



CITY OF SPRINGFIELD

City Clerk's Office 11/27/2013 12:00:00 PM

Regular Meeting Agenda~

I hereby notify you that at twelve o'clock noon today the following items of business had been filed with this office and can be acted upon at the meeting in City Council Chambers, Room 200 at City Hall, 36 Court Street **Monday evening December 2, 2013** at 07:00 PM according to Section 12, Rules and Orders of the City Council.

City Clerk

Call to Order

7:00 PM Meeting called to order on December 2, 2013 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Communications

- (1.) October Revenue Vs. Expenditure Report (Mayor Sarno)

ATTACHMENTS:

- October Revenue Vs Expenditure Report (PDF)

Reports of Committees

Orders

- (1.) Order Authorizing Dissolution of Betterment Lien Against ES Gresham St., Lot 178 (06070-0071) (Mayor Sarno)
- (2.) Order Authorizing Dissolution of Betterment Liens Against SS Woodrow St., Lots 272-275, Inclusive (12487-0041) (Mayor Sarno)
- (3.) Order Authorizing Mayor to Execute Quitclaim Deed for Sale of 83 Bowdoin St. (Mayor Sarno)

ATTACHMENTS:

- Deed 83 Bowdoin St. (DOC)

Reports

- (1.) From BPW re:Central Street - Installing PVC Conduits & 2 Handholes (WMECO) -
<<Enter brief purpose>>
- (2.) From BPW re:Pine Street - Installing PVC Conduits (WMECO) -
<<Enter brief purpose>>
- (3.) By Amending Article 1, Section 1.5.A, 1.5.C, 1.5.D, 1.5.D, 1.5.E, 1.5.F, 1.5.H; Article 2 Definition of "Farmers Market and "Fence; Article 4, Section 4.1.30, Table 4-4, Section 4.4.122.C, Section 4.6.20, Section 4.6.40, Section 4.7.73; Article 5, Table 5-1, Section 5.2.1.B, Table 5-4, Section 5.2.71, Section 5.6; Article 6, Section 6.1.20, Section 6.1.31, Section 6.1.46, Section 6.1.53, Section 6.1.5, Section 6.1.63, Section 6.1.71.A, Section 6.1.71.J, Section 6.1.81.B.1, Section 6.1.81.D.2, Section 6.1.101, Section 6.2.20; Article

7, Table 7-1, Section 7.1.55.A, Section 7.4.23.B; Article 9, Section 9.2.31, Section 9.8.11, Section 9.12.30; and Article 12, Section 12.2, Section 12.2.11, Section 12.3.51.G, Section 12.5.12, Section 12.5.32, Section 12.6.21, Section 12.7.20 and Section 12.4.61.F City Wide - Edits/Corrections to Existing Zoning Ordinance Recommend Residence B to Business A

PETITIONER: Springfield Planning Board

ADDRESS: City Wide

CHANGE REQUESTED: See Above

ATTACHMENTS:

- Zoning_Amendments_City_Wide_Nov_2013 (PDF)
- 3153_City_Wide_Edits_2013 (PDF)

- (4.) To Change the Zoning of the Properties Known as 470 Union Street (11750-0095) and 36 Oak Street (09180-0010) from Commercial P to Business A. 470 Union Street & 36 Oak Street Recommend Residence B to Business A

PETITIONER: DevelopSpringfield

ADDRESS: 470 Union Street & 36 Oak Street

CHANGE REQUESTED: Com P to Bus A

ATTACHMENTS:

- 3154_470_Union_36_Oak_Street_2013 (PDF)

Ordinances

- (1.) Order Amending Ordinance Chapter 82- Purchasing and Contracts to Reflect Amendments to Chapter 30B (Mayor Sarno)
- (2.) (ID # 2442) - Board of Fire Commissioners
- (3.) (ID # 2443) - Board of Police Commissioners

Special Acts

- (1.) An Act Relative to the Sale and Storage of Goods in Public Ways in the City of Springfield

ATTACHMENTS:

- Memo for Special Act for hawkers and peddlers (DOC)



City of Springfield

SCHEDULED

Meeting: 12/02/13 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2439

2.1

October Revenue Vs. Expenditure Report (Mayor Sarno)

**Statement of Revenues and Other Sources,
and Expenditures and Other Uses
Budget and Actual - General Fund**

For the period ended 10/31/13				
Revenues and Other Sources:	Revised Budget	Actual	Variance Over/(Under)	%
Real Estate & Personal Property Taxes	\$ 165,624,697	\$ 68,035,362	\$ (97,589,335)	41%
Real Estate & Personal Property Taxes - Tax Liens	-	1,306,931	1,306,931	0%
Motor Vehicle Excise	8,800,000	1,284,512	(7,515,488)	15%
Penalties, interest and other taxes	5,054,500	1,019,601	(4,034,899)	20%
Charges for Services	12,944,621	5,555,895	(7,388,727)	43%
Intergovernmental	338,346,131	111,676,213	(226,669,918)	33%
MSBA Payments	15,987,228	5,184,542	(10,802,686)	32%
Licenses and Permits	4,635,740	1,292,813	(3,342,927)	28%
Fines and Forfeits	339,250	134,692	(204,558)	40%
Interest earned on Investments	1,185,179	132,973	(1,052,206)	11%
Miscellaneous	6,368,818	86,457	(6,282,361)	1%
FY 2013 Net School Spending Shortfall (a.)	27,374,666	27,374,666	-	100%
Stabilization Reserves	7,350,000	7,350,000	-	100%
Other Financing Sources	5,295,020	5,295,020	-	100%
Total Revenues and Other Sources	599,305,850	235,729,676	(363,576,174)	39%
Expenditures and Other Uses:				
General government	19,806,327	7,516,501	12,289,826	38%
Public safety				
Police	38,776,603	10,879,023	27,897,580	28%
Fire	19,486,362	6,266,399	13,219,963	32%
Centralized Dispatch	1,738,594	521,217	1,217,377	30%
Other	3,400,166	1,468,124	1,932,042	43%
Health and Welfare	5,167,721	1,666,265	3,501,456	32%
Public works	10,227,390	5,778,579	4,448,811	57%
Education	385,243,389	120,569,118	264,674,271	31%
Culture and recreation	11,697,811	5,271,313	6,426,498	45%
Pension and fringe	53,111,269	34,969,298	18,141,971	66%
State and district assessments	3,245,637	1,168,453	2,077,184	36%
Debt Service	40,759,110	33,106,174	7,652,936	81%
Pay as you go Capital	2,113,020	538,678	1,574,342	25%
Other Financing Use - Trash Enterprise Supplement	4,532,450	4,532,450	-	100%
Total Expenditures and Other Uses	599,305,850	234,251,592	365,054,259	39%
Excess (deficiency) of revenues and other sources over expenditures and other uses	<u>\$ -</u>	<u>\$ 1,478,085</u>	<u>\$ 1,478,085</u>	

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

CITY OF SPRINGFIELD, MASSACHUSETTS
Budget and Actual - General Fund
Expenditures and Encumbrances
For the period ended
10/31/13

Expenditures and Other Uses:

	Original Budget	Transfers In/(Out)	Revised Budget	Expenditure	Encumbrance	Variance Over/(Under)	%
General government	19,872,315	(65,988)	19,806,327	6,065,027	1,451,475	12,289,826	38%
Public safety							
Police	38,776,603	-	38,776,603	10,332,790	546,233	27,897,580	28%
Fire	19,486,362	-	19,486,362	5,898,690	367,708	13,219,963	32%
Centralized Dispatch	1,738,594	-	1,738,594	506,585	14,632	1,217,377	30%
Other	3,297,832	102,334	3,400,166	901,420	566,704	1,932,042	43%
Health and Welfare	5,169,721	(2,000)	5,167,721	1,636,306	29,959	3,501,456	32%
Public works	10,227,390	-	10,227,390	5,042,838	735,741	4,448,811	57%
Education	357,868,723	27,374,666	385,243,389	87,336,564	33,232,554	264,674,271	31%
Culture and recreation	11,697,811	-	11,697,811	3,916,404	1,354,909	6,426,498	45%
Pension and fringe	53,111,269	-	53,111,269	34,309,298	660,000	18,141,971	66%
State and district assessments	3,245,637	-	3,245,637	1,085,534	82,919	2,077,184	36%
Debt Service	40,759,110	-	40,759,110	33,106,174	-	7,652,936	81%
Pay as you go Capital	2,095,020	18,000	- 2,113,020	-	538,678	1,574,342	25%
Other Financing Use - Trash Enterprise Supplement	4,532,450	-	4,532,450	4,532,450	-	-	100%
Total Expenditures and Other Uses	571,878,836	27,427,012	599,305,850	194,670,079	39,581,512	365,054,259	39%



City of Springfield

SCHEDULED

Meeting: 12/02/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2434

4.1

Order Authorizing Dissolution of Betterment Lien Against ES Gresham St., Lot 178 (06070-0071) (Mayor Sarno)

WHEREAS, the City of Springfield ("City") foreclosed on a parcel of vacant land in Springfield, Massachusetts for non-payment of real estate taxes, known as **East Side Gresham Street, Lot 178 (06070-0071)**, by virtue of a Land Court Judgment dated July 16, 2010, and recorded with the Hampden County Registry of Deeds in Book 18394, Page 338; and

WHEREAS, the City sold said property at a tax title auction held on November 9, 2010 for \$7,000.00, free and clear of any unpaid real estate taxes and municipal liens assessed prior to foreclosure; and

WHEREAS, on October 3, 1983, the City Council voted to levy betterment assessments for temporary repairs made on Gresham Street from Stevenson Avenue to Olney Avenue; and

WHEREAS, the City is unable to convey a good and clear record and marketable title to its purchaser at tax title auction until the betterment assessment, in the original amount of \$255.00 levied against the former owners of the property, Thomas E. & Joseph E. Sheehan, and recorded with the Hampden County Registry of Deeds in Book 5659, Page 581 is dissolved.

NOW THEREFORE BE IT ORDERED, that the Board of Assessors be and is hereby authorized to take all necessary actions to abate and/or remove said betterment assessment against East Side Gresham Street, Lot 178 (06070-0071) from the city books.

NOW THEREFORE BE IT FURTHER ORDERED, that the Collector of Taxes be and is hereby authorized in the name of and on behalf of the City of Springfield to execute and record a certificate dissolving the betterment lien against East Side Gresham Street, Lot 178 (06070-0071) at the Hampden County Registry of Deeds pursuant to Massachusetts General Laws, Chapter 80.



City of Springfield

SCHEDULED

Meeting: 12/02/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2438

4.2

Order Authorizing Dissolution of Betterment Liens Against SS Woodrow St., Lots 272-275, Inclusive (12487-0041) (Mayor Sarno)

WHEREAS, the City of Springfield ("City") foreclosed on a parcel of vacant land in Springfield, Massachusetts for non-payment of real estate taxes, known as **South Side Woodrow Street, Lots 272-275, Inclusive (12487-0041)**, by virtue of a Land Court Judgment dated January 5, 2009, and recorded with the Hampden County Registry of Deeds in Book 17619, Page 215; and

WHEREAS, the City sold said property at a tax title auction held on November 9, 2010 for \$11,000.00, free and clear of any unpaid real estate taxes and municipal liens assessed prior to foreclosure; and

WHEREAS, on August 17, 1987, the City Council voted to levy betterment assessments for temporary repairs on Newfield Road from Eaton Street southerly about 630 feet upon the several parcels of land within the benefited area; and

WHEREAS, Lots 272-275, Inclusive on the easterly side of Newfield Road, owned by Stephanie Kohse, was levied a betterment assessment in the original amount of \$584.00 (\$146.00 per lot) as per Order recorded with said Registry in Book 7766, Page 338; and

WHEREAS, said lots became a portion of South Side Woodrow Street (12487-0041) as a result of a recording of an ANR Plan at said Registry in Book of Plans 255, Page 74; and

WHEREAS, the City is unable to convey a good and clear record and marketable title to its purchaser at tax title auction until said betterment assessments against Lots 272-275, Inclusive are dissolved.

NOW THEREFORE BE IT ORDERED, that the Board of Assessors be and is hereby authorized to take all necessary actions to abate and/or remove said betterment assessments against South Side Woodrow Street, Lots 272-275, Inclusive (12487-0041) from the city books.

NOW THEREFORE BE IT FURTHER ORDERED, that the Collector of Taxes be and is hereby authorized in the name and behalf of the City of Springfield to execute and record a certificate dissolving the betterment liens against South Side Woodrow Street, Lots 272-275, Inclusive (12487-0041) at the Hampden County Registry of Deeds pursuant to Massachusetts General Laws, Chapter 80.



City of Springfield

SCHEDULED

Meeting: 12/02/13 07:00 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2441

4.3

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of 83 Bowdoin St. (Mayor Sarno)

WHEREAS, the City of Springfield acquired title to land, with building thereon, situated in Springfield, Massachusetts known as 83 Bowdoin 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 request for proposals for the purchase and redevelopment of said property pursuant to RFP (Bid) Number 14-099; and

WHEREAS, the Mayor upon the recommendation of the City's RFP Review Committee has accepted the proposal submitted by Demetrios N. Panteleakis.

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 Demetrios N. Panteleakis for the transfer of title to 83 Bowdoin street for consideration of One Thousand and 00/100 Dollars (\$1,000.00) in substantially the same form as the draft deed attached hereto.



City of Springfield

SCHEDULED

Meeting: 12/02/13 07:00 PM
Initiator: Lou DiCarlo
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2431

5.1

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>>

Central Street - Installing PVC Conduits & 2 Handholes (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 December 2, 2013

City Clerk

We hereby certify that on November 20, 2013, at 5:00 PM, at At the Corner of Beech Street and Central Street 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 December 2, 2013, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk



City of Springfield

SCHEDULED

5.2

Meeting: 12/02/13 07:00 PM

Initiator: Lou DiCarlo

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2432

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>>

Pine Street - Installing PVC Conduits (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 December 2, 2013

City Clerk

We hereby certify that on November 20, 2013, at 5:15 PM, at In Front of #91 Pine Street 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 December 2, 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#: 3153****DATE: December 2, 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: Springfield Planning Board

ADDRESS: City Wide

CHANGE REQUESTED: See Above

RECOMMENDATION: Recommend

Respectfully Submitted,

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3153, 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 December 2, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: 3154 Section 48****DATE: December 2, 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:

DevelopSpringfield

ADDRESS:

470 Union Street & 36 Oak Street

CHANGE REQUESTED:

Com P to Bus A

RECOMMENDATION: Recommend**Respectfully Submitted,**

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3154 Section 48, 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 December 2, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson



City of Springfield

TABLED

Meeting: 12/02/13 07:00 PM
Initiator: Kathy Breck
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2293 A

6.1

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

36 Court Street
Springfield, MA 01103

Meeting: 12/02/13 07:00 PM

Department: Law

Category: General

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Williams, Twiggs, Ferrera III, Lysak, Walsh, Edwards, Luna

ORDINANCE (ID # 2442)

DOC ID: 2442

Board of Fire Commissioners

Chapter 16, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Article XX thereto:

Article XX

BOARD OF FIRE COMMISSIONERS

Sections:

Section 70 Established--Appointment and number of board.

Section 71 Terms of Office.

Section 72 Qualifications of members.

Section 73 Filing vacancies--Compensation.

Section 74 Rules of government--Chairperson and secretary.

Section 75 Powers and duties generally.

Section 76 Annual estimate of necessary funds--Accounts--
Annual report--Expenditures in excess of
appropriations

Section 70 Established-Appointment and number of board. A board of fire commissioners is established. Such board shall consist of five (5) persons who shall be appointed by the mayor.

Section 71 Terms of office. A. The first and second appointees to the board shall serve four (4) year terms. The third and fourth appointees to the board shall serve three (3) year terms and the fifth appointee to the board shall serve a two (2) year term.

B. Annually thereafter appointees to the board shall serve four (4) year terms. Each term shall expire on the first Monday in April in the year the term expires. Members may serve on the board of fire commissioners beyond the expiration of his/her term until his/her successor is appointed.

Section 72 Qualifications of members. A. No person shall be appointed a member of such board who has not been a resident of the city for at least three (3) years next prior to his/her appointment, who is a member of the city council, an employee of city, or who holds any municipal or political office for which he receives compensation.

B. Removal from the city, membership in the city council or the holding of any such public office shall automatically vacate the office of a member of such board.

Section 73 Filling vacancies--Compensation. A. Vacancy in such board shall be filled in the manner of an original appointment within thirty (30) days from its occurrence. The members of such board shall serve without compensation.

Section 74 Rules of government-Chairperson and secretary. A. The board of fire commissioners may make rules for the government of its procedure. It shall choose one (1) of its members to be chairperson and may prescribe the length of his/her term.

B. The board shall in the same manner choose one (1) of its members to be secretary of the board and may prescribe the length of his/her term and duties.

Section 75 Annual estimate of necessary funds--Accounts--Annual report--Expenditures in excess of appropriations. A. The board of fire commissioners shall meet at least once a month and shall annually in the month of January prepare and communicate to the mayor an estimate of the amount of money necessary for salaries, repairs and the maintenance and use of the department for the then current fiscal year, itemized as the mayor may require.

B. It shall keep or cause to be kept an accurate and detailed account of all expenditures of the fire department, and annually in the month of January shall render to the city council an itemized and exact account of the same, together with the annual report of the chief of the fire departments.

C. They shall not expend any money, nor incur any liabilities or obligations that shall in the aggregate exceed the amount standing to the credit of the department, and any obligation contracted shall be met out of such amount.

Approved as to form*:

Anthony Ivan Wilson
Associate City Solicitor

* This proposed ordinance effectively restores the Board of Fire Commissioners ordinance that was in contained Chapter 2.54 of the Revised Ordinances of the City of Springfield, 1986 as amended. Chapter 2.54 was amended by the Springfield Financial Control Board on August 5, 2005, when the Board of Fire Commissioners was abolished and the position of Fire Commissioner was enacted.



City of Springfield

36 Court Street
Springfield, MA 01103

Meeting: 12/02/13 07:00 PM

Department: Law

Category: General

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Williams, Twiggs, Ferrera III, Lysak, Walsh, Edwards, Luna

ORDINANCE (ID # 2443)

DOC ID: 2443

SCHEDULED

Board of Police Commissioners

Chapter 16, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Article XIX thereto:

Article XIX

BOARD OF POLICE COMMISSIONERS

Sections:

Section 59 Established--Appointment and number of board.

Section 60 Terms of office.

Section 61 Qualifications of members.

Section 62 Filling vacancies--Compensation.

Section 63 Rules of government--Chairperson.

Section 64 Powers of mayor to be exercised by board.

Section 65 Management and control of members and signal system.

Section 66 Rules for maintenance of department.

Section 67 Absences from department.

Section 68 Adoption of rules and regulations for government and discipline.

Section 69 Monthly meetings;--Annual estimate of necessary maintenance--Accounting for expenditures.

Section 59 Established--Appointment and number of board. A board of police commissioners is established. Such board shall consist of five (5) persons who shall be appointed by the mayor.

Section 60 Terms of office. A. The first and second appointees to the board shall serve three (3) year terms. The third and fourth appointees to the board shall serve two (2) year terms and the fifth appointee to the board shall serve a one (1) year term.

B. Annually thereafter appointees to the board shall serve three (3) year terms. Each term shall expire on the first Monday in April in the year the term expires. Members may serve on the board of police commissioners beyond the expiration of his/her term until his/her successor is appointed.

Section 61 Qualifications of members. A. No person shall be appointed a member of such board who has not been a resident of the

city for at least three (3) years next prior to his/her appointment, who is a member of the city council, an employee of city, or who holds any municipal or political office for which he receives compensation.

B. Removal from the city, membership in the city council or the holding of any such public office shall automatically vacate the office of a member of such board.

Section 62 Filling vacancies--Compensation. A. Vacancy in such board shall be filled in the manner of an original appointment within thirty (30) days from its occurrence. The members of such board shall serve without compensation.

Section 63 Rules of government--Chairperson. The board of police commissioners may make rules for the government of its procedure. It shall choose one (1) of its members to be chairperson and may prescribe the length of his/her term.

Section 64 Powers of mayor to be exercised by board. The powers and duties vested in the mayor and the city council by chapter 244 of the Acts of 1909 shall be exercised and performed by the board of police commissioners.

Section 65 Management and control of members and signal system. The board of police commissioners shall, subject to the provisions of this chapter, have the appointment, management and control of the members and employees of the police department and of the superintendent of the police signal system.

Section 66 Rules for maintenance of department. The board of police commissioners shall make such lawful rules for the maintenance of the police department, including the regulation, government and discipline of such members and employees, and for the direction and control of those having charge of such signal system, including employees thereof, as it deems wise and proper.

Section 67 Absences from department. The board of Police commissioners shall have the power to examine into absences of members and employees of the department, other than those allowed by law or ordinance, and may approve or disapprove the payment of salary for the period of any absences.

Section 68 Adoption of rules and regulations for government and discipline. The rules and regulations for the government and discipline of the police department as adopted and promulgated by the former board of police commissioners in the year 1939 with all

amendments thereto, a copy of which rules and regulations and amendments thereto, duly attested, is on file with the city clerk, are adopted as and shall continue to be the lawful rules for the maintenance of the police department, and for the regulation, government and discipline of all members and employees thereof, until the adoption and promulgation of rules and regulations as heretofore provided.

Section 69 Monthly meetings-Annual estimate of necessary maintenance-Accounting for expenditures. A. The board of police commissioners shall meet at least once a month and shall annually in the month of January prepare and communicate to the mayor an estimate of the amount of money necessary for the maintenance and use of the department for the then current fiscal year, itemized as the mayor may require.

B. It shall keep or cause to be kept an accurate and detailed account of all expenditures of the police department, and annually in the month of January shall render to the city council an itemized and exact account of the same.

Approved as to form*:

Anthony Ivan Wilson
Associate City Solicitor

* This proposed ordinance effectively restores the Board of Police Commissioners ordinance that was in contained Chapter 2.58 of the Revised Ordinances of the City of Springfield, 1986 as amended. Chapter 2.58 was amended by the Springfield Financial Control Board on August 5, 2005, when the Board of Police Commissioners was abolished and the position of Police Commissioner was enacted.



City of Springfield

36 Court Street
Springfield, MA 01103

TABLED

SPECIAL ACT (ID # 2425)

Meeting: 12/02/13 07:00 PM

Department: Law

Category: Grants

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: At-Large Councilor Timothy J. Rooke

DOC ID: 2425

An Act Relative to the Sale and Storage of Goods in Public Ways in the City of Springfield

AN ACT RELATIVE TO THE SALE AND STORAGE OF GOODS IN PUBLIC WAYS IN THE CITY OF SPRINGFIELD

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

SECTION 1. Notwithstanding any general or special law to the contrary, the Commissioner of the Police Department of the City of Springfield may issue, with the advise and consent of the Director of Public Works for the City of Springfield and the Commissioner of Health and Human Services, under the conditions hereinafter provided and under rules of his or her own not inconsistent herewith, licenses for the use of specified parts of public streets in the city for the storage and sale of merchandise or food.

A person seeking such a license shall file with said commissioner a written application therefore, stating his name, age, occupation, residence and place of business, if any, and whether or not he is a citizen of the United States or has declared his intention to become such. The applicant shall describe accurately in writing, by plan or otherwise, the location, the shape and the dimensions of the space which he or she desires to occupy, the movable structures which he or she proposes to use, and the kinds of merchandise which he or she wishes to store and to sell. As part of the application the applicant shall provide the written consent to the issuance of the said license on the part of the owner or owners of the premises in front of which the applicant desires to carry on business and of the tenants of the ground floor of such premises, or in lieu thereof the written consent of the duly authorized agent or agents of such owners and tenants.

When the privilege for which a license is asked is to be exercised in front of premises owned by the city, the owner's consent herein provided for may be given by the department having charge of said premises. An application from a firm or corporation shall be made by such partners or officers and under such further conditions as said commissioner shall determine, and every partner or officer so designated shall give concerning himself the information as to age, occupation, citizenship, residence and place of business which is required of an individual applicant.

The application shall be sent by the police commissioner of the police department to the Director of Public Works ("DPW") of the city of Springfield, with a request for a report thereon. It shall be the duty of said DPW Director forthwith to examine in person or by means an authorized agent the location for which the license is asked, with particular reference to the effect of its use as desired spot, the free passage of vehicles and of foot

passengers and upon the maintenance of public order. In the report to the commissioner of the police department, which shall be made as soon as practicable, the DPW director may certify approval or disapproval, or approval conditional upon amendments to be made in the application as affecting the precise location, its area or the kinds of merchandise or food to be stored and sold thereon.

The application shall also be sent by the police commissioner of the police department to the Director of Health and Human Services of the City of Springfield, with a request for a report thereon. It shall be the duty of said Director of Health and Human Services forthwith to examine in person or by means an authorized agent the provisions made by the applicant relative to compliance with applicable sanitary, health and food codes at the location for which the license is asked, with particular reference to the effect of its use as desired spot, the effect on members of the public and upon the maintenance of public order. In the report to the commissioner of the police department, which shall be made as soon as practicable, the Health and Human Services director may certify approval or disapproval, or approval conditional upon amendments to be made in the application as affecting the precise location, its area or the kinds of merchandise or food to be stored and sold thereon.

Should the police commissioner and the DPW and Health and Human Services director agree as to the propriety or issuing a license, the authority for further action shall be vested in said police commissioner; but no license shall become effective until seventy-two hours after a copy thereof has been delivered to the DPW director and the health and Human Services Director.

A license issued by the police commissioner may be for one or more week days in each week, for such hours daily as it shall in each case determine, and for any period not exceeding twelve months. It may be renewed on an application conforming to the conditions and in accordance with the procedures prescribed by the police commissioner. After notice and opportunity to be heard, the license may be suspended or revoked for any reason which the commissioner shall consider sufficient.

For each license issued and for each renewal thereof the police commissioner of shall charge and collect in advance such fee of \$_____ as may be, the receipt of such fee shall be certified on the face of the license.

The police commissioner shall cause to be kept at his or her office full and accurate records of his doings under this section, open to the public under reasonable restrictions, and at all times to the mayor of the city or to such persons as he may designate. Separate accounts shall be kept of moneys received from licenses and from rentals derived from the use of parts of the public streets.

The police commissioner shall include in his annual report a reasonable summary of his or her doings under the authority of this section.

The police commissioner may designate from time to time certain streets, or parts of streets, or sections of the city wherein, and not elsewhere In the city, it shall be lawful on the days and within the hours specified, and under such general rules as he or she shall make, for any hawker or peddler, without the license provided for in this section, to stop or stand for the purpose of selling food or merchandise: provided, that such hawkers or peddlers carry on their business in conformity with the laws of the Commonwealth, the ordinances of the city, and the regulations of the board of health, now or hereafter enacted and not inconsistent herewith.

No person shall use or occupy a part of a public street in the city of Springfield, otherwise than according to the provisions of this section, for the purchase, sale, storage or display of merchandise or other articles except materials or appliances used or to be used for public purposes or for building operations under authority or license lawfully conferred or issued by or under any ordinance of the city of Springfield or laws of the commonwealth, now in existence or hereafter enacted.

Violation of this ordinance/act may be enforced through noncriminal disposition pursuant to G.L. c. 40, § 21D or through the criminal process. A person violating any provision of this section shall be fined one hundred dollars (\$100) for the first offense, two hundred dollars \$200 for the second offense, and three hundred dollars \$300 for third and subsequent offenses. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under the provisions set forth in this chapter.

SECTION 2. This act shall take effect upon its passage.

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 RELATIVE TO THE SALE AND STORAGE OF GOODS IN PUBLIC WAYS IN THE CITY OF SPRINGFIELD**”, 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

CITY OF SPRINGFIELD
In the City Council

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 RELATIVE TO THE SALE AND STORAGE OF GOODS IN PUBLIC WAYS IN THE CITY OF SPRINGFIELD**,” in substantially the same form as a draft Act attached hereto, except for clerical or editorial errors.

HISTORY:

11/18/13 City Council
Next: 12/02/13

REFERRED TO COMMITTEE

INTER

OFFICE

MEMO

To: Wayman Lee, Esquire
City Clerk

From: Anthony I. Wilson, Esquire
Associate City Solicitor

Subject: Special Act - **AN ACT RELATIVE TO THE SALE AND STORAGE OF
GOODS IN PUBLIC WAYS IN THE CITY OF SPRINGFIELD**

Date: November 12, 2013

In accordance with Rules and Orders of the Springfield City Council, 2013, as amended, Rule 16A, the City Solicitor on behalf of the sponsor (City Councilor Timothy J. Rooke) provides this report regarding the above Special Act ("Act") a copy is attached hereto. If the Act is approved by the City Council and signed by the Mayor, the Act would be sent the Massachusetts General Court for passage. If passed by the General Court the Governor must sign the Act.

The Act provides that notwithstanding the provisions of section chapter One hundred and one of the General Laws or any other general or special law to the contrary the City of Springfield shall promulgate regulations of hawkers and peddlers.

It is the recommendation of City Councilors Timothy J. Rooke that this Act should be passed by the City Council. If you have any questions regarding this report, please feel free to contact me or the sponsors.