



City of Springfield

Regular Meeting

~ Final ~

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

Linda Fitzpatrick
413-787-6559

Monday, December 2, 2013

7:00 PM

Springfield City Hall -- Council Chambers

I. 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.

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	Absent	
Kateri B. Walsh	At-Large Councilor	Absent	
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. Communications

1. Order (ID # 2439)

October Revenue Vs. Expenditure Report

ATTACHMENTS:

- October Revenue Vs Expenditure Report (PDF)

RESULT: RECEIVE REPORT

III. Reports of Committees

IV. Orders

1. Order (ID # 2434)

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

COMMENTS - Current Meeting:

Read and an explanation was given by Melvyn Altman, Associate City Solicitor that the Order is for the dissolution of lien against ES Mararin St, Lot 4 because the property was

sold at a tax title auction free and clear of all liens and real estate taxes prior to foreclosure and would allow the Assessors Office to abate and/or remove the betterment and the City to record a certificate of dissolution in the Hampden County Registry of Deeds and the Order passed by the following roll call vote.

RESULT:	ADOPTED [11 TO 0]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	John A. Lysak, Kateri B. Walsh

2. Order (ID # 2438)

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

COMMENTS - Current Meeting:

Read and an explanation was given by Melvyn Altman, Associate City Solicitor that the Order is for the dissolution of lien against ES Mararin St, Lot 4 because the property was sold at a tax title auction free and clear of all liens and real estate taxes prior to foreclosure and would allow the Assessors Office to abate and/or remove the betterment and the City to record a certificate of dissolution in the Hampden County Registry of Deeds and the Order passed by the following roll call vote.

RESULT:	ADOPTED [11 TO 0]
MOVER:	Kenneth E. Shea, Ward 6 Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	John A. Lysak, Kateri B. Walsh

3. Order (ID # 2441)

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

ATTACHMENTS:

- Deed 83 Bowdoin St. (DOC)

RESULT:	PASSED BY VOICE VOTE
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V. Reports

1. Informational (ID # 2431)

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

ATTACHMENTS:

- WMECO REPORT - central street #6172 (DOC)
- WMECO PLAN - central street #6172 (PDF)

RESULT: RECEIVED THE REPORT - UNANIMOUS**2. Informational (ID # 2432)**

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

ATTACHMENTS:

- WMECO REPORT - pine street #6171 (DOC)
- WMECO PLAN - pine street #6171 (PDF)

RESULT: RECEIVED THE REPORT - UNANIMOUS**3. Zoning Ordinance 2013-5**

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

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)

RESULT: RECEIVED 1ST STEP**Next: 12/9/2013 7:00 PM****4. Zoning Ordinance 2013-6**

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.

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)

RESULT:**RECEIVED 1ST STEP****Next: 12/9/2013 7:00 PM****VI. Ordinances****1. Order (ID # 2293)**

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

HISTORY:

08/19/13 Next: 09/09/13	City Council	REFERRED TO COMMITTEE
09/09/13 Next: 10/07/13	City Council	REFERRED TO COMMITTEE
10/07/13 Next: 11/18/13	City Council	REFERRED TO COMMITTEE
11/18/13 Next: 12/02/13	City Council	TABLED-NO VOTE

COMMENTS - Current Meeting:

Read on August 19, 2013 and an explanation was given by Deputy City Solicitor Kathy Breck stating that the Ordinance was to bring the City Ordinance inline with State law regarding M.G.L. c. 30B by adjusting dollars amounts so that they are same as State law and any future changes to State law. Councilor Walsh said she had some questions about all the changes and made a Motion and seconded by Councilor Luna to refer to the General Government Committee and said Motion passed by a majority voice vote with Councilor Timothy J. Rooke absent.

Read for a second time on December 2, 2013 and passed 2nd step and was referred to the Committee on Enrollment to by a majority voice vote with Councilor Rooke absent.

The Committee on Enrollment met on December 2, 2013 as found the Ordinance to correctly Enrolled and the Ordinance passed 3rd step to be ordained by the following roll call vote.

RESULT:	ADOPTED [11 TO 0]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	E. Henry Twiggs, Ward 4 Councilor
AYES:	Williams, Twiggs, Rooke, Luna, Shea, Fenton, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	John A. Lysak, Kateri B. Walsh

(2.) (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 Filling 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.

RESULT:	REFERRED TO COMMITTEE
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Next: 12/16/2013 7:00 PM

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Williams stating that the Ordinance was to bring back a civilian fire board to deal with issue at the Police Department and that the single Commissioner was created by the Control Board and he has had request from citizens and employees that the single Commissioner is not the way to go and that the current Commissioner contract ends on June 30,2014. Councilor Williams asked that the matter be sent to committee before final passage. Councilor Williams then made a motion to refer to Public Health and Safety Committee.

3. Motion To: Motion to refer to the Public Health and Safety Committee

COMMENTS - Current Meeting:

Councilor Williams made a motion to refer to the Public Health and Safety Committee and was seconded by Councilor Edwards and said motion passed by a majority voice vote with Councilors Lysak and Walsh absent.

RESULT: REFER TO COMMITTEE

(4.) (ID # 2443) 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.

RESULT: REFERRED TO COMMITTEE

Next: 12/16/2013 7:00 PM

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Williams stating that the Ordinance was to bring back a civilian fire board to deal with issue at the Police Department and that the single Commissioner was created by the Control Board and he has had request from citizens and employees that the single Commissioner is not the way to go and that the current Commissioner contract ends on June 30,2014. Councilor Williams asked that the matter be sent to committee before final passage. Councilor Williams then made a motion to refer to Public Health and Safety Committee.

5. Motion To: Motion to refer to the Public Health and Safety Committee

COMMENTS - Current Meeting:

Councilor Williams made a motion to refer to the Public Health and Safety Committee and was seconded by Councilor Edwards and said motion passed by a majority voice vote with Councilors Lysak and Walsh absent.

RESULT: REFER TO COMMITTEE
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VII. Special Acts

1. Special Act (ID # 2425)

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

HISTORY:

11/18/13

City Council

REFERRED TO COMMITTEE

Next: 12/02/13

COMMENTS - Current Meeting:

Councilor Rooke said after consulting with the Law Department there may be another way to deal with this issue by Ordinance and he would like to explore that option and asked that the matter be referred back to the Public Health and Safety Committee and without objections was referred back to Public Health and Safety Committee.

ATTACHMENTS:

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

RESULT: REFERRED TO COMMITTEE

Next: 12/16/2013 7:00 PM
