Dollars was from Mass Department of Public Health, Bureau of Substance Abuse Services "Stop Access Grant" to provide substance prevention programs in the City.

ATTACHMENTS:

- Stop Access \$80,000 (PDF)

RESULT: PASSED BY VOICE VOTE**20. Order (ID # 2305)**

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

COMMENTS - Current Meeting:

Read and an explanation was given by Helen Caulton-Harris, Commissioner Health and Human Services that the grant in the amount of \$80,000.00 increase was from Mass Department of Public Health, Bureau of Substance Abuse Services "Stop Access Grant" to provide substance prevention programs in the City.

ATTACHMENTS:

- Stop Access (5034) (PDF)

RESULT: PASSED BY VOICE VOTE**21. Order (ID # 2309)**

MLCHC - No Match Required \$5,000

COMMENTS - Current Meeting:

Read and an explanation was given by Helen Caulton-Harris, Commissioner Health and Human Services that the grant in the amount of \$5,000.00 Dollars was from Mass League of Community Health Centers to fund community health centers to enhance emergency preparedness, continuity of operations, planning and surveillance reporting at the Mason Square Health Center.

ATTACHMENTS:

- MLCHC - Emergency Preparedness (PDF)

RESULT: PASSED BY VOICE VOTE**22. Order (ID # 2315)**

Parks Trail Grant - No Match - \$48,205

COMMENTS - Current Meeting:

Read and an explanation was given by Patrick Sullivan, Director of Parks, Building and Recreation Management stating that the grant was from Mass Department of Conservation and Recreation "Recreation Trails Program Grant" in the amount of \$48,205.00 to fund trail protection, construction and stewardship projects in the City.

ATTACHMENTS:

- trails grant (PDF)

RESULT: PASSED BY VOICE VOTE**23. Order (ID # 2316)**

Fire Donation - \$1,500

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO that the donation was from Exxon Mobil Corporation in the amount of \$1,500.00 to pay for additional training for Springfield firefighters.

ATTACHMENTS:

- EXXON 2013 (PDF)
- EXXON MOBIL CHK (PDF)

RESULT: PASSED BY VOICE VOTE**24. Order (ID # 2317)**

Fire Donation for 9/11 Memorial - \$400

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO that the donation was from Springfield Branch of MA Retired Police and Firefighters in the amount of \$400.00 to be used for the maintenance and upkeep of the City's 9-11 memorial.

ATTACHMENTS:

- spfld branch of mass (PDF)

RESULT: PASSED BY VOICE VOTE**25. Order (ID # 2318)**

DESE Partners for Youth Success - \$25,985

COMMENTS - Current Meeting:

Read and an explanation was given by Patrick Sullivan, Director of Parks, Building and Recreation Management stating that the grant was from Mass Department of Elementary and Secondary Education in the amount of \$25,985.00 to fund after-school programs at 3 Springfield Middle Schools.

ATTACHMENTS:

- making proud choices (PDF)

RESULT: PASSED BY VOICE VOTE**26. Order (ID # 2320)**

New North Citizens Council - No Match - \$25,000

COMMENTS - Current Meeting:

Read and an explanation was given by Patrick Sullivan, Director of Parks, Building and Recreation Management stating that the grant was from New North Citizens Council in the amount of \$25,000.00 to fund evening gym and after-school programming.

ATTACHMENTS:

- new north campus - evening gym (PDF)

RESULT: PASSED BY VOICE VOTE**27. Order (ID # 2321)**

Emergency Preparedness Performance Grant - No Match - \$70,030

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO that the grant was from Mass Emergency Management Agency "Emergency Preparedness Grant" in the amount of \$70,000.00 to pay for Office of Emergency Preparedness to purchase an Automatic Vehicle Location (AVL) software, mapping, display monitor and GPS monitoring system.

ATTACHMENTS:

- Fire Dept Springfield MEMA \$70k (PDF)

RESULT: PASSED BY VOICE VOTE**28. Order (ID # 2322)**

DPIR Grant - No Match - \$100,000

COMMENTS - Current Meeting:

Read and an explanation was given by Gerry McCafferty, Director of the Office of Housing that the grant was from the Mass Office of the Attorney General "Distressed Properties Identification and Revitalization Grant" in the amount of \$100,000.00 to identify and revitalizing distressed properties in the City.

ATTACHMENTS:

- Distressed Property Revitalization Grant (PDF)

RESULT: PASSED BY VOICE VOTE

29. Order (ID # 2323)

Supportive Housing Grant - No Match - \$152,827

COMMENTS - Current Meeting:

Read and an explanation was given by Gerry McCafferty, Director of the Office of Housing that the grant was from the US Department of Housing and Urban Development (HUD) in the amount of \$152,827.00 to improve the lives of the homeless men, women and children through local planning efforts and direct housing and service programs.

ATTACHMENTS:

- Supportive Housing Grant add'l funding (PDF)

RESULT: PASSED BY VOICE VOTE

30. Order (ID # 2329)

Emergency Spending for Demolition of the Former Chestnut Junior High School

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO and Steve Desilets, Code Enforcement Commissioner that the Order is to authorize the City to incur liabilities in excess of appropriation 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. Councilor Rooke asked was there an estimation of the cost and TJ and Steve said around \$1.5 million. Councilor Williams asked if the demolition could be done first and get a new estimation of what it would cost and do the remediation later and they said yes. Councilor Williams made a motion to amend the Order and it was seconded by Councilor Rooke.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Bud L. Williams, Vice President At-Large Councilor
SECONDER: Timothy J. Rooke, At-Large Councilor
AYES: Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III

31. Motion To: Motion to Amend

COMMENTS - Current Meeting:

Councilor Williams made a to amend to the last sentence of the Order as follows: "to fund the cost of the demolition and to come back in the October meeting for authorization to fund the remediation expenses"

RESULT: ADOPTED VOICE

32. Order (ID # 2332)

Order Declaring the Former Brookings School as Surplus Property

COMMENTS - Current Meeting:

Read and an explanation was given by Brian Connors, Deputy Director of the Economic Development and Planning Department stated that the Order is to declare the former Brooking School building as surplus to make it available for redevelopment after the June 1, 2011 tornado.

ATTACHMENTS:

- 201309041119-1 (PDF)

RESULT: PASSED BY VOICE VOTE**33. Order (ID # 2334)**

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

FINANCIAL IMPACT:

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

COMMENTS - Current Meeting:

Read and an explanation was given by Patrick Sullivan, Director of Parks, Building and Recreation Management stating that the gift was from owner of the Old First Church in the amount of \$26,900.00 to fund the maintenance of the meeting house and the organ.

ATTACHMENTS:

- 201309041119 (PDF)

RESULT: PASSED BY VOICE VOTE**34. Order (ID # 2336)**

Order Authorizing Expenditure of Gift of \$65,000.33 for Camp Wilder

FINANCIAL IMPACT:

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

COMMENTS - Current Meeting:

Read and an explanation was given by Patrick Sullivan, Director of Parks, Building and Recreation Management stating that the gift was from the Society of Everett Barney, Inc. in the amount of \$65,000.33 to fund the renovation of Camp Wilder and surrounding woodland area after the June 1, 2011 tornado for the citizens of the City and to provide park and recreation activities for the children evening gym and after-school programming.

RESULT: PASSED BY VOICE VOTE**35. Order (ID # 2337)**

Order Accepting Chapter 32, Sec. 20A, Indemnification of Retirement Board Members

COMMENTS - Current Meeting:

Read and an explanation was given by Al ViVenzo, legal counsel to the Springfield Retirement Board stating that the Order is to accept MGL Chapter 32, section 20A to

provide indemnification for the Retirement Board members in the performance of their duties and a board member.

ATTACHMENTS:

- 201309041150 (PDF)

RESULT: PASSED BY VOICE VOTE

36. Order (ID # 2338)

An Order Authorizing the Expenditure of Grant Funds by the Department of Elder Affairs - Match Required

COMMENTS - Current Meeting:

Read and an explanation was given by Jan Denny, Director of the Department of Elder Affairs that the grant was from the Senior Service America, Inc. In the amount of \$598,488.00 to offer low-income older people paid community service and training as an entry into productive work on a full-time or part-time based.

ATTACHMENTS:

- Senior Aides (PDF)

RESULT: PASSED BY VOICE VOTE

37. Motion To: Motion to Refer to Finance Committee

COMMENTS - Current Meeting:

Councilor Ferrera made a Motion to refer to the Finance Committee and was seconded by Councilor Lysak and with the voice vote in doubt Councilor Williams asked for a roll call vote as follows: Yes (8) Councilor Williams, Twiggs, Rooke, Luna, Lysak, Walsh, Concepcion, Ferrera; No, Five (5) Councilors Shea, Fenton, Allen, Edwards, Ashe.

RESULT: REFER TO COMMITTEE VOTE [8 TO 5]
MOVER: James J. Ferrera III, President At-Large Councilor
SECONDER: John A. Lysak, Ward 8 Councilor
AYES: Williams, Twiggs, Rooke, Luna, Lysak, Walsh, Concepcion, Ferrera III
NAYS: Shea, Fenton, Allen, Edwards, Ashe

VI. Reports of Board of Public Works

1. Informational (ID # 2290)

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed the Order.

ATTACHMENTS:

- WMECO PLAN - pomona street #6167 (PDF)
- WMECO REPORT - pomona #6167 (DOC)

RESULT: RECEIVED THE REPORT - UNANIMOUS

2. Informational (ID # 2302)

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed the Order.

ATTACHMENTS:

- COLUMBIA GAS REPORT - east columbus avenue (DOC)

RESULT: RECEIVED THE REPORT - UNANIMOUS

3. Informational (ID # 2308)

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed the Order.

ATTACHMENTS:

- Melrose Street Report and Order (DOC)
- final melrose st disc plan(PDF)

RESULT: RECEIVED THE REPORT - UNANIMOUS

VII. Zoning Ordinances

1. Zoning Ordinance 2013-1

To Change the Zoning of the Property Known as Parcel Known as 351 East Columbus Avenue (04303-0630) from Business A to Business B.

PETITIONER: William M. McCarthy

ADDRESS: 351 E. Columbus Avenue

CHANGE REQUESTED: Bus A to Bus B

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances and the hearing will be held on September 30, 2013 and the recommendation is to deny.

ATTACHMENTS:

- 3150_351_E_Columbus_Ave_2013 (PDF)

- 3150_351_E_Columbus_Ave_2013_CC (PDF)

RESULT: RECEIVED 1ST STEP**Next: 9/30/2013 7:00 PM****2. Zoning Ordinance 2013-3**

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.

PETITIONER: Charles H. Richard

ADDRESS: 644 Boston Road, NS Boston Road, NS Boston Road

CHANGE REQUESTED: Res A to Bus A

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances and the hearing with be held on September 30, 2013 and the recommendation is to approve.

ATTACHMENTS:

- 3151_644_Boston_Rd_2103 (PDF)
- 3151_644_Boston_Rd_2013_CC (PDF)

RESULT: RECEIVED 1ST STEP**Next: 9/30/2013 7:00 PM****3. Zoning Ordinance 2013-2**

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.

PETITIONER: Jason & Nidal Abeid

ADDRESS: 23 & 25 Euclid Avenue

CHANGE REQUESTED: Res B to Res C

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances and the hearing with be held on September 30, 2013 and the recommendation is to deny.

ATTACHMENTS:

- 3149_23_25_Euclid_Ave_2013 (PDF)
- 3149_23_25_Euclid_Ave_2013_CC (PDF)

RESULT: RECEIVED 1ST STEP**Next: 9/30/2013 7:00 PM**

VIII. Ordinances

(1.) (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.

RESULT: DEFEATED [3 TO 10]**MOVER:** Thomas M. Ashe, At-Large Councilor**SECONDER:** Michael A. Fenton, Ward 2 Councilor**AYES:** Michael A. Fenton, Timothy C. Allen, Thomas M. Ashe**NAYS:** Williams, Twiggs, Rooke, Luna, Shea, Lysak, Walsh, Edwards, Concepcion, Ferrera III**COMMENTS - Current Meeting:**

Read and an explanation was given by Councilor Ashe stating that he had met with pawnshop business owners, Police Dept. and citizens to discuss the current Ordinance 10 day holding period. The majority of pawnshop owners said that any period over 10 days would cost them money and the police and citizens wanted a longer period. Councilor Ashe asked Capt. Thomas Trites of the Springfield Police Department to explain the changes and Capt. Trites said that the Police Department was recommending an increase in the fee for \$100 to \$500 or \$1000; CORI checks for shop owners; keeping of an accurate description of all items pawned, including but not limited to markings, engraving, model names, model number and serial numbers and all stones be kept intact for the holding period. That all items be photograph and the individual and stored in digital format and every pawnshop shall allow the New England State Police Information Network (NESPIN) to install on their computer at no cost to the Shop owner and the records of items pawned the previous day shall be transmitted over the NESPIN network by 10 am the following day. Councilors Ferrera moved from the Chair and Councilor Williams moved to the Chair and Councilor Ferrera spoke against a longer holding period.

ATTACHMENTS:

- NAACP PAWN SHOP (PDF)

(2.) ORD-2013-4 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.

RESULT:	SECOND & THIRD STEPS [UNANIMOUS]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III

COMMENTS - Current Meeting:

Read and the Committee on Enrollment met on September 9, 2013 and found that the Ordinance was properly enrolled and it passed second step by a unanimous voice vote and referred the Ordinance to the full Council to be ordained and the full Council passed the Ordinance to be Ordained by the following roll call vote.

(3.) ORD-2013-5 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.

RESULT:	SECOND & THIRD STEPS [UNANIMOUS]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	E. Henry Twiggs, Ward 4 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III

COMMENTS - Current Meeting:

Read and the Committee on Enrollment met on September 9, 2013 and found that the Ordinance was properly enrolled and it passed second step by a unanimous voice vote and referred the Ordinance to the full Council to be ordained and the full Council passed the Ordinance to be Ordained by the following roll call vote.

(4.) (ID # 2325) 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.

RESULT: RULE 20

Next: 10/7/2013 7:00 PM

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Ashe stating that he had met with pawnshop business owners, Police Dept. and citizens to discuss the current Ordinance 10 day holding period. The majority of pawnshop owners said that any period over 10 days would cost them money and the police and citizens wanted a longer period. Councilor Ashe asked Capt. Thomas Trites of the Springfield Police Department to explain the changes and Capt. Trites said that the Police Department was recommending an increase in the fee for \$100 to \$500 or \$1000; CORI checks for shop owners; keeping of an accurate description of all items pawned, including but not limited to markings, engraving, model names, model number and serial numbers and all stones be kept intact for the holding period. That all items be photograph and the individual and stored in digital format and every pawnshop shall allow the New England State Police Information Network (NESPIN) to install on their computer at no cost to the Shop owner and the records of items pawned the previous day shall be transmitted over the NESPIN network by 10 am the following day. Councilors Ferrera moved from the Chair and Councilor Williams moved to the Chair and Councilor Ferrera invoke Rule 20 which cut off all debate until a report is filed with Council by the Comptroller regarding the cost prior to final action. Councilor Fenton said he objected to invoking Rule 20.

(5.) (ID # 2326) 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.

RESULT: WITHDRAWN

COMMENTS - Current Meeting:

Councilor Concepcion the sponsor asked that the Ordinance be withdrawn until the Finance Committee could hold committee meetings.

(6.) (ID # 2327) 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.

RESULT: FIRST STEP

Next: 11/18/2013 7:00 PM

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Lysak stating that the Ordinance was to regulate the use and sale of so-called e-cigarettes, e-cigars, e-pipes or under any other product name and passed 1st step and was referred to the Committee on Ordinance by an unanimous voice vote.

(7.) (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

RESULT:

REFERRED TO COMMITTEE

Next: 10/7/2013 7:00 PM

COMMENTS - Current Meeting:

Read and an explanation was given Councilor Ferrera after he moved from the Chair and Councilor Williams had moved to the Chair that the Ordinance would eliminate waivers and would requires all city employees hired after January 1, 2014 be a resident of the City and asked that the Ordinance be referred to the Special Committee on Residency.

ATTACHMENTS:

- NAACP RESIDENCY (PDF)

8. Motion To: Motion to Refer to Special Residency Committee

COMMENTS - Current Meeting:

Councilor Ferrera made a motion to refer to the Special Committee on Residency and was seconded by Councilor Walsh and said Motion passed by an unanimous voice vote.

RESULT: REFER TO COMMITTEE

9. Motion To: Motion to refer to Committee - General Government

COMMENTS - Current Meeting:

Councilor Rooke made a motion to refer to Committee and was seconded by Councilor Luna and said Motion passed by an unanimous vote.

RESULT: REFER TO COMMITTEE

(10.) (ID # 2333) 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

RESULT:

REFERRED TO COMMITTEE

Next: 11/18/2013 7:00 PM

COMMENTS - Current Meeting:

Read and an explanation was given by Richard Allen, Chair of the Board of Assessors and Jan Denny, Director of the Department of Elderly Affairs that the Ordinance would allow 20 senior to take a tax credit and is 100% paid for by the City out of the City Overly account with had a balance of \$2.5 million and no money comes from the State to fund the program. Councilors Walsh, Twiggs, Rooke and Concepcion said she wanted to amend the Ordinance to allow more peoples to participant around 50-75. Councilor Rooke made a motion to refer to Committee and was seconded by Councilor Luna and said motion passed by an unanimous voice vote.

IX. Special Acts

1. Special Act (ID # 2295)

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

HISTORY:

08/19/13

City Council

REFERRED TO COMMITTEE

Next: 09/09/13

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Fenton that the Act would change the way Ward seats on the City Council and School Committee if a member resigns or leave office with more than 210 day left in their term by calling for a special election.

ATTACHMENTS:

- succession memo (PDF)

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III

(2.) ORD-2013-6 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.

RESULT:	SECOND & THIRD STEPS [8 TO 5]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	John A. Lysak, Ward 8 Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Walsh, Allen, Edwards
NAYS:	Rooke, Luna, Ashe, Concepcion, Ferrera III

ATTACHMENTS:

- NAACP RESIDENCY (PDF)

2. Motion To: Motion to Amend

COMMENTS - Current Meeting:

Councilor Fenton made a motion to amend the Special Act by adding in Section 1, and 2 the "School Committee" after City Council" throughout the Act; by deleting "the next city council meeting" to "their next respective meetings"; by changing "twenty-eight days" to "forty-five days"; Section 3, by deleting "November 5, 2013" to "November 4, 2014"; in Section 4, by deleting "January 1, 2014" to "January 1, 2015" and was seconded by Councilor Rooke and said Motion passed by an unanimous voice vote.

RESULT: ADOPTED VOICE**3. Motion To:** Motion to Refer to the Special Committee on Residency**COMMENTS - Current Meeting:**

Councilor Williams made a motion to Refer to the Special Committee on Residency and was seconded by Councilor Fenton and said Motion Passed by an unanimous voice vote.

RESULT: REFER TO COMMITTEE**4. Special Act (ID # 2328)**

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

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Williams that the Act would bring certain school department personnel under the provisions of the City Residency Ordinance.

ATTACHMENTS:

- Memo for Special Act for residency ferrera (PDF)

RESULT: REFERRED TO COMMITTEE**Next: 10/7/2013 7:00 PM****5. Motion To:** Motion to Refer to Committee - Special Committee on Residency**COMMENTS - Current Meeting:**

Councilor Williams made a motion to refer to the Special Committee on Residency and was seconded by Councilor Twiggs and said Motion passed by an unanimous voice vote.

RESULT: REFER TO COMMITTEE**X. Resolutions****1. Resolution (ID # 2335)**

Forest Park Middle School

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Walsh that the Resolve is to urge the School Committee to invite neighbors to tour the new renovated Forest Park Middle School and to wish Principal Medina Ali and her students a successful year. Superintendent Warwick and Principal Medina thanked the Council for the Resolve and said that a tour would be scheduled at a later day.

RESULT: PASSED BY VOICE VOTE**XI. Unfinished Business Reconsideration****(1.) ORD-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.

RESULT:	PASSED/VETO [8 TO 4]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Michael A. Fenton, Ward 2 Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Walsh, Allen, Edwards
NAYS:	Zaida Luna, Thomas M. Ashe, Clodo Concepcion, James J. Ferrera III
ABSENT:	Timothy J. Rooke

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Fenton and Councilor Shea that the only issue before the Council is whether to override the Mayor's veto of the passed Waiver Ordinance as Councilor Twiggs had asked for reconsideration at this meeting for the meeting of July 15, 2013. Councilor Ferrera moved from the Chair and Councilor Williams

moved to the Chair and Councilor Ferrera said he had a new Ordinance on Residency and urged the Council to not override the Mayor's veto.

ATTACHMENTS:

- VETO RESIDENCY MAYOR (PDF)

2. Motion To: Reconsideration to Override Mayor's Veto By Councilor Twiggs

COMMENTS - Current Meeting:

Motion to Reconsider failed because it did not get a two-third vote (9) by the following roll call vote.

RESULT:	DEFEATED [8 TO 5]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Michael A. Fenton, Ward 2 Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Walsh, Allen, Edwards
NAYS:	Rooke, Luna, Ashe, Concepcion, Ferrera III

XII. Suspension

1. Order (ID # 2339)

Warrant - Primary

COMMENTS - Current Meeting:

Suspension of Rule 12 - **Question of suspension of Rule passed by a unanimous voice vote.** Read and an explanation was given by Gladys Oyola, Election Commissioner that this the City's Warrant for the Preliminary election to held on September 17, 2013 for Ward 1 and Ward 5.

RESULT:	PASSED BY VOICE VOTE
----------------	-----------------------------

2. Order (ID # 2340)

Polling Place - Preliminary

COMMENTS - Current Meeting:

Suspension of Rule 12 - **Question of suspension of Rule passed by a unanimous voice vote.** Read and an explanation was given by Gladys Oyola, Election Commissioner that this is the setting of the City's Polling Places for the Preliminary election to held on September 17, 2013 for Ward 1 and Ward 5.

RESULT:	PASSED BY VOICE VOTE
----------------	-----------------------------

3. Resolution (ID # 2344)

Proclamation Honoring Councilor Clodo Concepcion

COMMENTS - Current Meeting:

Suspension of Rule 12 - **Question of suspension of Rule passed by a unanimous voice vote.** Read and an explanation was given by Councilor Ferrera who had moved from the Chair and Councilor Williams had moved to the Chair and Councilor Ferrera urge the Council to

recognize Councilor Concepcion for his dedication and commitment to the Greenleaf Community Center and the peoples of 16 Acres and to congratulate him on having the Greenleaf Community Center dedicated to him.

RESULT: PASSED BY VOICE VOTE
--



City of Springfield

36 Court Street
Springfield, MA 01103

COMPLETED

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.

RESULT: RECEIVED REPORT



City of Springfield

ADOPTED

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)

RESULT: RECEIVE REPORT



City of Springfield

ADOPTED

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

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

\$45,166.75

Capital Outlay - Chandler Street Building Improvements

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

\$ 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

RESULT:	ADOPTED [12 TO 1]
MOVER:	Clodo Concepcion, Ward 5 Councilor
SECONDER:	Timothy J. Rooke, At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
NAYS:	Michael A. Fenton



City of Springfield

ADOPTED

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

4.3

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

FINANCIAL IMPACT:

\$32,000

RESULT:	ADOPTED [12 TO 1]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion
NAYS:	James J. Ferrera III



City of Springfield

ADOPTED

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melvin A. Edwards, Ward 3 Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



City of Springfield

ADOPTED

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

5.2

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



City of Springfield

ADOPTED

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

5.3

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	E. Henry Twiggs, Ward 4 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



City of Springfield

ADOPTED

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

5.4

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	E. Henry Twiggs, Ward 4 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



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

Purchasing and Contract - Chapter 82

Department of Purchase

ORD. NO. ____

AN ORDINANCE TO AMEND the Code of the City of Springfield, Article I of Chapter 82 thereof, entitled Purchasing and Contracts, Department of Purchase, by deleting and repealing the sections listed below.

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

Section 1. Section 11 of Article I of Chapter 82, Department of Purchase, of the Code of the City of Springfield, is hereby amended to read 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:

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.

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

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

5.17

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

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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
---	-----------------

RESULT:	PASSED BY VOICE VOTE
----------------	-----------------------------



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

AMENDED

Meeting: 09/09/13 07:00 PM

Initiator: Pat Burns

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2329 A

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 the cost of the demolition and to come back to the Council in the October meeting for authorization to fund the remediation expenses incurred as a result of a major fire at the former Chestnut Junior High School on Tuesday September 3, 2013.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Timothy J. Rooke, At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



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.

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

Meeting: 09/09/13 07:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2334

5.33

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

RESULT:	PASSED BY VOICE VOTE
----------------	-----------------------------



City of Springfield

ADOPTED

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

5.34

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:

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

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

Meeting: 09/09/13 07:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2337

5.35

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."

RESULT: PASSED BY VOICE VOTE



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**RESULT: PASSED BY VOICE VOTE**



City of Springfield

ADOPTED

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

ADOPTED

6.2

Meeting: 09/09/13 07:00 PM

Initiator: Lou DiCarlo

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2302

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

ADOPTED

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#: 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

RESULT:	DEFEATED [6 TO 5]
MOVER:	Timothy J. Rooke, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Fenton, Lysak, Ashe
NAYS:	Walsh, Allen, Edwards, Concepcion, Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

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

RESULT:	DEFEATED [2 TO 11]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Thomas M. Ashe, At-Large Councilor
AYES:	Bud L. Williams, Thomas M. Ashe
NAYS:	Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Concepcion, Ferrera III

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

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

RESULT:	ADOPTED [9 TO 2]
MOVER:	Timothy J. Rooke, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Fenton, Lysak, Walsh, Edwards, Ashe, Concepcion
NAYS:	Timothy C. Allen, James J. Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

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


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

DEFEATED
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

RESULT: DEFEATED [3 TO 10]
MOVER: Thomas M. Ashe, At-Large Councilor

SECONDER: Michael A. Fenton, Ward 2 Councilor

AYES: Michael A. Fenton, Timothy C. Allen, Thomas M. Ashe

NAYS: Williams, Twiggs, Rooke, Luna, Shea, Lysak, Walsh, Edwards, Concepcion, Ferrera III

**City of Springfield**

36 Court Street
Springfield, MA 01103

ADOPTED**ORDINANCE 2013-4**

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 STEP

Next: 09/09/13

RESULT:	SECOND & THIRD STEPS [UNANIMOUS]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



City of Springfield

36 Court Street
Springfield, MA 01103

ADOPTED

ORDINANCE 2013-5

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 STEP

Next: 09/09/13

RESULT:	SECOND & THIRD STEPS [UNANIMOUS]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	E. Henry Twiggs, Ward 4 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III



City of Springfield

36 Court Street
Springfield, MA 01103

WITHDRAWN

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.

RESULT: WITHDRAWN

**City of Springfield**

36 Court Street
Springfield, MA 01103

WITHDRAWN**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.

RESULT: WITHDRAWN



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

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

TABLED

ORDINANCE (ID # 2331)

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

TABLED

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

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 A

ADOPTED

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 or School Committee.

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 or school committee more than two hundred and ten (210) days prior to the expiration of that term, the city clerk shall notify the city council or school committee prior to their next respective meetings.

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 than forty-five 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 in November in the year two thousand and fourteen:

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, 2015.

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

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III


City of Springfield

36 Court Street
Springfield, MA 01103

ADOPTED
ORDINANCE 2013-6

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

SECOND STEP

Next: 09/09/13

RESULT:	SECOND & THIRD STEPS [8 TO 5]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	John A. Lysak, Ward 8 Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Walsh, Allen, Edwards
NAYS:	Rooke, Luna, Ashe, Concepcion, Ferrera III


City of Springfield

36 Court Street
Springfield, MA 01103

TABLED

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

ADOPTED

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.

RESULT: PASSED BY VOICE VOTE


City of Springfield

 36 Court Street
 Springfield, MA 01103

COMPLETED
ORDINANCE 2013-3

Meeting: 09/09/13 07:00 PM

Department: Law

Category: Veto

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Ward 4 Councilor E. Henry Twiggs

DOC ID: 2124 H

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 STEP	Next: 06/03/13
06/03/13	City Council	SECOND STEP	Next: 06/17/13

06/17/13 City Council

TABLED

Next: 07/15/13

07/15/13 City Council

ADOPTED AS AMENDED

RESULT:	PASSED/VETO [8 TO 4]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Michael A. Fenton, Ward 2 Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Walsh, Allen, Edwards
NAYS:	Zaida Luna, Thomas M. Ashe, Clodo Concepcion, James J. Ferrera III
ABSENT:	Timothy J. Rooke



City of Springfield

ADOPTED

Meeting: 09/09/13 07:00 PM
Initiator: Wayman Lee
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2339 B

12.1

Warrant - Primary (Mayor Sarno)

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

SS.

To the Constables of the City/Town of SPRINGFIELD

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in a Preliminary to vote at

SEE ATTCHED WARD AND PRECINCT NUMBERS AND POLLING LOCATIONS

on **TUESDAY, THE SEVENTEENTH DAY OF SEPTEMBER, 2013**, from 7:00 A.M. to 8:00 P.M.
for the following purpose:

To cast their votes in the Municipal Preliminary and Municipal Election for the candidates of political parties for the following offices:

CITY COUNCIL WARD ONE..... FOR THIS
MUNICIPALITY
CITY COUNCIL WARD FIVE..... FOR THIS
MUNICIPALITY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under my hands this day of September , 2013.

City Council of the City of Springfield

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)

RESULT: PASSED BY VOICE VOTE
--



City of Springfield

ADOPTED

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

RESULT: PASSED BY VOICE VOTE


City of Springfield

36 Court Street
Springfield, MA 01103

Meeting: 09/09/13 07:00 PM

Department: City Clerk

Category: General

Prepared By: Wayman Lee

Initiator: Wayman Lee

Sponsors: President At-Large Councilor Ferrera III, All Councilors

DOC ID: 2344 B

ADOPTED
RESOLUTION (ID # 2344)

Proclamation Honoring Councilor Clodo Concepcion

WHEREAS, the Springfield City Council is always pleased to recognize one of their colleagues on his accomplishments and achievements, and

WHEREAS, Ward 5 City Councilor Clodo Concepcion has demonstrated a commitment and dedication to the Greenleaf Community Center and the people of the 16 Acres Neighborhood, and

WHEREAS, on September 5, 2013 the City of Springfield dedicated Greenleaf Community Center to Clodo,

NOW, THEREFORE, BE IT PROCLAIMED that the Springfield City Council hereby recognizes, honors and commends Ward 5 City Councilor Clodo Concepcion on his dedication and commitment to the Greenleaf Community Center and the people of 16 Acres and congratulates him having the Greenleaf Community Center dedicated to him.

A Proclamation Sponsored on
September 9, 2013 in Honor of
Ward 5 City Councilor Clodo Concepcion.

Sponsored by City Councilor James J. Ferrera, III and All Councilors.

RESULT: PASSED BY VOICE VOTE