



City of Springfield

Regular Meeting

~ Final ~

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

Linda Fitzpatrick
413-787-6559

Monday, November 18, 2013

7:00 PM

Springfield City Hall -- Council Chambers

I. Call to Order

7:00 PM Meeting called to order on November 18, 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	

2. Financial Orders

1. Order (ID # 2410)

Appropriation Order - \$175,000

COMMENTS - Current Meeting:

Read the first time and Rule 19 suspended and an explanation was given by Fire Commissioner Joseph Conant and T J Plante, CAFO stating that the transfer of \$175,000 dollars from the Law Department - Reimbursement for Damages from the Columbia Gas Worthington Street gas explosion to the Fire Department - Capital Outlay - Machinery & Equipment to purchase a new Fire Apparatus and read for a second time and passed by the following roll call vote:

ATTACHMENTS:

- www.piercemfg.com_en_TruckModelPrint.aspx_itemId=52 (PDF)
- Quint Pic (PDF)
- Fire Dept \$175,000 CAFO Cert (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Clodo Concepcion, Ward 5 Councilor
SECONDER:	Michael A. Fenton, Ward 2 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

II. Committee Reports

1. Committe Report (ID # 2430)

Maintenance Development Committee

COMMENTS - Current Meeting:

The City Council Maintenance & Development Committee met on November 8, 2013 (Councilors Walsh, Lysak) and Councilor Walsh gave a verbal and written report stating that the Committee had met with Chris Cignoli, City Engineer & property owners to discuss the "taking" on Summer Avenue and Allen Street for permanent and temporary easements along Sumner Avenue, Allen Street, Abbott Street, Gillette Avenue and Clement Street for street improvement in the amount of \$17,580 and the owners were satisfied with the project. Council received the Report by a majority vote with Councilor Timothy J. Rooke absent.

RESULT:	RECEIVED REPORT
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2. Petition (ID # 2346)

For a Special Permit to Operate a Used Car Dealership as a Pre-Existing, Non-Conforming Use at the Property Known as at 712 Boston Road (01655-0121), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.20.

Request:	See Above
Owner:	James W. Fiore
By:	James W. Fiore
Petitioner:	Rafael Dominguez
By:	Rafael Dominguez

HISTORY:

10/28/13	City Council	REFER TO COMMITTEE
Next: 11/18/13		

COMMENTS - Current Meeting:

Read on October 28, 2013 and hearing not held and Councilor Lysak made a Motion to refer to the Planning & Economic Development Committee and was seconded by Councilor Walsh and said Motion passed by a majority voice vote with Councilors Rooke, Luna and Ashe absent. Councilor Lysak made a Motion to refer to the Planning & Economic Development Committee so that the Petitioner could meet with the Pine Point Citizen Council to discuss the project as he had been informed that the Petitioner had not met with Pine Point Citizens Council and was seconded by Councilor Walsh and said Motion passed by a majority voice vote with Councilors Rooke, Luna and Ashe absent.

The Planning and Economic Development Committee met on November 18, 2013
 Councilor Williams said the Pine Point had met with Petitioner and had no objections to the Special Permit.

Hearing held at which the Petitioner Rafael Dominguez appeared and spoke in favor stating that the Petitioner is requesting a Special Permit to sell 40 used cars at location and the site had been used as a used car dealership before and he had met with the Pine Point Community Council and they had no objection and no one appeared in opposition and the hearing was closed. The special permit was granted by the following roll call vote.

ATTACHMENTS:

- Boston_Rd_712_2013_Tax_Formal (PDF)
- Boston_Rd_712_2013 (PDF)
- 712 Boston Rd Fiore (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Zaida Luna, Ward 1 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

3. Planning and Economic Development Committee - 712 Bostn Rd - Special Permit

Councilor Williams said the Pine Point had met with Petitioner and had no objections to the Special Permit and the Special permit passed by the following roll call vote.

4. Finance Committe Report

The City Council Finance Committee met on November 18, 2013 (Councilors Concepcion, Shea, Rooke and Fenton) and Councilor Concepcion gave a verbal report stating that the Finance Committee had met with CAFO and Finance Department and was recommending passage of all financial Orders on the agenda. Council received the Report by majority voice vote with Councilor Timothy J. Rooke absent.

III. Confirmation

1. Order (ID # 2388)

Appointment - Confirmation - Water Sewer Commission - Vanessa Otero

HISTORY:

10/21/13 City Council TABLED-NO VOTE
 Next: 11/18/13

COMMENTS - Current Meeting:

The City Council Maintenance and Development Committee met on November 18, 2013 (Councilors Walsh, Concepcion and Shea) and Councilor Walsh gave a verbal report that the Committee has met with Vanessa Otero regarding his appointment to the Springfield Water and Sewer Commission and found her to be qualified and

was recommending his confirmation. The Council received the report by a majority voice vote with Councilors Rooke absent. Councilor Allen noted that the appointment letter had June 39, 2016 and should be June 30, 2016 the Clerk indicated that the scribe's error would be corrected. Vanessa Otero was then confirmed by the following roll call vote.

RESULT:	ADOPTED [12 TO 0]
MOVER:	Kateri B. Walsh, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

2. Order (ID # 2389)

Appointment - Confirmation - Historical Commission - Benjamin Murphy and Steve Shultis

HISTORY:

10/21/13 City Council TABLED-NO VOTE
Next: 11/18/13

COMMENTS - Current Meeting:

The City Council Planning and Economic Development Committee met on November 18, 2013 (Williams, Rooke and Allen) and Councilor Williams gave a verbal report that the Committee has met with Benjamin Murphy and Steve Shultis regarding their appointments to the Springfield Historical Commission and found them to be qualified and was recommending his confirmation. The Council received the report by a majority voice vote with Councilor Rooke absent. Benjamin Murphy will serve as a full member and Steve Shultis will serve as an alternate member were separately confirmed by the following roll call votes.

RESULT:	ADOPTED [12 TO 0]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

IV. Orders

1. Order (ID # 2426)

Accelerated Repairs Bond Authorization - \$6,846,534.00

COMMENTS - Current Meeting:

Read for 1st time and an explanation was given by T J Plante, CAFO stating that Bond Authorization for \$6,846,534 dollars for the purpose of paying costs of roof replacement projects at High School of Science and Technology (\$3,513,407; Ellis School (\$1,641,442); South End Middle School (\$771,153); and Springfield Public Day School (\$920,532),

including the payment of all costs incidental or related thereto and passed by the following roll call vote:

ATTACHMENTS:

- CAFO Certification Bond Authorization (DOCX)
- Springfield - South End MS - Schematic Design TPB - MSBA Review - 11.1.13 (PDF)
- Springfield - Sci-Tech HS - Schematic Design TPB - MSBA Review - 11.1.13 (PDF)
- Springfield - Public Day HS - Schematic Design TPB - MSBA Review - 11.1.13 (PDF)
- Springfield - Ells ES - Schematic Design TPB - MSBA Review - 11.1.13 (PDF)

RESULT: **ADOPTED [12 TO 0]**
MOVER: Timothy C. Allen, Ward 7 Councilor
SECONDER: Kenneth E. Shea, Ward 6 Councilor
AYES: Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT: Timothy J. Rooke

2. Order (ID # 2363)

Order Approving an Agreement with the Springfield Business Improvement District

HISTORY:

10/07/13 City Council REFERRED TO COMMITTEE
 Next: 10/21/13

10/21/13 City Council REFERRED TO COMMITTEE
 Next: 11/18/13

COMMENTS - Current Meeting:

Read and an explanation was given by T J Plante, CAFO that the request is to approve a intergovernmental agreement between the City and Springfield Business Improvement District (SBID) for the City's share of services to SBID. Councilor Williams said the Planning and Economic Development Committee had a meeting and suggested one change and Councilor Williams made a Motion to amend and after said amendment passed the Order passed by the following roll call vote.

ATTACHMENTS:

- 201310020927 - Memorandum of Understanding Between the City and the Springfield Business Improvement District (PDF)

RESULT: **ADOPTED [10 TO 0]**
MOVER: Bud L. Williams, Vice President At-Large Councilor
SECONDER: Melvin A. Edwards, Ward 3 Councilor
AYES: Williams, Twiggs, Luna, Shea, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSTAIN: Michael A. Fenton, John A. Lysak
ABSENT: Timothy J. Rooke

3. Motion To: Motion to Amend

COMMENTS - Current Meeting:

Councilor Williams made a Motion to amend the contract stating that it shall be for 1 year and subject to renegotiation for the final 2 years and was second by Councilor Lysak and said Motion passed by a majority voice vote with Councilor

Rooke absent.

RESULT:	ADOPTED VOICE
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4. Order (ID # 2380)

An Order Appropriating Funds for the Eminent Domain Taking of Temporary and Permanent Easements for the Sumner Avenue -Allen Street Transportation Improvement Project

HISTORY:

10/21/13	City Council	REFERRED TO COMMITTEE
Next: 11/18/13		

FINANCIAL IMPACT:

Appropriation of \$17,580 from the DPW Chapter 90 Fund Account

COMMENTS - Current Meeting:

Read and an explanation was given by Chris Cignoli, DPW, Civil Engineer and Kathy Breck, Deputy City Solicitor said that they need more time to meeting property owners and asked that the matter tabled and the matter was tabled until the next meeting November 18, 2013.

Read and an explanation was given by Chris Cignoli, DPW, Civil Engineer stating that DPW and Law Department had met with property owners and explained the project and that Mass DOT will bid the Project in December 2013 and work will start in April 2014 and last through the end of 2014. The Appropriation Order passed by the following roll call vote.

ATTACHMENTS:

- CAFO certification for City Council order #2380 (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Kateri B. Walsh, At-Large Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

5. Order (ID # 2382)

Order of Taking of Temporary and Permanent Easements for the Sumner Avenue - Allen Street Transportation Improvement Project

HISTORY:

10/21/13	City Council	REFERRED TO COMMITTEE
Next: 11/18/13		

FINANCIAL IMPACT:

The Order of Taking awards damages of \$17,580.00 to property owners. There is a separate appropriation order on the agenda to fund these awards.

COMMENTS - Current Meeting:

Read on October 21, 2013 and an explanation was given by Chris Cignoli, DPW, Civil Engineer and Kathy Breck, Deputy City Solicitor said that they need more time to meeting

property owners and asked that the matter tabled and the matter was tabled until the next meeting November 18, 2013.

Read and an explanation was given by Chris Cignoli, DPW, Civil Engineer and Kathy Breck, Deputy City Solicitor stating that DPW and Law Department had met with property owners and explained the project and that Mass DOT will bid the Project in December 2013 and work will start in April 2014 and last through the end of 2014. The Order of Taking passed by the following roll call vote.

RESULT:	ADOPTED [12 TO 0]
MOVER:	Kateri B. Walsh, At-Large Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

6. Order (ID # 2396)

Library Trust Income - No Match Required \$37,017.27

COMMENTS - Current Meeting:

Read and an explanation was given by Lee Fogarty, Director of the Library Department that the grant was from Springfield Library Foundation in the amount of \$37,017.27 represents the 1st quarter payment to the Library Trust Income and the grant is to purchase library materials and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- Library Trust Income \$37,017.27 (PDF)
- Grant Set-up Library Trust (PDF)

RESULT:	PASSED BY VOICE VOTE
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7. Order (ID # 2404)

ORI TAG - No Match Required - \$112,000

COMMENTS - Current Meeting:

Read and an explanation was given by Lee Fogarty, Director of the Library Department that the grant was from Mass Executive Office of Health & Human Services, Office of Refugees and Immigrants (ORI) in the amount of \$112,000 to provide direct services under the ORI Program through a subcontract with the Jewish Family Services to provide the services to meet the program goals and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- Ori Tag \$112,000 (PDF)
- Ori Tag Grant Set-up Form (PDF)

RESULT: PASSED BY VOICE VOTE**8. Order (ID # 2405)**

Byrne Innovation Grant - \$1M - No Match

COMMENTS - Current Meeting:

Read and an explanation was given by Sgt. Brian Elliott, Grant Manager for the Police Department that the grant was from Department of Justice, "Byrne Criminal Justice Innovation Program Grant" in the amount of \$1,000,000 to improve community safety by designing and implementing effective, comprehensive approaches to addressing crime within targeted neighborhoods including assessing, planning, and implementing crime-prevention efforts and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- BYRNE CONTRACT \$1m (PDF)

RESULT: PASSED BY VOICE VOTE**9. Order (ID # 2406)**

Fire Donations X4 - \$130.00

COMMENTS - Current Meeting:

Read and an explanation was given by Fire Commissioner Joseph Conant that the grant was from various individuals (George P. Riopel, The Lemieux Family, Francis R. Hrobak and Patricia M. Tremblay) in the amount of \$130 for the Fire Memorial Fund and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- Fire Donations x4 11.18.13 (PDF)

RESULT: PASSED BY VOICE VOTE**10. Order (ID # 2407)**

Fire Donation Fr SCCCA - \$3400

COMMENTS - Current Meeting:

Read and an explanation was given by Fire Commissioner Joseph Conant that the grant was from the Springfield Council for Cultural and Community Affairs, Inc. On behalf of the Eastman Chemical Co. Foundation In the amount of \$3,400 to be used to purchase 2 Ipads with accessories for use by the Fire Inspectors as requested by donor and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- eastman donation-X24142110-0001 (PDF)

RESULT: PASSED BY VOICE VOTE**11. Order (ID # 2408)**

Police Underage Alcohol Grant - \$14K - No Match

COMMENTS - Current Meeting:

Read and an explanation was given by Sgt. Brian Elliott, Grant Manager for the Police Department that the grant was from Mass Executive Office of Public Safety and Security's Highway Safety Division Grant in the amount of \$14,000 to provide aid to the Police Department to conduct enforcement of underage drinking laws and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- UNDERAGE ALCOHOL (PDF)

RESULT: PASSED BY VOICE VOTE**12. Order (ID # 2411)**

Bill of Prior Year - Treasurer - \$6,105.00

COMMENTS - Current Meeting:

Read and an explanation was given by Stephen Lonergan, Treasurer/Collector stating that the Order in the amount of \$6,105 is to pay First Southwest Asset Management, Inc. For calculation services related \$127,400,000 State Qualified Municipal Purpose Loan of 2007 Bond Audit dated June 21, 2013 and the bill was sent to the wrong address and thus was not paid from 2013 General Funds and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- CAFO Certification IRS Audit (DOCX)
- BOPY IRS Audit (PDF)

RESULT: PASSED BY VOICE VOTE**13. Order (ID # 2422)**

Order Authorizing Dissolution of Betterment Lien Against ES Mazarin St., Lot 4 (08440-0045)

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 [12 TO 0]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

14. Order (ID # 2427)

Order Authorizing Application for Enterprise Community Economic Opportunity Area (EOA) Designation and Authorizing Execution and Delivery of a Tax Increment Financing Agreement with Titan Roofing, Inc.

COMMENTS - Current Meeting:

Read and an explanation was given by Thomas Matthew, Project Manager, Department of Planning and Economic Development and Richard Allen Chairman of the Board of Assessors that the Order is to provide a 5 year (July 1, 2014 through June 30, 2019) "Tax Increment Financing Agreement" (TIF) for Titan Roofing, Inc. to move from Chicopee, MA to 200 Tapley Street, Springfield, MA and would move 34 employees into the City and invest \$965,000 in renovations, personal property and equipment. Councilor Williams asked if the Assessors had an opinion on the agreement and Chairman Allen said he has been to the property and that it's a good deal for the City and the Order passed by the following roll call vote.

ATTACHMENTS:

- Exhibit A for Tital Roofing Order (PDF)
- Exhibits #1, 2, and 3 for Titan Roofing Order (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

15. Informational (ID # 2400)

An Order Authorizing the Acceptance of a Gift of Improvements to and Maintenance of a Veterans Memorial from Smith and Wesson Corp.

COMMENTS - Current Meeting:

Read and an explanation was given by Ryan Berry, Associate City Solicitor to accept a gift from Smith and Wesson Corporation to make certain improvement and to maintain a Veterans Memorial on Roosevelt Avenue and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- Smith and Wesson License (PDF)

RESULT:	PASSED VOICE VOTE
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16. Order (ID # 2403)

Grant Acceptance - No Match Required \$15,000

COMMENTS - Current Meeting:

Read and an explanation was given by Lee Fogarty, Director of the Library Department that the grant for "Early Literacy Grant" in the amount of \$15,000 from Funder Collaborative for Reading Success (FCRS) to be used to fund for its Building the Foundation for Lifetime of Reading Project and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- FCRS Grant \$15,000 (PDF)
- Grant Set-up FCRS (PDF)

RESULT: PASSED BY VOICE VOTE

17. Order (ID # 2398)

FY14 Tobacco Grant Acceptance - No Match- \$4,050.00

COMMENTS - Current Meeting:

Read and an explanation was given by Helen Caulton-Harris, Commissioner Health and Human Services that the grant was from Mass State Department of Public Health in the amount of \$4,050 for spot check on complaints with tobacco control regulations and the Order passed by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- Tobacco Control \$4,050 (PDF)
- Tobacco Control Grant Set-up (PDF)

RESULT: PASSED BY VOICE VOTE

18. BPW Reports & Orders

1. Informational (ID # 2390)

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 by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- COLUMBIA GAS PLAN - arcadia boulevard (PDF)
- COLUMBIA GAS REPORT - arcadia boulevard (DOC)

RESULT: PASSED VOICE VOTE

2. Informational (ID # 2392)

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 by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- QWEST REPORT - state street (DOC)
- QWEST PLAN - state street (PDF)

RESULT: PASSED VOICE VOTE

3. Informational (ID # 2393)

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 by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- QWEST REPORT - clarence street (DOC)
- QWEST PLAN - clarence street (PDF)

RESULT: PASSED VOICE VOTE

4. Informational (ID # 2397)

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 by a majority voice vote with Councilor Timothy J. Rooke absent.

ATTACHMENTS:

- WMECO PLAN - hancock street #6170 (PDF)
- WMECO REPORT - hancock street #6170 (DOC)

RESULT: PASSED VOICE VOTE

V. Special Acts**1. 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

HISTORY:

09/09/13	City Council	REFERRED TO COMMITTEE
Next: 10/07/13		
10/07/13	City Council	REFERRED TO COMMITTEE
Next: 10/21/13		
10/21/13	City Council	REFERRED TO COMMITTEE
Next: 11/18/13		

COMMENTS - Current Meeting:

Read and Councilor Fenton, Chair of the Special Committee on Residency asked that the Special Act to remain in Committee and no one was opposed.

ATTACHMENTS:

- Memo for Special Act for residency ferrera (PDF)

RESULT:	REFERRED TO COMMITTEE	Next: 12/2/2013 7:00 PM
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- 2. Motion To:** Motion to Refer back to the Special Committee on Residency

COMMENTS - Current Meeting:

Read and Councilor Fenton, Chair of the Special Committee on Residency asked that the Special Act to remain in Committee and no one was opposed.

RESULT:	ADOPTED VOICE
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- 3. Special Act (ID # 2425)**

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

COMMENTS - Current Meeting:

Read and sponsor Councilor Rooke was absent and Councilor Williams asked that the Special Act be referred to Committee.

ATTACHMENTS:

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

RESULT:	REFERRED TO COMMITTEE	Next: 12/2/2013 7:00 PM
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- 4. 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 Williams and said motion passed by a majority voice vote with Councilor Timothy J. Rooke absent.

RESULT:	ADOPTED VOICE
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- 5. Ordinances**

- (1.) ORD-2013-9 Tobacco Products**

Chapter 362 - Tobacco Products

ORD. NO. _____

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:	SECOND & THIRD STEPS [12 TO 0]
MOVER:	John A. Lysak, Ward 8 Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Williams, Twiggs, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Ashe, Concepcion, Ferrera III
ABSENT:	Timothy J. Rooke

COMMENTS - Current Meeting:

Read on October 21, 2013 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.

Read for a second time on November 18, 2013 and passed 2nd step by a majority voice vote with Councilor Rooke absent.

The Committee on Enrollment met on November 18, 2013 and the Ordinance passed 3rd step to be ordained by the following roll call vote.

(2.) (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: 12/16/2013 7:00 PM

COMMENTS - Current Meeting:

Read on October 21, 2013 and an explanation was given by Richard Allen Chairman of the Board of Assessors stating that the Ordinance would assist senior citizen 60 years or older and homeowners with the payment of residential tax bills for not more than \$500 per fiscal and would be limited to 20 participants in the beginning. Councilor Walsh, Williams, Edward and Councilor Twiggs expressed concerns about the limited number of participants per year. A motion was made to refer to the Finance Committee.

3. Motion To: Motion to refer to the Finance Committee

COMMENTS - Current Meeting:

Councilor Edward made a motion to refer to the Finance Committee and was seconded by Councilor Williams and said motion passed by a majority voice vote with Councilor Rooke Absent

RESULT: ADOPTED VOICE

4. 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

COMMENTS - Current Meeting:

Read 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.

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

RESULT: TABLED-NO VOTE**Next: 12/2/2013 7:00 PM****(5.) (ID # 2428) In-Board and Out-Board Motors**

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield, Chapter 275 thereof, entitled Peace and Good Order, by adding section 11 to Chapter 275.

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

No one shall operate, maintain, repair or winterize an out- board or in-board boat motor in any area of the city of Springfield, except those areas designated for such by the City Council.

Any violation of this code will result in a fine of not less than seventy five dollars (\$75.00) for the first offense, one hundred fifty dollars second (\$150.00) and third offense no less than four hundred dollars (\$400.00).

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

COMMENTS - Current Meeting:

Read and Councilor Rooke was absent so the matter was referred to committee without a vote

6. Motion To: Motion to Refer to the Public Health and Safety Committee

COMMENTS - Current Meeting:

Read and Councilor Rooke was absent so the matter was referred to the Public Health and Safety committee without a vote

RESULT: ADOPTED VOICE**(7.) ORD-2013-10 The Preservation of Historically Significant Buildings**

Chapter 418 - The Preservation of Historically Significant Buildings

ORD. NO. _____

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield by adding chapter 418:

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

Chapter 418 - The Preservation of Historically Significant Buildings

Section 1. Intent and Purpose

This ordinance is enacted for the purpose of preserving and protecting significant buildings within the City of Springfield which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the city and to limit the detrimental effect of demolition on the character of the city. By preserving and protecting significant buildings, streetscapes, and neighborhoods, this ordinance promotes the public welfare by making the city a more attractive and desirable place in which to live and work.

Section 2. Definitions

- i. APPLICANT-Any person or entity who files an application for a demolition permit.
- ii. APPLICATION-An application for the demolition of a building.
- iii. BUILDING-Any combination of materials forming a shelter for persons, animals, or property.
- iv. BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.
- v. COMMISSION - The Springfield Historical Commission.
- vi. DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.
- vii. DEMOLITION PERMIT - The permit issued by the Building Commissioner for a demolition of a building, excluding a permit issued solely for the demolition of the interior of a building.
- viii. PREFERABLY PRESERVED BUILDING - Any building within the City of Springfield which is one hundred years old or older, as recorded by the Assessor, or any building which is listed on, or is within a district listed on, the National Register of Historic Places.

Section 3. Procedure

- A. Within seven (7) days of receiving a demolition application, the Building Commissioner or his designee shall determine whether the building to be demolished is a Preferably Preserved Building. If the building is determined to be a Preferably Preserved Building or if the age of the building is unknown, then the Building Commissioner shall forward a copy of the application to the Commission. No demolition permit shall issue for a Preferably Preserved building for nine (9) months, following receipt of the application by the Commission.

- B. The Commission shall, within nine (9) months of receiving the application, determine whether the building should be designated a Historic District pursuant to Chapter 49 of the Revised Ordinances of the City of Springfield and Massachusetts General Laws Chapter 40C.
- C. If the Commission has not designated the building as a historic district, within nine (9) months of receiving the application, then the Building Commissioner may issue the demolition permit.
- D. This Chapter shall not apply to any building located in any area of the City designated a "Casino Overlay District" pursuant to Section 8.5 of the Springfield Zoning Ordinance and for which the State Gaming Commission has granted a license.

Section 4. Exemption

- A. The Commission may exempt any building from the provisions of this ordinance upon written request from the applicant. The request shall include (a) the address of the building to be demolished, (b) the owner's name, address and telephone number, (c) the reason for requesting a demolition permit, (d) photograph, drawing or description of the building.
- B. An exemption from the provisions of this ordinance shall require a majority vote of the Commission.
- C. If the Commission fails to act on a request for exemption within thirty (30) days of submission to the Commission then the exemption is granted.
 - a. Nothing in this Chapter shall be deemed to inhibit the Building Commissioner's or Fire Commissioner's ability to demolish buildings under Mass. Gen. Law c. 48, Mass. Gen. Law c. 143 §§ 6-9 and the Massachusetts Building Code.
 - b. Nothing in this Chapter shall be deemed to inhibit the Law Department's ability to seek and enforce a court demolition order, provided the Law Department and/or the Office of Housing provides the Historical Commission notice upon filing a motion demolish a building and not less than sixty (60) days prior to demolition.
 - c. Nothing in this Chapter shall be deemed to inhibit the Office of Housing's ability to demolish tax-foreclosed residential structures, provided the Office of Housing provides the Historical Commission with notice at least sixty (60) days prior to demolition.

Section 5. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

Section 6. Emergency Demolition

Nothing in this Chapter shall be deemed to inhibit the Building Commissioner's or Fire Commissioner's ability to demolish buildings under Mass. Gen. Law c. 48, Mass. Gen. Law c. 143 §§ 6-9 and the Massachusetts Building Code.

Section 7. Historic District Act

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, M.G.L. Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

Section 8. Severability

In case any section, paragraph, or part of this ordinance be, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

RESULT: FIRST STEP**Next: 12/16/2013 7:00 PM**

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Allen stating that the Ordinance is a result of the "Ally House" on Mercy Hospital property being demolished. This Ordinance is for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the City and to limit the detrimental effect of demolition on the character of the City. By preserving and protecting significant buildings, streetscapes, and neighborhoods, this ordinance promotes the public welfare by making the City a more attractive and desirable place in which to live and work Councilor Williams and Lysak joined stating that this would be good for the City because of many historical buildings in the City and the Ordinance passed 1st step by a majority voice vote with Councilor Timothy J. Rooke absent and was referred to the Committee on Ordinances.