



City Council

Regular Meeting

~ Draft ~

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

Anthony I. Wilson
413-787-6170

Monday, April 22, 2019

6:30 PM

Springfield City Hall -- Council Chambers

Possible Public Speak-Out Time 6:30 PM

Call to Order

6:30 PM Meeting called to order on April 22, 2019 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Tracye Whitfield	Councilwoman	Present	
Adam Gomez	Ward 1 Councilor	Present	
Timothy Ryan		Present	
Michael A. Fenton	Ward 2 Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Late	7:00 PM
Kenneth E. Shea	Ward 6 Councilor	Present	
Orlando Ramos	Vice President - Ward 8 Councilor	Late	6:35 PM
Jesse Lederman		Present	
Marcus J Williams	vice-president	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Justin Hurst	President	Present	

Moment of Silence - Pledge of Allegiance

Reports of Committee

Councilor Lederman gave a report of the Health and Human Services Committee.

Councilor Lederman gave a report of the Sustainability and Environment Committee.

Councilor Edwards gave a report of a joint meeting of the Sustainability and Environment Committee, the Health and Human Services Committee and the General Government Committee.

Councilor Ramos gave a report of the Public Safety committee.

Councilor Ryan gave a report of the Finance Committee.

Informational

(1.) (ID # 5095) Police Commissioner and Civilian Review Board

AMENDING CHAPTER 67, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, AS AMENDED, HEREBY FURTHER AMENDED BY DELETING ARTICLE XVII AND REPLACING IT WITH THE FOLLOWING TO ADD THERETO: THE ESTABLISHMENT OF THE POSITION OF POLICE COMMISSIONER AS WELL AS A CIVILIAN POLICE BOARD FOR THE SPRINGFIELD POLICE DEPARTMENT

Chapter 67. OFFICERS AND EMPLOYEES

Article XVII. Police Commissioner and Civilian Review Board

Sections:

§ 67-84. Position of Police Commissioner established; appointment.

§ 67-85. Term of office of Police Commissioner; vacancies; removal.

§ 67-86. Qualifications for Police Commissioner.

§ 67-87. Authority of Police Commissioner.

§ 67-88. Acting Police Commissioner.

§ 67-89. Establishment of Civilian Review Board.

§ 67-90. Selection of Board Members.

§ 67-91. Qualifications for Board.

§ 67-92. Training for Board Members.

§ 67-93. Submission of Complaint to Board.

§ 67-94. Responsibility of Board Member for Review.

§ 67-95. Submission of Complaint.

§ 67-96. Standards of Adjudication.

§ 67-97. Conduct of Hearings.

§ 67-98. Determination of the Merit of Complaint.

§ 67-99. Penalty Assessment.

§ 67-100. Removal from the Board.

§ 67-101. Public Outreach and Communication.

§ 67-102. Miscellaneous.

§ 67-103. Conflict with other laws; Severability.

§ 67-104. Effective Date.

§ 67-84. Position of Police Commissioner established; appointment.

The position of Police Commissioner is hereby established. The Mayor shall appoint a single Police Commissioner for the City of Springfield.

§ 67-85. Term of office of Police Commissioner; vacancies; removal.

The Police Commissioner shall be appointed for a term of not less than three years, and the term of said Commissioner shall not be coterminous with the Mayor. The Police Commissioner shall hold office until a successor is appointed and qualified, and any vacancy occurring shall be filled by the Mayor. Said Police Commissioner may be removed from office by the Mayor for cause.

§ 67-86. Qualifications for Police Commissioner.

At the time of appointment, such Police Commissioner shall have had at least seven years' experience as a captain, or equivalent rank, in a federal, state or local police force or law enforcement agency, or in any combination thereof. Such Police Commissioner shall not engage in any other business and shall be sworn to the faithful performance of the office before entering upon the same. At the time of appointment, the Police Commissioner shall possess a master's degree in a field related to his or her duties from an accredited institution of higher learning or an equivalent degree.

§ 67-87. Authority of Police Commissioner.

The Police Commissioner shall have the authority to appoint, establish and organize the Police Department of the City. The Police Commissioner shall have control of the government, administration, disposition and discipline of the Police Department, and of the police force of the Department and shall make all rules and regulations as are proper for the efficiency of the Department and its force. Except as otherwise provided herein, all the powers and duties of the Police Commission of the City of Springfield now or previously conferred or imposed by law or otherwise reflected in City ordinances are hereafter conferred and imposed upon said Police Commissioner, including but not limited to those otherwise vested in the Mayor and City Council by Chapter 244 of the Acts of 1909.

§ 67-88. Acting Police Commissioner.

In case of absence, disability or vacancy of office by the Police Commissioner, then the next highest-ranking officer in the Department shall serve as Acting Police Commissioner. If there are two such.

§ 67-89. Civilian Review Board Establishment.

The Civilian Review Board ("Board") for the City of Springfield Police Department is hereby established and shall operate as set forth in this Ordinance.

§ 67-90. Selection of Board Members.

- A. The Mayor shall appoint the members of the Board. The Board shall consist of 9 members who are residents of the City. Members shall participate in all training and preparatory meetings and act without conflict of interest on the part of any member thereof.
- B. The Board will be chaired by an attorney with experience in trials or administrative procedures. The chairperson will lead quarterly full Board meetings and work with the Board and the Police Commissioner to determine the full Board meeting schedules and agendas and administration of the Board.
- C. The term of appointment of members shall be three years; however, the initial appointments shall include 1 member who shall serve an initial one-year appointment, and two members who shall serve two years in order to stagger the terms for future appointments. Members shall serve until replaced.

§ 67-91. Qualifications for Board.

- A. The members of the Board do not need to have had investigatory experience. They must be persons of integrity with diverse backgrounds. Potential Board members should recognize the significant commitment of time that Board membership requires and be willing to commit sufficient time to the effort. In addition to bi-weekly Board meetings, Board members will be occasionally asked to participate in community outreach and education activities.
- B. The members of the Board must agree to keep information on specific complaints or investigations confidential as is the present practice with in the Springfield Police Department (“SPD”) Internal investigation Unit (“IIU”). This is a fundamental responsibility and failure to keep private information confidential will be grounds for removal from the Board.
 - a. Internal investigations should be closed to the subject officer and the public while they are pending. Nonetheless, the Police Commissioner should be fully informed of the progress of internal investigations and should regularly communicate the status of an investigation to the press and the general public to the full extent permitted by law while pending review or hearing before the Board.
 - b. In order for the disciplinary process to work effectively and efficiently in conjunction with the Boar, Witnesses and witness officers interviewed in an internal affairs investigation should be informed that the investigation is confidential in nature, and that they must not discuss the content of the investigation or interview with others. Witness officers should be required to sign a form agreeing to maintain confidentiality during the investigation. In addition, accused officers should be required to sign a confidentiality agreement to ensure they do not discuss the case with witness officers, ask

witnesses about their statements to IIU, or contact any other individuals involved in the investigation.

§ 67-92. Training for Board Members.

- A. The Personnel, Police, and Law Departments shall develop a training program for all new Board members. This training shall include:
1. The current procedures for filing and investigating a complaint.
 2. The elements of a thorough investigation including a review of a number of actual case files from closed investigations.
 3. The Policies of the SPD regarding respectful treatment of civilians.
 4. The Policies of the SPD regarding appropriate use of force.
 5. The Role of civilian oversight boards in other jurisdictions.
 6. Legal Requirements for protection and confidentiality of private governmental documents.
 7. Hearing procedures and requirements under the provisions of Civil Service Laws and collective bargaining agreements for the conduct of administrative disciplinary hearings.
- B. As part of this training a set of reference materials should be provided to each Board member. These materials should include copies of all relevant Massachusetts statutes, all SPD policies and procedures regarding officer misconduct and use of force, and a copy of this ordinance. This training should be repeated annually or when new members are appointed to the Board.

§ 67-93. Submission of Complaints to the Board for Review.

- A. At the completion of the IIU investigation and prior to an initial review by the Board, the IIU, in conjunction with attorneys from the Labor Relations Department, shall prepare a cover memo on each complaint detailing the applicable charges based on the allegations and the investigation.
- B. The applicable charges and the investigative file should then be provided to the accused officer's command chain for review. The officer's chain of command should then make a preliminary determination and provide a written analysis in support of that determination. The investigative file, cover memo, and chain of command preliminary determination and analysis should then be provided to the Board for the initial review.

§ 67-94. Responsibility of Board Members.

It shall be the responsibility of the Board to:

- A. Accept and review civilian complaints filed with the SPD or any other city or state agency regarding the activities of the SPD. The Police Commissioner may take appropriate actions to maintain the security of police documents, reports or files examined by the Board.

- B. Review the sufficiency of internal investigations completed by the SPD, and to make recommendations to the Police Commissioner for further investigation or action.
- C. To preliminarily review complaints investigated by IIU and make a preliminary determination as to whether, based on the preliminary review to make a recommendation such that:
 - 1. A charge letter be issued, and the Police Commissioner dispose of the complaint without the need for a hearing at this time.
 - 2. A charge letter be issued, and a hearing be held for consideration of the charges.
 - 3. The Police Commissioner dispose of the matter in the good exercise of his discretion.
- D. To act as hearing officers, designated by the Police Commissioner as the appointing authority pursuant to the Civil Service Law (Chapter 31 of the General Laws), in complaints under jurisdiction of the Board pursuant to this ordinance, taking into account the need for the training and qualifications required for a hearing officer and that a hearing officer who cannot consider a case in a fair and impartial manner because of personal prejudice or bias, shall not consider a particular case and shall so inform the Board. Examples of personal bias include, but are not limited to:
 - 1. Familial relationship or friendship with parties to the complaint;
 - 2. Being a party to the complaint;
 - 3. Witnessing material events relevant to the complaint;
 - 4. Having a financial interest in the outcome of the case;
 - 5. Holding a bias for or against a party that is sufficient to impair the examiner's impartiality.
- E. Each member shall consider the complaint in a fair and impartial manner, ensure that facts are fully elicited, adjudicate all issues and avoid undue delay and shall be conducted in accordance with the applicable provisions of state and federal law, including but not limited to laws pertaining to Civil Service, or the Open Meeting Law, and provisions of a collective bargaining agreement applicable to the employment of a member of the Police Department.

§ 67-95. Subpoena Authority.

The Board is authorized in the case of any unresolved complaint submitted to them for the purpose of acting as a hearing officer, which would be aided thereby, to subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any evidence relating to any matter in question before the Board for hearing. Any witness is expressly granted the right to be advised and represented by counsel present during any hearing.

§ 67-96. Standards for adjudication.

- A. The Open Meeting Law shall apply to the activities of the Board.
- B. The investigative file sent to the Board shall include specific charges listing the policy violations for consideration at hearing. As to the minimum standards for adjudicating disciplinary cases, the following shall apply:
 - 1. The burden of proof is on the department.
 - 2. The standard of proof is a preponderance of the evidence.
 - 3. The standards of evidence are those of administrative law, not criminal law.
 - 4. No presumptions of truth are made regarding facts in dispute.
 - 5. No presumptions are made regarding witness credibility: all persons are equally credible unless an objective, fact-based evaluation of the witness's capacities, testimonial coherence, and other relevant and demonstrable factors justify otherwise.
 - 6. Conclusions are logically deduced from the evidence.
- C. The services of the Labor Relations departments shall be available to provide legal services to the Police Commissioner before the Board and the services of the Law Department shall be available to provide legal services to the Board.

§ 67-97. Conduct of Hearing.

- A. The Board is required to adopt rules of procedure for the conduct of its hearings. The rules must ensure the due process rights of all persons involved in the hearings. Each person who appears before the Board and avails himself of constitutional guarantees shall not be punished in any way therefor.
- B. The board should sit in panels of at least three designated members, one of whom is a retired law enforcement officer, when reviewing the investigative file to consider whether to recommend disciplinary charges in the preliminary determination, or when sitting as hearing officers on applicable charges.
- C. The three-member panel should make a recommendation to the Commissioner regarding a determination for each applicable charge utilizing the same case dispositions as defined in this Ordinance. A formal charge letter should be provided to the accused officer after the Commissioner makes a final determination as to what charges will be included in the letter. If, after the charge letter has been issued to the accused officer, the officer does not dispute the charges, there is no reason to proceed with the full hearing. If the officer does not dispute the charges, the Board should make a recommendation regarding discipline, and then the case should go directly to the Commissioner to make a final decision regarding discipline.

§ 67-98. Determination of the merits of complaints.

- A. The Board shall make written findings of fact and a determination of the merits of the complaint considered in their capacity as Hearing Officers based on the relevant legal standards.
- B. If the Board determines that one or more allegations in the complaint are sustained, a recommendation for any discipline warranted, after providing the employee with an opportunity to speak personally or through a representative and after consideration of the employee's work history and guided by the Director of Human Relations as to appropriate discipline and penalties in similar circumstances in accord with the requirements of Civil Service and Labor Laws.
- C. After Hearing, the Board's determination along with the findings and recommendation for discipline, if any, shall be filed in a report to the Police Commissioner within 7 days of the end of the Hearing.
- D. In the merits determination, the Board in its hearing recommendation, and Police Commissioner, in the determination of the charges, shall make one of the following decisions about each allegation in the complaint, consistent with definitions in department policy and training:
 - 1. sustained or founded;
 - 2. not sustained or not resolved or unresolved;
 - 3. exonerated; or
 - 4. unfounded.
- E. The Police Commissioner, pursuant to Civil Service law, shall give to such employee a written notice of the decision, which shall state fully and specifically the reasons therefore, including the reason for any deviation from the recommendation of the Board, which shall be subject to the present means of review by civil service appeal or arbitration as provided by the applicable collective bargaining agreement.
- F. After a complaint is closed the complainant shall be promptly notified of the findings and may provide copies of any portions of the internal affairs file which are a public record. Any actual order of disciplinary action addressed to an officer is not a public record and shall not be disclosed. For the complainant, correspondence shall be sent by certified mail to help ensure they receive notice of the outcome.
- G. The Board may send satisfaction surveys, similar to those used by the other Police Departments, to both complainant and officers when each complaint is closed.
- H. The Police Commissioner or the Board shall be authorized to attempt by voluntary non-binding mediation to resolve any complaint if deemed appropriate and the complainant and the subject officer agree to participate in such mediation. Mediation shall be conducted by a neutral facilitator, in lieu

of investigation and adjudication, to permit resolution of minor complaints that are usually not easily resolved through investigation.

§ 67-99. Penalty Assessment

In order to ensure that discipline is fair, consistent, and predictable, the Labor Relations Department shall develop guideline in the form of a penalty matrix that lists penalties or ranges of discipline for various types of misconduct. The matrix should not be applied inflexibly, and the discipline should be based on the totality of the circumstances, including aggravating and mitigating factors.

§ 67-100. Removal from the Board.

The Mayor may remove a member from the Board, before his or her term expires.

§ 67-101. Public Outreach and Communication.

- A. To help increase the open access to the complaint process the department will need to educate the public about the complaint reporting process, including information about when and how to file a complaint. Presentations to community groups, schools, community organizations and religious groups about the complaint reporting process may be necessary as part of a broader effort to help people increase trust and confidence in the complaint investigation process. This communication process should involve both members of the IIU and members of the Board. Joint presentations will help reflect the openness of the department. Such presentations should be made in the neighborhoods of Springfield and should be done in conjunction with existing community organizations whenever possible.
- B. In addition, to general education and outreach, the Board shall, with the Assistance of the Law Department, communicate with complainants about the status of investigations, and (where appropriate) the public. With the assistance of the Police Department, the Board shall keep track of all Citizen Complaints, hearings, and findings, and identify each with an incident number, date of incident, location of incident, the nature of the misconduct, the name of the complainant and name of officer or officers alleged to have committed the misconduct and publicly disseminate notice of the review of any such incidents on a quarterly basis, but shall not disseminate the names of any participants or disciplinary action imposed in any incident without the consent of such party.
- C. The data gathered with regard to the Board's activities, as well as any reports or recommendations voted by the Board with regard to the interaction of police officers and members of the community, shall be reviewed by the Police Commissioner when considering disciplinary actions, promotions, assignments, training or adoption or amendments of the policies and procedures of the Springfield Police Department.

§ 67-102. Miscellaneous.

- A. The Mayor shall designate a Civilian Oversight Coordinator (COC) who would be responsible for the day-to-day administration of the Board, such as scheduling board meetings, posting notices of meetings and hearings, and following up on board requests. The COC would serve as the liaison between the board and other officials, including the Mayor, the Law Department, and representatives from SPD. The Coordinator also would participate in the initial Board review.
- B. A three-member panel of board members, as well as the Civilian Oversight Coordinator should meet every two weeks to review new cases. Each of these panels should have at least one member with prior law enforcement experience.
- C. On a yearly basis, all members of the Board should meet to review SPD policy and procedures that may contribute to police misconduct and recommendations for improvement. The Board should be empowered to recommend changes in policy or training to reduce officer misconduct.
- D. The city of Springfield, with the Board, shall develop a clear mission statement for the Board and procedures to follow, and SPD should provide in-depth training for the Board on these protocols.

§ 67-103. Conflict with other laws; severability.

Nothing in this ordinance shall be interpreted to contravene the General Laws of this Commonwealth or the Charter of the City of Springfield. Any provision of this article that conflicts with applicable law or the City Charter shall be interpreted in such a manner and to such an extent as to be effective and valid under applicable law. If any provision of this article is prohibited by or invalid under applicable law or the City Charter, such provision shall be ineffective only to the extent of such prohibition or invalidity, thereby leaving the remainder of this article effective.

§ 67-104. Effective Date.

This ordinance shall take effect of 2019.

Approved as to form

Associate City Solicitor

RESULT: REFERRED TO COMMITTEE

COMMENTS - Current Meeting:
Councilor Ramos moved to take this item out of order without objection.

Councilor Ramos moved to send the item to committee. The motion was seconded by Councilor Walsh.

Councilor Ryan spoke in opposition to the motion.

Councilor Walsh spoke in support of the motion.

Councilor Williams spoke in support of the motion.

Councilor Fenton spoke in opposition to the motion.

Councilor Allen clarified that the ordinance could pass first step and then be sent to committee.

Councilor Lederman spoke in support of sending the matter to committee.

Councilor Ramos spoke in support of the motion.

Councilor Whitfield spoke in support of the motion.

The motion passed by the following roll call vote:

Whitfield	Y
Gomez	Y
Ryan	N
Fenton	N
Edwards	Y
Twiggs	Absent
Shea	Y
Ramos	Y
Lederman	Y
Williams	Y
Allen	N
Walsh	Y
Hurst	Y

2. Order (ID # 5089)

March Revenue Vs. Expenditure Report

COMMENTS - Current Meeting:

Patrick Burns, Comptroller, gave the report.

In response to a question from Councilor Allen, Mr. Burns stated that the snow and ice budget was under spent by \$90,000.

ATTACHMENTS:

- March Revenue vs. Expenditure Report (PDF)

RESULT:	RECEIVE REPORT
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Petitions

3. Petition (ID # 5093)

Eversource #6296 Avocado St.

COMMENTS - Current Meeting:

Michael Yakivony, representing Eversource, spoke in support of the petition.

ATTACHMENTS:

- Petition (PDF)
- plan (PDF)
- Avocado #6296Report (PDF)

RESULT: RECEIVED PASSED**4. Petition (ID # 5094)**

Verizon Bay Street

ATTACHMENTS:

- petition Verizon Bay st. (PDF)
- plan Verizon Bay St. (PDF)

RESULT: RECEIVED PASSED

Grants

5. Order (ID # 5083)

FY19 State Aid to Public Libraries Increase - No Match Required \$154,615.24

COMMENTS - Current Meeting:

Molly Fogarty, Library Director, spoke in support of the grant.

ATTACHMENTS:

- 20181119115413492 (PDF)
- State Aid Increase (PDF)

RESULT: PASSED BY VOICE VOTE**6. Order (ID # 5086)**

Fire Department Donation - \$500.00

ATTACHMENTS:

- Silverbrick Donation - Fire Dept (PDF)

RESULT: PASSED BY VOICE VOTE**7. Order (ID # 5085)**

Police Department Donation - \$500.00

ATTACHMENTS:

- Silverbrick Donation - Police Dept (PDF)

RESULT:	PASSED BY VOICE VOTE
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Orders

8. Order (ID # 5088)

Order Authorizing Mayor to Execute Quitclaim Deed for Transfer of Title of ES Pinecrest Dr. (09730-0046) to the Springfield Conservation Commission

COMMENTS - Current Meeting:

Julissa Davila-Ramos, from the Office of Housing, spoke in support of the transfer.

RESULT:	ADOPTED [11 TO 0]
AYES:	Gomez, Ryan, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Tracye Whitfield, E. Henry Twiggs

9. Order (ID # 5050)

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of West Side Roosevelt Avenue Gaucher Street Ramp (10364-0007) to Gaucher Realty, LLC

HISTORY:

03/18/19 **City Council**

building is valued at \$12,500 and was selling for \$483.00 sent back to city council for review. 4800 square feet 10 scent per square feet.

03/18/19 **City Council** **REFERRED TO COMMITTEE**

Julissa Davila-Ramos, from the Office of Housing, spoke in support of the order.

Councilor Ryan expressed concern about the sale price.

Councilor Ryan moved to send the matter to committee. Seconded by Councilor Shea.

The motion passed by the following roll call vote;

Whitfield	Y
Gomez	N
Ryan	Y
Fenton	Y
Edwards	Y
Twiggs	A
Shea	Y
Ramos	N
Lederman	Y
Williams	Y
Allen	Y
Walsh	N
Hurst	Y

The matter was referred to Finance Committee.

03/26/19

City Council

COMMENTS - Current Meeting:

Julissa Davila-Ramos, from the Office of Housing, spoke in support of the transfer.

RESULT:	ADOPTED [12 TO 0]
AYES:	Gomez, Ryan, Fenton, Edwards, Twiggs, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Tracye Whitfield

Ordinances

(10.) **ORD-2018-17 Plastic Bag Reduction**

PLASTIC BAG REDUCTION ORDINANCE

SECTION 1 DEFINITIONS

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Director”, the **Commissioner of Health and Human Services or their designee.**

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include:

- A. bags, whether plastic or not, in which loose produce or products are placed by the consumer or manufacturer to deliver such items to the point of sale or check out area of the store; or
- B. **Laundry or dry-cleaner bags; or**
- C. **Newspaper bags; or**
- D. **Bags to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.**
- E. **A non-plastic bag without handles in which prepared food is placed.**
- F. **A bag provided by a pharmacy to a costumer purchasing a prescription medication.**

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Department”, the City’s **Department of Health and Human Services**.

“Marine-degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional, Department-approved standards are as stringent as ASTM D7081.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" in a visible manner on the outside of the bag.

“Retail establishment”, any retail space located in the City including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

“Reusable checkout bag”, a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils thick.

SECTION 2 REQUIREMENTS

(a) If any retail establishment as defined in section 1 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) A store that provides any type of checkout bag may provide them for free or at such cost they deem appropriate. All moneys collected pursuant to this ordinance shall be retained by the store.

(c) **Any charge for a checkout bag shall be separately stated on a receipt provided at the time of sale and shall be identified as the “checkout bag charge” thereon.**

(d) The Director may promulgate rules and regulations to implement this section.

SECTION 3 PENALTIES AND ENFORCEMENT

- (a) Each Retail Establishment shall comply with this by-law.
- (1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.
 - (2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
 - (3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - A) \$50 for the first offense
 - B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.
 - (4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.
 - (5) A Retail Establishment shall have thirty (30) calendar days after the date that a notice of violation is issued to pay the penalty.

B. The Department of Health and Human Services shall notify all retail and food service establishments in writing by mail of the effective date of this ordinance by June 30, 2019.

SECTION 4 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect June 1, 2020 for retail establishments 10,000 square feet and greater and December 1, 2020 for retail establishments less than 10,000 square feet.

SECTION 5 SEVERABILITY

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

SECTION 6 REVIEW

The City Council's Committee on Sustainability and Environment shall review this ordinance 12 months from initial implementation.

Chapter 280-Plastic Bag Reduction

RESULT:	SECOND & THIRD STEPS [12 TO 0]
MOVER:	Jesse Lederman
AYES:	Gomez, Ryan, Fenton, Edwards, Twiggs, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Tracye Whitfield

COMMENTS - Current Meeting:

Councilor Lederman spoke in support of the ordinance.

Councilor Fenton expressed concerns about the drafting and stated that he was against a fee for check-out bags.

Councilor Gomez spoke in support of setting a ceiling for the mandatory charge for checkout bags.

Councilor Fenton spoke in support of setting a ceiling for the mandatory charge for checkout bags.

Councilor Ryan moved to amend section 2(b) to read as follows:

"(b) A store that provides any type of checkout bag may provide them for no more than five cents. All moneys collected pursuant to this ordinance shall be retained by the store.

"

The motion was seconded by Councilor Twiggs.

Councilor Lederman expressed concerns about the motion.

In response to a question from Councilor Gomez, Solicitor Pikula stated that he was not sure if the council had a authority to fix prices in the private market.

Based on the information from the City Solicitor, Councilor Gomez expressed interest in striking a checkout bag fee altogether.

Councilor Shea expressed interest in striking a checkout bag fee altogether.

Councilor Ryan withdrew his motion and moved to amend section 2(b) to read as follows:

"(b) A store that provides any type of checkout bag may provide them for free or at such cost they deem appropriate. All moneys collected pursuant to this ordinance shall be retained by the store.

"

The motion was seconded by Councilor Twiggs.

The motion passed by voice vote.

Councilor Allen moved to delete the word "be" from Section 2(a). The motion passed by voice vote.

Councilor Allen moved to amend "June 30, 2019" in section 3(b) to read "June 31, 2019".
The motion passed by voice vote.

Councilor Allen moved to amend section to read as follows:

"All of the requirements set forth in this by-law shall take effect June 1, 2020 for retail establishments 10,000 square feet and greater and December 1, 2020 for retail establishments less than 10,000 square feet."

The motion was seconded by Councilor Fenton.

The motion passed by voice vote.

Councilor Lederman moved to amend the paragraph entitled "checkout bags" in section 1 to read as follows"

"“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale.
Checkout bags shall not include:

- A. bags, whether plastic or not, in which loose produce or products are placed by the consumer or manufacturer to deliver such items to the point of sale or check out area of the store; or
- B. Laundry or dry-cleaner bags; or
- C. Newspaper bags; or
- D. Bags to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
- E. A non-plastic bag without handles in which prepared food is placed.
- F. A bag provided by a pharmacy to a costumer purchasing a prescription medication.

"

Councilor Lederman moved to amend the paragraph entitled "Recyclable Paper Bag" in section 1 to read as follows"

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" in a visible manner on the outside of the bag.

The two motion were seconded by Councilor Ryan.

The motions passed by voice vote.

The council invoked rule 22C to pass the ordinance in one vote

Resolutions

11. Resolution (ID # 5096)

Support of Stop and Shop Workers

COMMENTS - Current Meeting:

Councilor Lederman spoke in support of the resolution.

Councilor Lederman moved to amend the resolution as follows:

"WHEREAS, the Springfield City Council is proud to support our city's workforce including those represented by unions that strive to preserve their workplace rights and benefits to support their families, and

WHEREAS, Five UFCW Locals, including UFCW Local 1459 in Springfield, recently concluded an 11 day strike against Stop and Shop, and

WHEREAS, the locals represent over 30,000 people, many of whom are our constituents and neighbors, who stood strong together in an effort to retain their wages and benefits, and

WHEREAS, workers had identified proposals to cut workers take home pay, reductions in retirement benefits, cuts to healthcare, and elimination of Holidays and personal days as the main issues on the bargaining table, while at the same time citing that the company has produced a 13.4% increase in operating income in the last quarter and \$2 billion in profits last year, and

WHEREAS, during the strike many members of the community including regular customers and other local unions supported the workers by standing in solidarity with them, bringing them food and supplies, and donating to support the effort, highlighting the strength and unity of our community, and

WHEREAS, reports now indicate that the unions have reached a tentative agreement and workers are returning to work,

NOW, THEREFORE BE IT RESOLVED, that the Springfield City Council expresses it's support and congratulations to the Stop and Shop workers and local unions for their steadfast commitment to preserving workers rights and their successful negotiation.

"

The amendment was seconded by Councilor Walsh.

The amendment passed by voice vote.

RESULT:	PASSED BY VOICE VOTE
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City Council
36 Court Street
Springfield, MA 01103

Meeting: 04/22/19 06:30 PM
Department: City Clerk
Category: General
Prepared By: Anthony I. Wilson
Initiator: Anthony I. Wilson
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5095

TABLED

ORDINANCE (ID # 5095)

Police Commissioner and Civilian Review Board

AMENDING CHAPTER 67, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, AS AMENDED, HEREBY FURTHER AMENDED BY DELETING ARTICLE XVII AND REPLACING IT WITH THE FOLLOWING TO ADD THERETO: THE ESTABLISHMENT OF THE POSITION OF POLICE COMMISSIONER AS WELL AS A CIVILIAN POLICE BOARD FOR THE SPRINGFIELD POLICE DEPARTMENT

Chapter 67. OFFICERS AND EMPLOYEES

Article XVII. Police Commissioner and Civilian Review Board

Sections:

§ 67-84. Position of Police Commissioner established; appointment.

§ 67-85. Term of office of Police Commissioner; vacancies; removal.

§ 67-86. Qualifications for Police Commissioner.

§ 67-87. Authority of Police Commissioner.

§ 67-88. Acting Police Commissioner.

- § 67-89. Establishment of Civilian Review Board.**
- § 67-90. Selection of Board Members.**
- § 67-91. Qualifications for Board.**
- § 67-92. Training for Board Members.**
- § 67-93. Submission of Complaint to Board.**
- § 67-94. Responsibility of Board Member for Review.**
- § 67-95. Submission of Complaint.**
- § 67-96. Standards of Adjudication.**
- § 67-97. Conduct of Hearings.**
- § 67-98. Determination of the Merit of Complaint.**
- § 67-99. Penalty Assessment.**
- § 67-100. Removal from the Board.**
- § 67-101. Public Outreach and Communication.**
- § 67-102. Miscellaneous.**
- § 67-103. Conflict with other laws; Severability.**
- § 67-104. Effective Date.**

§ 67-84. Position of Police Commissioner established; appointment.

The position of Police Commissioner is hereby established. The Mayor shall appoint a single Police Commissioner for the City of Springfield.

§ 67-85. Term of office of Police Commissioner; vacancies; removal.

The Police Commissioner shall be appointed for a term of not less than three years, and the term of said Commissioner shall not be coterminous with the Mayor. The Police Commissioner shall hold office until a successor is appointed and qualified, and any vacancy occurring shall be filled by the Mayor. Said Police Commissioner may be removed from office by the Mayor for cause.

§ 67-86. Qualifications for Police Commissioner.

At the time of appointment, such Police Commissioner shall have had at least seven years' experience as a captain, or equivalent rank, in a federal, state or local police force or law enforcement agency, or in any combination thereof. Such Police Commissioner shall not engage in any other business and shall be sworn to the faithful performance of the office before entering upon the same. At the time of appointment, the Police Commissioner shall possess a master's degree in a field related to his or her duties from an accredited institution of higher learning or an equivalent degree.

§ 67-87. Authority of Police Commissioner.

The Police Commissioner shall have the authority to appoint, establish and organize the Police Department of the City. The Police Commissioner shall have control of the government, administration, disposition and discipline of the Police Department, and of the police force of the Department and shall make all rules and regulations as are proper for the efficiency of the Department and its force. Except as otherwise provided herein, all the powers and duties of the Police Commission of the City of Springfield now or previously conferred or imposed by law or otherwise reflected in City ordinances are hereafter conferred and imposed upon said Police Commissioner, including but not limited to those otherwise vested in the Mayor and City Council by Chapter 244 of the Acts of 1909.

§ 67-88. Acting Police Commissioner.

In case of absence, disability or vacancy of office by the Police Commissioner, then the next highest-ranking officer in the Department shall serve as Acting Police Commissioner. If there are two such.

§ 67-89. Civilian Review Board Establishment.

The Civilian Review Board (“Board”) for the City of Springfield Police Department is hereby established and shall operate as set forth in this Ordinance.

§ 67-90. Selection of Board Members.

- A. The Mayor shall appoint the members of the Board. The Board shall consist of 9 members who are residents of the City. Members shall participate in all training and preparatory meetings and act without conflict of interest on the part of any member thereof.
- B. The Board will be chaired by an attorney with experience in trials or administrative procedures. The chairperson will lead quarterly full Board meetings and work with the Board and the Police Commissioner to determine the full Board meeting schedules and agendas and administration of the Board.
- C. The term of appointment of members shall be three years; however, the initial appointments shall include 1 member who shall serve an initial one-year appointment, and two members who shall serve two years in order to stagger the terms for future appointments. Members shall serve until replaced.

§ 67-91. Qualifications for Board.

- A. The members of the Board do not need to have had investigatory experience. They must be persons of integrity with diverse backgrounds. Potential Board members should recognize the significant commitment of time that Board membership requires and be willing to commit sufficient time to the effort. In addition to bi-weekly Board meetings, Board members will be occasionally asked to participate in community outreach and education activities.
- B. The members of the Board must agree to keep information on specific complaints or investigations confidential as is the present practice with in the Springfield Police Department (“SPD”) Internal investigation Unit (“IIU”). This is a fundamental responsibility and failure to keep private information confidential will be grounds for removal from the Board.

- a. Internal investigations should be closed to the subject officer and the public while they are pending. Nonetheless, the Police Commissioner should be fully informed of the progress of internal investigations and should regularly communicate the status of an investigation to the press and the general public to the full extent permitted by law while pending review or hearing before the Board.
- b. In order for the disciplinary process to work effectively and efficiently in conjunction with the Board, Witnesses and witness officers interviewed in an internal affairs investigation should be informed that the investigation is confidential in nature, and that they must not discuss the content of the investigation or interview with others. Witness officers should be required to sign a form agreeing to maintain confidentiality during the investigation. In addition, accused officers should be required to sign a confidentiality agreement to ensure they do not discuss the case with witness officers, ask witnesses about their statements to IIU, or contact any other individuals involved in the investigation.

§ 67-92. Training for Board Members.

- A. The Personnel, Police, and Law Departments shall develop a training program for all new Board members. This training shall include:
 1. The current procedures for filing and investigating a complaint.
 2. The elements of a thorough investigation including a review of a number of actual case files from closed investigations.
 3. The Policies of the SPD regarding respectful treatment of civilians.
 4. The Policies of the SPD regarding appropriate use of force.
 5. The Role of civilian oversight boards in other jurisdictions.
 6. Legal Requirements for protection and confidentiality of private governmental documents.
 7. Hearing procedures and requirements under the provisions of Civil Service Laws and collective bargaining agreements for the conduct of administrative disciplinary hearings.
- B. As part of this training a set of reference materials should be provided to each Board member. These materials should include copies of all relevant Massachusetts statutes, all SPD policies and procedures regarding officer misconduct and use of force, and a copy of this ordinance. This training should be repeated annually or when new members are appointed to the Board.

§ 67-93. Submission of Complaints to the Board for Review.

- A. At the completion of the IIU investigation and prior to an initial review by the Board, the IIU, in conjunction with attorneys from the Labor Relations Department, shall prepare a cover memo on each complaint detailing the applicable charges based on the allegations and the investigation.
- B. The applicable charges and the investigative file should then be provided to the accused officer's command chain for review. The officer's chain of command should then make a preliminary determination and provide a written analysis in support of that determination. The investigative file, cover memo, and chain of command preliminary determination and analysis should then be provided to the Board for the initial review.

§ 67-94. Responsibility of Board Members.

It shall be the responsibility of the Board to:

- A. Accept and review civilian complaints filed with the SPD or any other city or state agency regarding the activities of the SPD. The Police Commissioner may take appropriate actions to maintain the security of police documents, reports or files examined by the Board.
- B. Review the sufficiency of internal investigations completed by the SPD, and to make recommendations to the Police Commissioner for further investigation or action.
- C. To preliminarily review complaints investigated by IIU and make a preliminary determination as to whether, based on the preliminary review to make a recommendation such that:
 - 1. A charge letter be issued, and the Police Commissioner dispose of the complaint without the need for a hearing at this time.
 - 2. A charge letter be issued, and a hearing be held for consideration of the charges.
 - 3. The Police Commissioner dispose of the matter in the good exercise of his discretion.
- D. To act as hearing officers, designated by the Police Commissioner as the appointing authority pursuant to the Civil Service Law (Chapter 31 of the General Laws), in complaints under jurisdiction of the Board pursuant to this ordinance, taking into account the need for the training and qualifications required for a hearing officer and that a hearing officer who cannot consider a case in a fair and impartial manner because of personal prejudice or bias, shall not consider a particular case and shall so inform the Board. Examples of personal bias include, but are not limited to:

1. Familial relationship or friendship with parties to the complaint;
 2. Being a party to the complaint;
 3. Witnessing material events relevant to the complaint;
 4. Having a financial interest in the outcome of the case;
 5. Holding a bias for or against a party that is sufficient to impair the examiner's impartiality.
- E. Each member shall consider the complaint in a fair and impartial manner, ensure that facts are fully elicited, adjudicate all issues and avoid undue delay and shall be conducted in accordance with the applicable provisions of state and federal law, including but not limited to laws pertaining to Civil Service, or the Open Meeting Law, and provisions of a collective bargaining agreement applicable to the employment of a member of the Police Department.

§ 67-95. Subpoena Authority.

The Board is authorized in the case of any unresolved complaint submitted to them for the purpose of acting as a hearing officer, which would be aided thereby, to subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any evidence relating to any matter in question before the Board for hearing. Any witness is expressly granted the right to be advised and represented by counsel present during any hearing.

§ 67-96. Standards for adjudication.

- A. The Open Meeting Law shall apply to the activities of the Board.
- B. The investigative file sent to the Board shall include specific charges listing the policy violations for consideration at hearing. As to the minimum standards for adjudicating disciplinary cases, the following shall apply:
1. The burden of proof is on the department.
 2. The standard of proof is a preponderance of the evidence.
 3. The standards of evidence are those of administrative law, not criminal law.
 4. No presumptions of truth are made regarding facts in dispute.
 5. No presumptions are made regarding witness credibility: all persons are equally credible unless an objective, fact-based evaluation of the witness's capacities, testimonial coherence, and other relevant and demonstrable factors justify otherwise.
 6. Conclusions are logically deduced from the evidence.

- C. The services of the Labor Relations departments shall be available to provide legal services to the Police Commissioner before the Board and the services of the Law Department shall be available to provide legal services to the Board.

§ 67-97. Conduct of Hearing.

- A. The Board is required to adopt rules of procedure for the conduct of its hearings. The rules must ensure the due process rights of all persons involved in the hearings. Each person who appears before the Board and avails himself of constitutional guarantees shall not be punished in any way therefor.
- B. The board should sit in panels of at least three designated members, one of whom is a retired law enforcement officer, when reviewing the investigative file to consider whether to recommend disciplinary charges in the preliminary determination, or when sitting as hearing officers on applicable charges.
- C. The three-member panel should make a recommendation to the Commissioner regarding a determination for each applicable charge utilizing the same case dispositions as defined in this Ordinance. A formal charge letter should be provided to the accused officer after the Commissioner makes a final determination as to what charges will be included in the letter. If, after the charge letter has been issued to the accused officer, the officer does not dispute the charges, there is no reason to proceed with the full hearing. If the officer does not dispute the charges, the Board should make a recommendation regarding discipline, and then the case should go directly to the Commissioner to make a final decision regarding discipline.

§ 67-98. Determination of the merits of complaints.

- A. The Board shall make written findings of fact and a determination of the merits of the complaint considered in their capacity as Hearing Officers based on the relevant legal standards.
- B. If the Board determines that one or more allegations in the complaint are sustained, a recommendation for any discipline warranted, after providing the employee with an opportunity to speak personally or through a representative and after consideration of the employee's work history and guided by the Director of Human Relations as to appropriate discipline and penalties in similar circumstances in accord with the requirements of Civil Service and Labor Laws.
- C. After Hearing, the Board's determination along with the findings and recommendation for discipline, if any, shall be filed in a report to the Police Commissioner within 7 days of the end of the Hearing.

- D. In the merits determination, the Board in its hearing recommendation, and Police Commissioner, in the determination of the charges, shall make one of the following decisions about each allegation in the complaint, consistent with definitions in department policy and training:
1. sustained or founded;
 2. not sustained or not resolved or unresolved;
 3. exonerated; or
 4. unfounded.
- E. The Police Commissioner, pursuant to Civil Service law, shall give to such employee a written notice of the decision, which shall state fully and specifically the reasons therefore, including the reason for any deviation from the recommendation of the Board, which shall be subject to the present means of review by civil service appeal or arbitration as provided by the applicable collective bargaining agreement.
- F. After a complaint is closed the complainant shall be promptly notified of the findings and may provide copies of any portions of the internal affairs file which are a public record. Any actual order of disciplinary action addressed to an officer is not a public record and shall not be disclosed. For the complainant, correspondence shall be sent by certified mail to help ensure they receive notice of the outcome.
- G. The Board may send satisfaction surveys, similar to those used by the other Police Departments, to both complainant and officers when each complaint is closed.
- H. The Police Commissioner or the Board shall be authorized to attempt by voluntary non-binding mediation to resolve any complaint if deemed appropriate and the complainant and the subject officer agree to participate in such mediation. Mediation shall be conducted by a neutral facilitator, in lieu of investigation and adjudication, to permit resolution of minor complaints that are usually not easily resolved through investigation.

§ 67-99. Penalty Assessment

In order to ensure that discipline is fair, consistent, and predictable, the Labor Relations Department shall develop guideline in the form of a penalty matrix that lists penalties or ranges of discipline for various types of misconduct. The matrix should not be applied inflexibly, and the discipline should be based on the totality of the circumstances, including aggravating and mitigating factors.

§ 67-100. Removal from the Board.

The Mayor may remove a member from the Board, before his or her term expires.

§ 67-101. Public Outreach and Communication.

- A. To help increase the open access to the complaint process the department will need to educate the public about the complaint reporting process, including information about when and how to file a complaint. Presentations to community groups, schools, community organizations and religious groups about the complaint reporting process may be necessary as part of a broader effort to help people increase trust and confidence in the complaint investigation process. This communication process should involve both members of the IIU and members of the Board. Joint presentations will help reflect the openness of the department. Such presentations should be made in the neighborhoods of Springfield and should be done in conjunction with existing community organizations whenever possible.
- B. In addition, to general education and outreach, the Board shall, with the Assistance of the Law Department, communicate with complainants about the status of investigations, and (where appropriate) the public. With the assistance of the Police Department, the Board shall keep track of all Citizen Complaints, hearings, and findings, and identify each with an incident number, date of incident, location of incident, the nature of the misconduct, the name of the complainant and name of officer or officers alleged to have committed the misconduct and publicly disseminate notice of the review of any such incidents on a quarterly basis, but shall not disseminate the names of any participants or disciplinary action imposed in any incident without the consent of such party.
- C. The data gathered with regard to the Board's activities, as well as any reports or recommendations voted by the Board with regard to the interaction of police officers and members of the community, shall be reviewed by the Police Commissioner when considering disciplinary actions, promotions, assignments, training or adoption or amendments of the policies and procedures of the Springfield Police Department.

§ 67-102. Miscellaneous.

- A. The Mayor shall designate a Civilian Oversight Coordinator (COC) who would be responsible for the day-to-day administration of the Board, such as scheduling board meetings, posting notices of meetings and hearings, and following up on board requests. The COC would serve as the liaison between the board and other officials, including the Mayor, the Law Department, and

representatives from SPD. The Coordinator also would participate in the initial Board review.

- B. A three-member panel of board members, as well as the Civilian Oversight Coordinator should meet every two weeks to review new cases. Each of these panels should have at least one member with prior law enforcement experience.
- C. On a yearly basis, all members of the Board should meet to review SPD policy and procedures that may contribute to police misconduct and recommendations for improvement. The Board should be empowered to recommend changes in policy or training to reduce officer misconduct.
- D. The city of Springfield, with the Board, shall develop a clear mission statement for the Board and procedures to follow, and SPD should provide in-depth training for the Board on these protocols.

§ 67-103. Conflict with other laws; severability.

Nothing in this ordinance shall be interpreted to contravene the General Laws of this Commonwealth or the Charter of the City of Springfield. Any provision of this article that conflicts with applicable law or the City Charter shall be interpreted in such a manner and to such an extent as to be effective and valid under applicable law. If any provision of this article is prohibited by or invalid under applicable law or the City Charter, such provision shall be ineffective only to the extent of such prohibition or invalidity, thereby leaving the remainder of this article effective.

§ 67-104. Effective Date.

This ordinance shall take effect of 2019.

Approved as to form

Associate City Solicitor

COMMENTS - Current Meeting:

Councilor Ramos moved to take this item out of order without objection.

Councilor Ramos moved to send the item to committee. The motion was seconded by Councilor Walsh.

Councilor Ryan spoke in opposition to the motion.

Councilor Walsh spoke in support of the motion.

Councilor Williams spoke in support of the motion.

Councilor Fenton spoke in opposition to the motion.

Councilor Allen clarified that the ordinance could pass first step and then be sent to committee.

Councilor Lederman spoke in support of sending the matter to committee.

Councilor Ramos spoke in support of the motion.

Councilor Whitfield spoke in support of the motion.

The motion passed by the following roll call vote:

Whitfield	Y
Gomez	Y
Ryan	N
Fenton	N
Edwards	Y
Twiggs	Absent
Shea	Y
Ramos	Y
Lederman	Y
Williams	Y
Allen	N
Walsh	Y
Hurst	Y

RESULT: REFERRED TO COMMITTEE



City Council

ADOPTED

Meeting: 04/22/19 06:30 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5089

2

March Revenue Vs. Expenditure Report (Mayor Sarno)

RESULT: RECEIVE REPORT

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

For the period ended 03/31/19				
Revenues and Other Sources:	Revised Budget	Actual	Variance Over/(Under)	%
Real Estate & Personal Property Taxes	\$ 202,789,643	\$ 148,493,215	\$ (54,296,428)	73%
Real Estate & Personal Property Taxes - Tax Liens	-	1,378,708	1,378,708	0%
Motor Vehicle Excise	11,300,000	10,241,997	(1,058,003)	91%
Penalties, interest and other taxes	18,703,225	4,094,369	(14,608,856)	22%
Charges for Services	14,014,824	8,988,756	(5,026,068)	64%
Intergovernmental	396,277,540	297,774,469	(98,503,071)	75%
Licenses and Permits	7,637,353	3,914,891	(3,722,462)	51%
Fines and Forfeits	560,183	372,675	(187,508)	67%
Interest earned on Investments	1,896,859	1,954,815	57,956	103%
Miscellaneous	5,029,027	1,140,361	(3,888,666)	23%
FY 2018 Net School Spending Shortfall (a.)	15,059,157	15,059,157	-	100%
Stabilization Reserves	3,135,000	3,135,000	-	100%
Other Financing Sources	3,211,079	3,447,329	236,250	107%
Total Revenues and Other Sources	679,613,890	499,995,744	(179,618,146)	74%
Expenditures and Other Uses:				
General government	24,580,946	19,125,379	5,455,568	78%
Public safety				
Police	48,441,177	38,970,195	9,470,981	80%
Fire	23,492,424	16,788,583	6,703,841	71%
Centralized Dispatch	2,004,656	1,194,858	809,798	60%
Other	4,195,697	3,167,857	1,027,840	76%
Health and Welfare	4,183,561	2,776,850	1,406,711	66%
Public works	11,009,057	9,555,376	1,453,681	87%
Education	437,826,122	308,658,900	129,167,223	70%
Culture and recreation	13,815,536	10,529,079	3,286,457	76%
Pension and fringe	71,461,866	63,689,677	7,772,188	89%
State and district assessments	3,659,157	2,722,174	936,983	74%
Debt Service	27,870,576	26,075,162	1,795,414	94%
Pay as you go Capital	3,465,249	1,210,205	2,255,044	35%
Other Financing Use - Trash Enterprise Supplement	3,607,866	3,607,866	-	100%
Total Expenditures and Other Uses	679,613,890	508,072,162	171,541,729	75%
Excess (deficiency) of revenues and other sources over expenditures and other uses	-	\$ (8,076,418)	\$ (8,076,418)	

(a.) The FY 2018 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.

Attachment: March Revenue vs. Expenditure Report (5089 : March Revenue Vs. Expenditure Report)

CITY OF SPRINGFIELD, MASSACHUSETTS
Budget and Actual - General Fund
Expenditures and Encumbrances
For the period ended
03/31/19

Expenditures and Other Uses:	Original Budget	Transfers In/(Out)	Revised Budget	Expenditure	Encumbrance	Variance Over/(Under)	%
General government	24,178,205	402,742	24,580,946	16,409,981	2,715,398	5,455,568	78%
Public safety							
Police	45,395,084	3,046,092	48,441,177	38,462,997	507,198	9,470,981	80%
Fire	23,492,424	-	23,492,424	16,609,999	178,584	6,703,841	71%
Centralized Dispatch	2,045,397	(40,742)	2,004,656	1,194,350	508	809,798	60%
Other	4,285,697	(90,000)	4,195,697	2,923,982	243,875	1,027,840	76%
Health and Welfare	4,298,561	(115,000)	4,183,561	2,737,513	39,337	1,406,711	66%
Public works	11,009,057	-	11,009,057	8,866,389	688,987	1,453,681	87%
Education	420,749,686	17,076,436	437,826,122	286,679,391	21,979,509	129,167,223	70%
Culture and recreation	13,790,536	25,000	13,815,536	9,868,889	660,191	3,286,457	76%
Pension and fringe	68,343,879	3,117,987	71,461,866	63,689,677	-	7,772,188	89%
State and district assessments	3,659,157	-	3,659,157	2,714,440	7,733	936,983	74%
Debt Service	27,870,576	-	27,870,576	26,075,162	-	1,795,414	94%
Pay as you go Capital	3,465,249	-	3,465,249	811,675	398,531	2,255,044	35%
Other Financing Use - Trash Enterprise Supplement	3,607,866	-	3,607,866	3,607,866	-	-	100%
Total Expenditures and Other Uses	656,191,375	23,422,515	679,613,890	480,652,311	27,419,851	171,541,729	75%



City Council
36 Court Street
Springfield, MA 01103

Meeting: 04/22/19 06:30 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors:
DOC ID: 5093

ADOPTED

PETITION (ID # 5093)

Eversource #6296 Avocado St.

ORDER FOR LOCATION OF UNDERGROUND CONDUIT

WHEREAS, The Board of Public Works, to which was referred the petition #6296 of Eversource Electric Company dated February 19, 2019 to install four (4) new underground conduits & primary cable from 60 Avocado Street to 77 West Street (Pride Gas Station) for a new padmount transformer to install an electrical vehicle charging station.

WHEREAS, said petition #6296 Avocado Street was referred to the Board of Public Works on March 5, 2019 ;and

WHEREAS, On March 6, 2019 a Notice of a Public Hearing on #6296 Avocado Street, to be held March 25, 2019, was sent by mail, to all property owners abutting an affected road, various Departments, Utility Companies, etc before the day of the hearing and posted on two public bulletin board a copy of which is attached a hearing of the Board of Public Works was held as scheduled on site with the petitioner and interested parties.

WHEREAS, on March 25, 2019 the Board of Public Works reported thereon that, after careful consideration of petition #6296 Avocado Street. to install four (4) new underground conduits & primary cable from 60 Avocado Street to 77 West Street (Pride Gas Station) for a new padmount transformer to install an electrical vehicle charging station. Starting on the tree belt in front of 60 Avocado Street (A Simos & Co) running northwesterly direction to property of Pride Gas Station located on 77 West Street to installing an electrical vehicle charging station, all as substantially shown on plan entitled:

EVERSOURCE, #6296 Avocado Street.

Consisting of one (1) sheet, which plan is incorporated herein by reference and is on file in the office of the Engineering Division of the Department of Public Works, Springfield, Massachusetts.

WHEREAS, petition #6296 Avocado Street came before the City Council for a Public Hearing on this date,

NOW THEREFORE, BE IT ORDERED:

1. That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.

2. That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.
3. That care be taken during said construction not to damage any underground services.
4. That the construction site be returned to the same condition as found or better.
5. Said company shall indemnify and save harmless against all damages, costs and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
6. In addition said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars (\$10,000) conditioned for faithful performance of its duties under this permit.
7. Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits and wires.
8. That any sidewalks that are damaged or removed will be replaced in kind and in accordance with the City of Springfield's Standard Specifications.
9. That ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.
10. That any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.
11. That all proposed silo, manhole and hexhole covers will conform to and be compatible with established street, treebelt or sidewalk grades with suitable non-skid covers when in the sidewalk area.
12. That the Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.
13. That asphalt trench restoration be done in accordance with the City of Springfield DPW requirements.

- 14.** That all conditions set forth in the respective order are complied with.

COMMENTS - Current Meeting:

Michael Yakivony, representing Eversource, spoke in support of the petition.

RESULT: RECEIVED PASSED

PETITION FOR POLE AND WIRE LOCATIONS

To the City Council of the City of Springfield, Massachusetts

EVERSOURCE requests permission to locate a line of poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

AVOCADO ST

INSTALLING 4 NEW UNDERGROUND CONDUITS & PRIMARY CABLE, FROM THE HANDHOLE INFRONT OF 60 AVOCADO STREET TO THE SIDE ENTRANCE OF 77 WEST STREET (PRIDE GAS STATION). INSTALLING A NEW PADMOUNT TRANSFORMER ON THE SIDE ENTRANCE OF 77 WEST STREET, FOR THE PURPOSE OF INSTALLING AN ELECTRICAL VEHICLE CHARGING STATION.

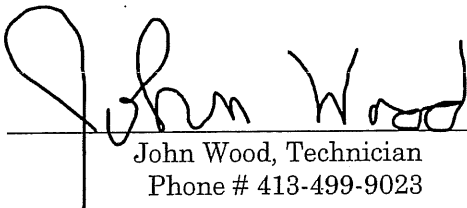
Drawing # 6296

Wherefore it prays that after due notice and hearing as provided by law, let it be granted a location for and permission to construct and maintain a line of poles, wires and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith and made a part hereof marked -

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

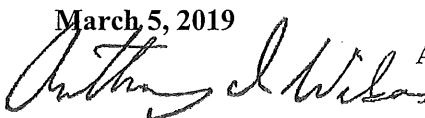
Your petitioner agrees to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

EVERSOURCE

By  _____
John Wood, Technician
Phone # 413-499-9023

Dated this 19th day of February, 2019.

A true copy of a petition referred to the Board of Public Works on:

Attest:  _____
March 5, 2019
Anthony I Wilson, Esquire

Attachment: Petition (5093 : Eversource #6296 Avocado St.)

ORDER FOR POLE AND WIRE LOCATIONS

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 EVERSOURCE be and it is hereby granted a location for and permission to construct and maintain a line of poles, wires and cables, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way hereinafter referred to as requested in petition of said Company dated the **19TH** day of **February**, 2019.

All construction under this order shall be in accordance with the following conditions:

Poles should be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Drawing #**6296** filed with and made a part of said petition. There may be attached to said poles not to exceed 20 wires and 2 cables, and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground.

The following is the public way along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Avocado St

INSTALLING 4 NEW UNDERGROUND CONDUITS & PRIMARY CABLE, FROM THE HANDHOLE IN FRONT OF 60 AVOCADO STREET TO THE SIDE ENTRANCE OF 77 WEST STREET (PRIDE GAS STATION). INSTALLING A NEW PADMOUNT TRANSFORMER ON THE SIDE ENTRANCE OF 77 WEST STREET, FOR THE PURPOSE OF INSTALLING AN ELECTRICAL VEHICLE CHARGING STATION.

Drawing # 6296

Also, that permission be and thereby is granted said EVERSOURCE to lay and maintain underground laterals, cables and wires in the above or

Attachment: Petition (5093 : Eversource #6296 Avocado St.)

intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on the ____ day of _____, 2019.

City Clerk

We hereby certify that on _____ 2019 at _____ o'clock __M, at _____ a public hearing was held on the petition of EVERSOURCE for permission to construct the line of pole(s), wires, cables, fixtures and connections described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the way upon which the Company is permitted to construct the line of poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

City Clerk

CERTIFICATE

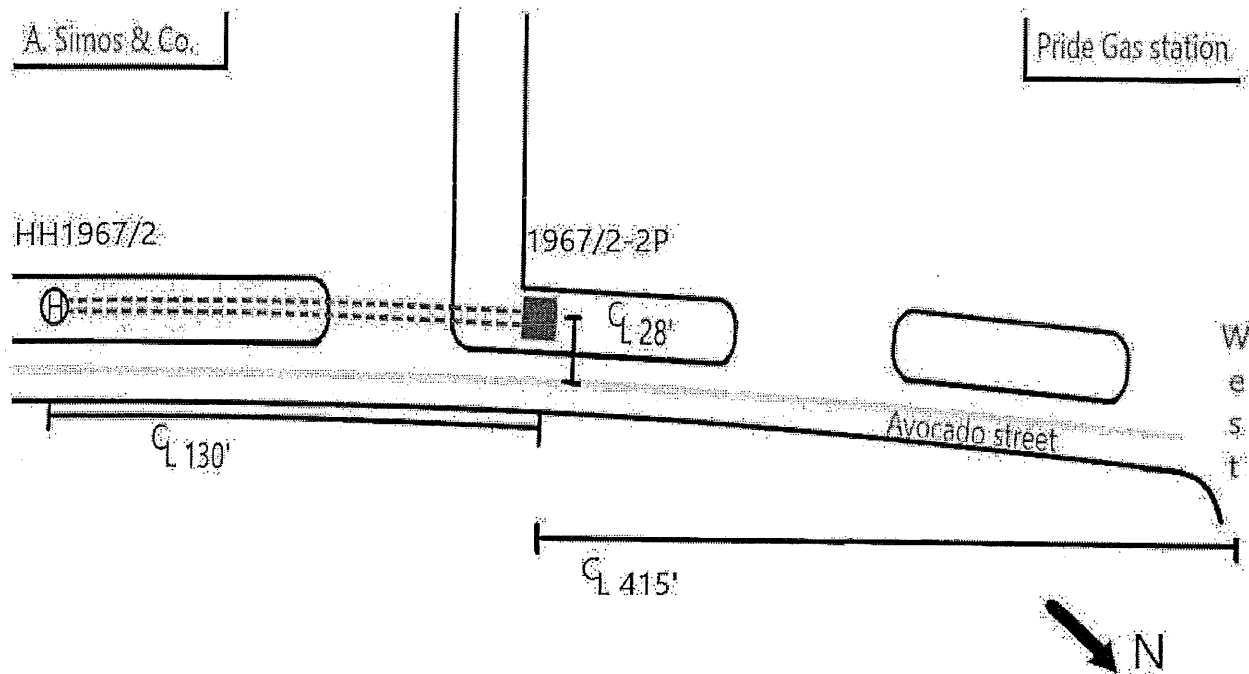
I hereby certify that the foregoing is a true copy of a location order adopted by the City Council of the City of Springfield, Massachusetts, on the ____ day of _____, 2019, and recorded with the records of location orders of said City, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General laws and any additions thereto or amendments thereof.

Attest:

City Clerk

Attachment: Petition (5093 : Eversource #6296 Avocado St.)

EVERSOURCE ENERGY	
CITY: Springfield	STREET: Avocado street

**PURPOSE AND DESCRIPTION:**

INSTALLING 4 NEW UNDERGROUND CONDUITS & PRIMARY CABLE, FROM THE HANDHOLE INFRONT OF 60 AVOCADO STREET TO THE SIDE ENTRANCE OF 77 WEST STREET (PRIDE GAS STATION). INSTALLING A NEW PADMOUNT TRANSFORMER ON THE SIDE ENTRANCE OF 77 WEST STREET, FOR THE PURPOSE OF INSTALLING A ELECTRICAL VEHICLE CHARGING STATION.

LEGEND	
● PROPOSED JOINT POLE	⬢ HEXHOLE
● PROPOSED W.M.E.CO. POLE	⊕ HANDHOLE
⊗ EXISTING JOINT POLE	□ MANHOLE
○ EXISTING W.M.E.CO. POLE	■ PAD MOUNT TRANSFORMER
⊗ EXISTING FOREIGN POLE TO BE MADE JOINT	--- U.G. CONDUIT
⊗ EXISTING W.M.E.CO. POLE TO BE MADE JOINT	—P— U.G. PRIMARY CABLE
	—S— U.G. SECONDARY CABLE

DRAWN BY: John Wood	W.D. # 3157407 W.R. # 6S920258	PETITION #: N/A 6296 AVOCADO	DISTANCES ARE APPROXIMATE NOT TO SCALE
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CITY OF SPRINGFIELD, MASSACHUSETTS

Date: March 25, 2019

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD:

The Board of Public Works, to which was referred the petition #6296 of Everesource Electric Company dated February 19, 2019 to install four (4) new underground conduits & primary cable from 60 Avocado Street to 77 West Street (Pride Gas Station) for a new padmount transformer to install an electrical vehicle charging station. Starting on the tree belt in front of 60 Avocado Street (A Simos & Co) running northwesterly direction to property of Pride Gas Station located on 77 West Street to installing an electrical vehicle charging station, all as substantially shown on a plan attached, referred to EVERSOURCE, #6296 Avocado Street, which is incorporated herein by reference and to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with the pole as it may desire for distributing purposes, reports thereon as follows:

By virtue of Chapter 708 of the Acts of 1977 the Board of Public Works held the hearing on the above matter provided for in Section 22 of Chapter 166 of the General Laws. The hearing was held on March 25, 2019 at 4:00 P.M. at 60 Avocado Street in Springfield, MA. Two (2) members of the Board and one (2) persons interested in the matter were present. Of the latter, one (2) voted in favor of and no-one (0) voted against.

The Board finds the request necessary in order that the utility company can install vehicle charging station.

After careful consideration, the Board recommends the petition be granted provided:

That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.

That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.

That care be taken during said construction not to damage any underground services.

That the construction site be returned to the same condition as found or better.

Said company shall indemnify and save harmless against all damages, costs and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

Attachment: Avocado #6296Report (5093 : Eversource #6296 Avocado St.)

In addition said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars (\$10,000) conditioned for faithful performance of its duties under this permit.

Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits and wires.

That any sidewalks that are damaged or removed will be replaced in kind and in accordance with the City of Springfield's Standard Specifications.

That ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.

That any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.

That due care be exercised not to unnecessarily damage any public shade trees located within the construction area.

That the Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.

That all conditions set forth in the respective order are complied with.

_____	)	
_____	)	BOARD OF PUBLIC WORKS
_____	)	



City Council
36 Court Street
Springfield, MA 01103

Meeting: 04/22/19 06:30 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors:
DOC ID: 5094

ADOPTED

PETITION (ID # 5094)

Verizon Bay Street

ORDER FOR LOCATION OF UNDERGROUND CONDUIT

WHEREAS, The Board of Public Works, to which was referred the petition of Verizon New England dated March 5, 2019 to install one (1) new jointly owned pole on Bay Street to provide for the distribution of intelligence and telecommunication transmission on high and low voltage.

WHEREAS, said petition of Verizon Bay Street was referred to the Board of Public Works on March 12, 2019 ; and

WHEREAS, On March 26, 2019 a Notice of a Public Hearing on Verizon Bay Street, to be held April 10, 2019, was sent by mail, to all property owners abutting an affected road, various Departments, Utility Companies, etc before the day of the hearing and posted on two public bulletin board a copy of which is attached a hearing of the Board of Public Works was held as scheduled on site with the petitioner and interested parties.

WHEREAS, on April 10, 2019 the Board of Public Works reported thereon that, after careful consideration of petition Verizon Bay Street, to install one (1) new pole to be located 90 feet from the center line of Hood Street easterly direction in the tree belt, south side of Bay, all as substantially shown on plan entitled:

VERIZON Proposed pole on Bay Street.

Consisting of one (1) sheet, which plan is incorporated herein by reference and is on file in the office of the Engineering Division of the Department of Public Works, Springfield, Massachusetts.

WHEREAS, petition Verizon Bay Street came before the City Council for a Public Hearing on this date,

NOW THEREFORE, BE IT ORDERED:

1. That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.
2. That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.
3. That care be taken during said construction not to damage any underground services.

4. That the construction site be returned to the same condition as found or better.
5. Said company shall indemnify and save harmless against all damages, costs and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
6. In addition said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars (\$10,000) conditioned for faithful performance of its duties under this permit.
7. Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits and wires.
8. That any sidewalks that are damaged or removed will be replaced in kind and in accordance with the City of Springfield's Standard Specifications.
9. That ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.
10. That any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.
11. That all proposed silo, manhole and hexhole covers will conform to and be compatible with established street, treebelt or sidewalk grades with suitable non-skid covers when in the sidewalk area.
12. That the Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.
13. That asphalt trench restoration be done in accordance with the City of Springfield DPW requirements.
14. That all conditions set forth in the respective order are complied with.

RESULT: RECEIVED PASSED

Albert E. Bessette
Right of Way Manager



365 State Street
Springfield, MA 01105

Phone 413 787-0310
Cell 413 441-3612
Fax 413 734-9123
albert.e.Bessette.jr@verizon.com

March 5, 2019

Springfield City Council
36 Court St., Room 200
Springfield, MA 01103

**RE: Petition for Verizon job #1A3GH4Y
Bay Street**

Dear Honorable City Council:

Enclosed find the following items in support of the above-referenced project:

1. Petition;
2. Petition Plan;
3. Order;
4. Abutter Notice Cards.

A Public hearing and notice to abutters is required. A Verizon representative will attend the Public hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at (413) 787-0310. Your Assistance is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be "Albert E. Bessette, Jr.", written in a cursive style.

Albert E. Bessette, Jr.
Right of Way Manager

Enc

Attachment: petition Verizon Bay st. (5094 : Verizon Bay Street)

PETITION FOR JOINT OR IDENTICAL POLE LOCATION

Springfield Massachusetts, dated February 8, 2019
To the City of Springfield, Massachusetts

VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

BAY STREET: Place one (1) jointly owned pole numbered T.63½/E.74M on the southerly side of Bay Street at a point approximately ninety (90) feet easterly from the centerline of Hood Street.

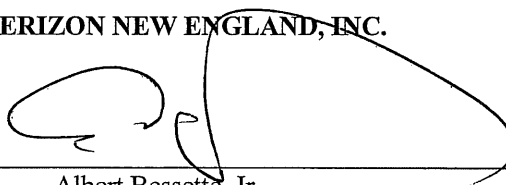
Reason: Place one (1) pole on Bay Street to accommodate an electric company upgrade; and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Wherefore they pray that after due notice and hearing as provided by law, they be granted jointly owned or identical location for and permission to erect and maintain poles, wires, and cables, together with anchors, guys and other such sustaining and protecting fixtures as said petitioners may find necessary, said pole to be erected substantially in accordance with the plan filed herewith marked-Verizon No. 1A3GH4Y, dated February 7, 2019.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such pole and buildings as said petitioners may desire for distributing purposes.

VERIZON NEW ENGLAND, INC.

By



Albert Bessette, Jr.
Manager-Right of Way

NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

By

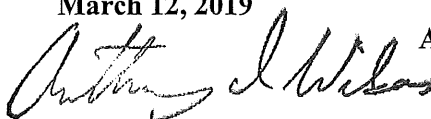


District Representative

A true copy of a petition referred to the Board of Public Works on:

March 12, 2019

Attest:



Anthony I Wilson, Esquire

Attachment: petition Verizon Bay st. (5094 : Verizon Bay Street)

ORDER FOR JOINT OR IDENTICAL POLE LOCATION

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**

VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

be and are hereby granted joint locations for and permission to erect and maintain the pole and its respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to as requested in petition of said Companies dated the 8th day of February, 2019.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked -Verizon No. **1A3GH4Y**, dated February 7, 2019, filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC.** and **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** not to exceed 40 wires and 4 cables and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 8 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the pole above referred to may be erected, and the number of poles, which may be erected thereon under this order:

BAY STREET: Place one (1) jointly owned pole numbered T.63½/E.74M on the southerly side of Bay Street at a point approximately ninety (90) feet easterly from the centerline of Hood Street.

Reason: Place one (1) pole on Bay Street to accommodate an electric company upgrade; and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Also that permission be and hereby is granted to the said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as may be desired for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on the ____ day of _____ 2019.

City Clerk

Attachment: petition Verizon Bay st. (5094 : Verizon Bay Street)

Albert Bessette, Jr.
 Right of Way Manager
 Verizon New England, Inc.
 365 State Street
 Springfield, MA 01105

ORDER FOR JOINT OR IDENTICAL POLE LOCATION

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**

VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

be and are hereby granted joint locations for and permission to erect and maintain the pole and its respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to as requested in petition of said Companies dated the 8th day of February, 2019.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked -Verizon No. **1A3GH4Y**, dated February 7, 2019, filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** not to exceed 40 wires and 4 cables and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 8 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the pole above referred to may be erected, and the number of poles, which may be erected thereon under this order:

BAY STREET: Place one (1) jointly owned pole numbered T.63½/E.74M on the southerly side of Bay Street at a point approximately ninety (90) feet easterly from the centerline of Hood Street.

Reason: Place one (1) pole on Bay Street to accommodate an electric company upgrade; and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Also that permission be and hereby is granted to the said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as may be desired for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on the ____ day of _____ 2019.

 City Clerk

Attachment: petition Verizon Bay st. (5094 : Verizon Bay Street)

NSTAR Electric Company d/b/a Eversource Energy
 Attn: Susan Cianfarani
 300 Cadwell Drive
 Springfield, MA 01104

ORDER FOR JOINT OR IDENTICAL POLE LOCATION

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**

VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

be and are hereby granted joint locations for and permission to erect and maintain the pole and its respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to as requested in petition of said Companies dated the 8th day of February, 2019.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked -Verizon No. **1A3GH4Y**, dated February 7, 2019, filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** not to exceed 40 wires and 4 cables and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 8 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the pole above referred to may be erected, and the number of poles, which may be erected thereon under this order:

BAY STREET: Place one (1) jointly owned pole numbered T.63½/E.74M on the southerly side of Bay Street at a point approximately ninety (90) feet easterly from the centerline of Hood Street.

Reason: Place one (1) pole on Bay Street to accommodate an electric company upgrade; and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Also that permission be and hereby is granted to the said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as may be desired for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on the ____ day of _____ 2019.

 City Clerk

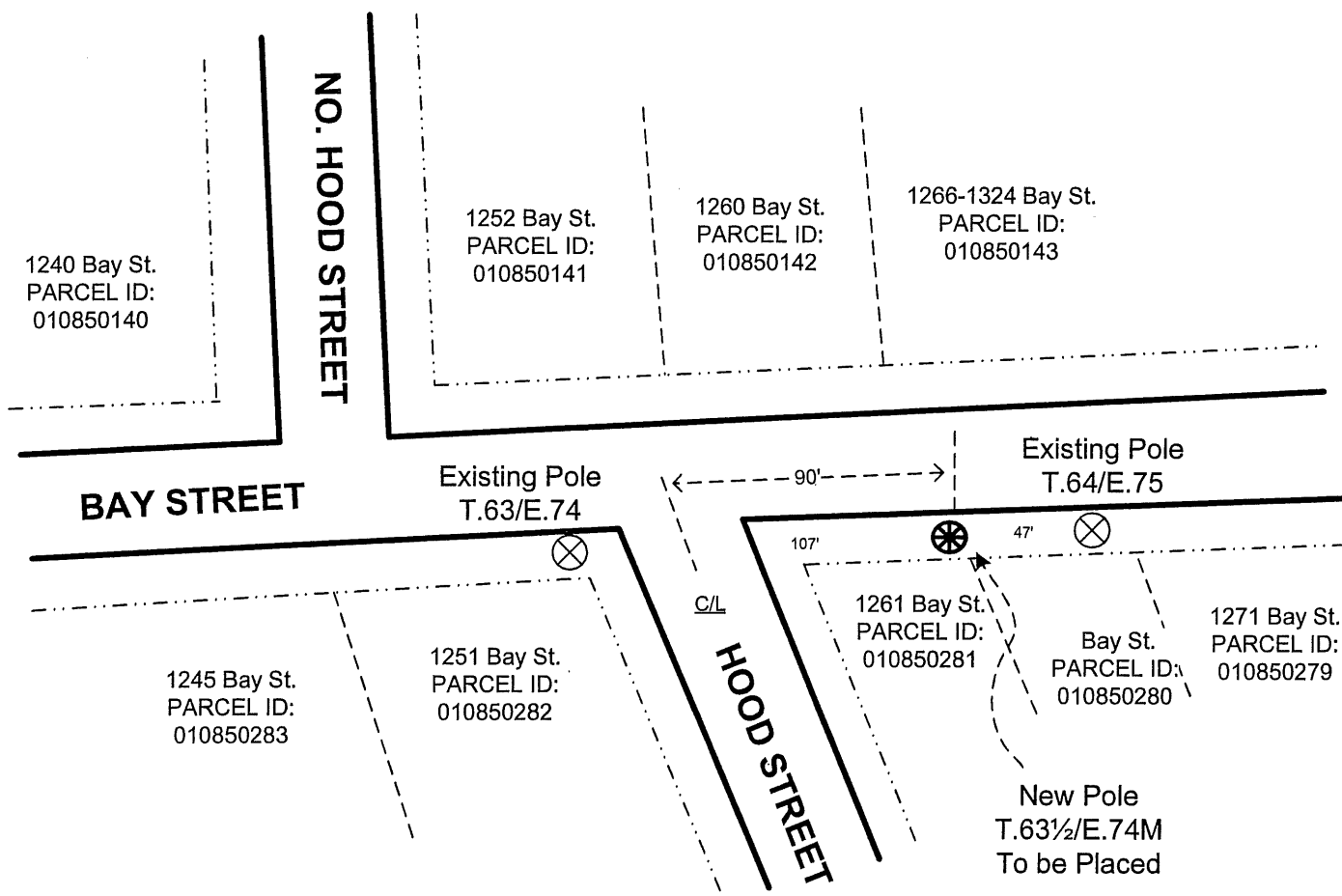
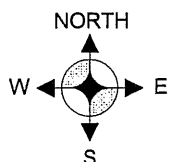
Attachment: petition Verizon Bay st. (5094 : Verizon Bay Street)



PETITION PLAN

MUNICIPALITY SPRINGFIELD VZ. N.E. INC. NO. 1A3GH4Y
VERIZON NEW ENGLAND, INC AND ES # 3195082
NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY DATE : February 7, 2019

SHOWING PROPOSED POLE ON BAY STREET



NOT TO SCALE

LEGEND

--- PROPERTY LINE
 — EDGE OF PAVEMENT
 - - - - - EDGE OF ROADWAY



EXISTING JOINTLY OWNED POLE
TO REMAIN



PROPOSED NEW JOINTLY OWNED POLE TO
BE INSTALLED

Attachment: plan Verizon Bay St. (5094 : Verizon Bay Street)



City Council

ADOPTED

5

Meeting: 04/22/19 06:30 PM
Initiator: Hamediah Mohamed
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5083

FY19 State Aid to Public Libraries Increase - No Match Required \$154,615.24 (Mayor Sarno)

WHEREAS, the Library Department has been awarded State Aid to Public Libraries Increase of \$154,615.24 from the Commonwealth of Massachusetts Board of Library Commissioners; and

WHEREAS, the State Aid to the Public Libraries is an integral part of the Board of Library Commissioners responsibility to support, develop, coordinate, improve and promote library services throughout the Commonwealth. The Board also strives to provide every resident of the Commonwealth with full and equal access to the library information resources regardless of geographic locations, social or economic status, age, level of physical or intellectual ability or cultural background; and

WHEREAS, the Department intends to use the state aid to provide funding for, Printing and Binding, Library Materials, Library programs, Professional Development, and Salary and Wages; and

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

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

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

FY19 State Aid to Public Libraries Increase - No Match Required \$154,615.24

RESULT: PASSED BY VOICE VOTE



Massachusetts Libraries

BOARD OF LIBRARY COMMISSIONERS

November 8, 2018

Stephen Cary, Trustee Chair
87 Pinewood Ave.
Springfield, MA 01108

re: Springfield City Library

On November 1, 2018, the Board of Library Commissioners certified the City of Springfield to participate in the FY2019 State Aid to Public Libraries Program. In doing so, the Board reviewed the library's FY2018 compliance with Minimum Standards for Free Public Library Service and the municipality's FY2019 compliance with the Municipal Appropriation Requirement.

For FY2019, there will be two State Aid to Public Libraries award payments. Each payment will represent approximately half of the total annual award, depending on budget conditions.

In the next few weeks, the State Treasurer's office will issue the first State Aid to Public Libraries award payment to the City of Springfield in the following amounts as an electronic transfer:

FY2019 Library Incentive Grant (LIG)	\$ 53,686.83
FY2019 Municipal Equalization Grant (MEG)	\$ 89,130.69
FY2019 Nonresident Circulation Offset (NRC)	\$ 3,695.25
Total	\$146,512.77

The second payment will be sent to the City of Springfield by the last quarter of FY2019.

Multiple payments are necessary due to the state's incremental allotment of State Aid to Public Library funds for distribution to cities and towns throughout the year.

State Aid to Public Libraries may not be used toward meeting the Municipal Appropriation Requirement, as stated in Chapter 154, Acts of 2018 of the Massachusetts Legislature. Annual state budget language also requires that "any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public library of such city or town without appropriation" (Ch. 154, Acts of 2018).

Sincerely,

James M. Lonergan
Director

Enclosures: Ch. 154, Acts of 2018, FY2019 State Aid to Public Libraries Fact Sheet
cc: Springfield City Library, Springfield
Treasurer, the City of Springfield

Massachusetts Board of Library Commissioners
98 N. Washington St., Suite 401, Boston, MA 02114
P: 800-952-7403 (in-state only)
P: 617-725-1860
F: 617-725-0140

mass.gov/libraries
(consumer portal)

mass.gov/mbic
(agency site)

Attachment: 20181119115413492 (5083 : FY19 State Aid to Public Libraries Increase - No Match Required \$154,615.24)



REQUEST FOR GRANT SETUP

This form and the required attachments are required by the Office of the City Comptrollers before a Grant Fund and related accounts will be created in MUNIS. Please do not use this form for requesting a non-grant related account to be created – use the Request for New Account form instead. Please return this form and the required attachments to the Office of the City Comptrollers.

All fields are mandatory.

Date of Request 11/16/18

Department Requesting Grant Setup Library

Department Phone # (Please include extension) 263-6828 x290

Name and Title of Person to Contact in Case of Questions Carol Leaders, Bus Mgr

Was this Grant previously setup for a prior fiscal year? Y

If yes, please indicate your previous project number: 83818

If this is a new Grant, have you filled out the “Approval to apply for a grant” Form? (Y/N) If yes, please attach a copy of the Approved Form.

Grant Type:

State – Highway

Federal Pass-Through DOE– School

Federal Direct– School

Federal – City

State DOE– School

State Other – School

X State – City Massachusetts Board of Library Commissioners
Private/Other

Grant Name: MBLC FY’18 State Aid

1st payment \$146,512.77

Total Grant Amount Awarded: \$293,025.54 expected for FY19

Is this a Reimbursable Grant? (Y/N) N

A Reimbursable Grant is defined as one that requires that you pay for expenses first and then you apply to the grantor for a reimbursement of the exact amount actually expended.

If it is a Reimbursable Grant, please enter Grantor contact information or the CID # if Grantor is already in the customer file:

Entity Name
Contact Person
Street Address
City, State, Zip Code
Telephone
Fax
E-Mail

Actual Award Date 11/8/18

Board Approval Date

Start Date 7/1/18

Expiration Date none

Renewal Action Date (optional)

If there are any Matching Funds:

Type
Percent
Amount

Comments re: Description/Purpose of Grant

Comments re: Conditions/Restrictions of Grant

If this is a Federal Grant, enter CFDA#:

If applicable enter the State ID # :

What is the required drawdown frequency?
(Ex: Monthly, Quarterly)

If payment is to be sent by Grantor as a Wire,
Please enter any wire reference/identification # that may be used (if known)

Please list all object codes needed for the grant.
(Attach additional sheets if additional orgs and roll-ups are needed):

Org Code: 28386105

Object Codes: 501000; 503000; 506000; 521015; 521020; 524030; 527010; 527030;
529100; 530105; 531010; 531020; 531200; 531740; 534100; 534200; 542300; 551300;
551400; 551700; 569200; 571100; 580500; 580600; 572100

Budget Roll-Up Codes: YES

I hereby attest that under the penalties of Chapter 656, I will adhere to all regulations in this grant agreement. I am responsible for timely and accurate reimbursements in the amounts listed above.

Molly Fogarty
Signature

11/16/18
Date

Please attach the following documents:

- ☐ Signed Approval to Apply for a Grant Form
- ☐ Grant Award Letter
- ☐ City Council/Mayor Approval
- ☐ Any other relevant documentation

This Form and all relevant attachments will be scanned and attached in the Grant Maintenance module in MUNIS and can be viewed or printed at your convenience.



Massachusetts Libraries

BOARD OF LIBRARY COMMISSIONERS

April 5, 2019

Stephen Cary, Trustee Chair
87 Pinewood Ave.
Springfield, MA 01108

re: Springfield City Library

The Board of Library Commissioners is pleased to issue a second and final State Aid to Public Libraries award to the City of Springfield in these amounts:

FY2019 Library Incentive Grant (LIG)	\$ 53,686.82
FY2019 Municipal Equalization Grant (MEG)	\$ 97,070.44
FY2019 Nonresident Circulation Offset Award	\$ 3,857.98

Total	\$154,615.24

The state treasurer's office will issue this payment as an electronic transfer within the next few weeks.

Springfield will have received a total of \$301,128.01 in FY2019 State Aid to Public Libraries funds.

State Aid to Public Libraries may not be used toward meeting the Municipal Appropriation Requirement, as stated in Chapter 154, Acts of 2018 of the Massachusetts Legislature. Annual state budget language also requires that "any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public library of such city or town without appropriation" (Ch. 154, Acts of 2018).

We have notified your municipal treasurer about this FY2019 State Aid to Public Libraries payment. However, you should contact the treasurer and/or accountant about the award amounts and confirm that the funds will be made available to the library.

Sincerely,

James M. Lonergan
Director

cc: Springfield City Library, Springfield
Treasurer, the City of Springfield

Massachusetts Board of Library Commissioners
98 N. Washington St., Suite 401, Boston, MA 02114
P:800-952-7403(in-state only)
P:617-725-1860
F:617-725-0140

mass.gov/libraries
(consumer portal)

mass.gov/mbic
(agency site)

Attachment: State Aid Increase (5083 : FY19 State Aid to Public Libraries Increase - No Match Required \$154,615.24)



City Council

ADOPTED

Meeting: 04/22/19 06:30 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5086

6

Fire Department Donation - \$500.00 (Mayor Sarno)

WHEREAS, the Springfield Fire Department has been awarded a donation of \$500.00 from The Silverbrick Group; and

WHEREAS, the funds provided by the donor shall be used for the purposes that best fit the Department's operational needs; and

WHEREAS, the Department has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds listed in the Attachment; and

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

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

Fire Department Donation - \$500.00

RESULT: PASSED BY VOICE VOTE

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE T1 SECURITY FEATURES

4141 02/01/2019

15 Taylor LLC
C/O The Silverbrick Group
307 W 38th St Suite 1414
New York, NY 10018

Chase
277 Park Ave
New York, NY 10177

**** FIVE HUNDRED AND 00/100 DOLLARS

City of Springfield
Attn Treasurer Steve Lonergan
36 Court St
Springfield, MA 01103

\$500.00

Tom Santucci

Fire Dept from Silverbrick Lofts

4141

Date: 02/01/2019 Check #4141 Account: 15 Taylor LLC
Pay to: City of Springfield

Property	Unit	Reference	Description	Amount
15 Taylor LLC - 15 Taylor St. Springf...			Donation	500.00
				500.00



City Council

ADOPTED

Meeting: 04/22/19 06:30 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5085

7

Police Department Donation - \$500.00 (Mayor Sarno)

WHEREAS, the Springfield Police Department has been awarded a donation of \$500.00 from The Silverbrick Group; and

WHEREAS, the funds provided by the donor shall be used for the purposes that best fit the Department's operational needs; and

WHEREAS, the Department has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds listed in the Attachment; and

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

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

Police Department Donation - \$500.00

RESULT: PASSED BY VOICE VOTE

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

4140 02/01/2019

Chase
277 Park Ave
New York, NY 10177

15 Taylor LLC
C/O The Silverbrick Group
307 W 38th St Suite 1414
New York, NY 10018

**** FIVE HUNDRED AND 00/100 DOLLARS

City of Springfield
Attn Treasurer Steve Loneragan
36 Court St
Springfield, MA 01103

Tom Santucci

\$500.00

Police Dept. from Silverbrick Lofts

4140

Date: 02/01/2019 Check #4140 Account: 15 Taylor LLC
Pay to: City of Springfield

Property	Unit	Reference	Description	Amount
15 Taylor LLC - 15 Taylor St. Springf...			Donation	500.00
				500.00



City Council

ADOPTED

Meeting: 04/22/19 06:30 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5088

8

Order Authorizing Mayor to Execute Quitclaim Deed for Transfer of Title of ES Pinecrest Dr. (09730-0046) to the Springfield Conservation Commission (Mayor Sarno)

WHEREAS; the City of Springfield acquired title to East Side Pinecrest Drive, Springfield, Massachusetts (Parcel-ID # 09730-0046) containing about 6,555 square feet through tax title foreclosure proceedings in Land Court; and

WHEREAS; said parcel is classified as saleable land and is under the care, custody, management and control of the Tax Title Custodian; and

WHEREAS; the City's Planning Department has determined that said parcel is suitable for conservation purposes since it abuts conservation land and recommends that title to said parcel be transferred to the Springfield Conservation Commission; and

WHEREAS; the Springfield Conservation Commission voted at a meeting held on April 9, 2019 to accept a quitclaim deed from the City of Springfield for the transfer of title to said parcel to be used for conservation purposes and/or for open space.

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 the Conservation Commission of the City of Springfield for the transfer of title to East Side Pinecrest Drive (Parcel-ID # 09730-0046) for consideration of One Dollar (\$1.00).

RESULT:	ADOPTED [11 TO 0]
AYES:	Gomez, Ryan, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Tracye Whitfield, E. Henry Twiggs



City Council

ADOPTED

Meeting: 04/22/19 06:30 PM
Initiator: Melvyn Altman
Sponsors: Mayor Domenic J. Sarno
DOC ID: 5050

9

Order Authorizing Mayor to Execute Quitclaim Deed for Sale of West Side Roosevelt Avenue Gaucher Street Ramp (10364-0007) to Gaucher Realty, LLC (Mayor Sarno)

WHEREAS, the City of Springfield acquired title to vacant land located in Springfield, Massachusetts containing about 4,811 square feet, known as West Side Roosevelt Avenue Gaucher Street Ramp, with a Parcel-ID Number of 10364-0007 (hereinafter the "property") via quitclaim deed from Massachusetts Mutual Life Insurance Company dated August 26, 1994; and

WHEREAS, the property is part of the Springfield High School of Science and Technology site with the Springfield School Department having care, custody and control; and

WHEREAS, the City of Springfield School Committee voted on March 29, 2018 to decommission said parcel as school property; and

WHEREAS, the City of Springfield Office of Housing determined that said property is not needed for general municipal purpose; and

WHEREAS, the assessed value of the property is \$12,500.00 and is exempt from the advertised bid proposal process of Chapter 30B of the Massachusetts General Laws; and

WHEREAS, the Office of Housing solicited requests to abutters to submit applications for the purchase and redevelopment of the property pursuant to the Abutter Lots Sales Program of the City of Springfield for consideration of \$481.10 (10 cents per square foot); and

WHEREAS, the application submitted by Gaucher Realty, LLC, owing of abutting commercial property located at 18 Gaucher Street, was accepted by the Abutter Lots Sales Program Committee; and

WHEREAS, as a condition of sale, Gaucher Realty, LLC, will be required to combine the property with 18 Gaucher Street to form one larger parcel; use the property solely for off-street parking; and install a parking lot within one year from the date of closing as per site plan specifications approved by the City of Springfield Department of Public Works on February 27, 2019.

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 Gaucher Realty, LLC for the transfer of title to West Side Roosevelt Avenue Gaucher Street Ramp (Parcel-ID # 10364-0007) for consideration of Four Hundred Eighty-One and 10/100 Dollars (\$481.10).

RESULT:	ADOPTED [12 TO 0]
AYES:	Gomez, Ryan, Fenton, Edwards, Twiggs, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Tracye Whitfield



City Council
36 Court Street
Springfield, MA 01103

Meeting: 04/22/19 06:30 PM
Department: City Council
Category: Local Law
Prepared By: Tasheena Davis
Initiator: Tasheena Davis
Sponsors: Jesse Lederman
DOC ID: 4821 E

ADOPTED

ORDINANCE 2018-17

Plastic Bag Reduction

PLASTIC BAG REDUCTION ORDINANCE SECTION 1 DEFINITIONS

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Director”, the **Commissioner of Health and Human Services or their designee.**

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include:

- A. bags, whether plastic or not, in which loose produce or products are placed by the consumer or manufacturer to deliver such items to the point of sale or check out area of the store; or
- B. **Laundry or dry-cleaner bags; or**
- C. Newspaper bags; or
- D. **Bags to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.**
- E. **A non-plastic bag without handles in which prepared food is placed.**
- F. **A bag provided by a pharmacy to a customer purchasing a prescription medication.**

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Department”, the City’s **Department of Health and Human Services.**

“Marine-degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional, Department-approved standards are as stringent as ASTM D7081.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" in a visible manner on the outside of the bag.

“Retail establishment”, any retail space located in the City including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

“Reusable checkout bag”, a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils thick.

SECTION 2 REQUIREMENTS

(a) If any retail establishment as defined in section 1 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) A store that provides any type of checkout bag may provide them for free or at such cost they deem appropriate. All moneys collected pursuant to this ordinance shall be retained by the store.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided at the time of sale and shall be identified as the “checkout bag charge” thereon.

(d) The Director may promulgate rules and regulations to implement this section.

SECTION 3 PENALTIES AND ENFORCEMENT

(a) Each Retail Establishment shall comply with this by-law.

- (1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.
- (2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
- (3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - A) \$50 for the first offense
 - B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.
- (4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.
- (5) A Retail Establishment shall have thirty (30) calendar days after the date that a notice of violation is issued to pay the penalty.

B. The Department of Health and Human Services shall notify all retail and food service establishments in writing by mail of the effective date of this ordinance by June 30, 2019.

SECTION 4 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect June 1, 2020 for retail establishments 10,000 square feet and greater and December 1, 2020 for retail establishments less than 10,000 square feet.

SECTION 5 SEVERABILITY

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

SECTION 6 REVIEW

The City Council's Committee on Sustainability and Environment shall review this ordinance 12 months from initial implementation.

Chapter 280-Plastic Bag Reduction

HISTORY:

10/15/18 City Council
Next: 11/19/18

REFERRED TO COMMITTEE

Councilor Lederman spoke in support of the ordinance and asked to have it sent to committee.

The item was referred to the Health and human services subcommittee.

11/14/18 City Council

The Health and Human Services committee met to discuss and the plastic bag reduction ordinance that will be on the Agenda of the City Council meeting Monday, November 19th at 7pm.

Councilor Lederman called the meeting to order. Representatives from the Green Committee, Chamber of Commerce and Arise were in attendance. The discussion brought to light how destructive plastic bags are to the environment and the community. Written in the proposed ordinance is a fee for using plastic bags if you don't bring reusable bags with you to shop. There are 80 communities in the State of Massachusetts that have a Plastic Bag Reduction ordinance in place.

Councilor Lederman is going to present the ordinance with some changes. There will be a follow up meeting of the Health and Human Services committee after the full City Council reviews the ordinance Monday night.

Meeting was adjourned.

11/19/18 City Council
Next: 12/03/18

REFERRED TO COMMITTEE

Read and Councilor Lederman said he would like to keep this matter in committee. 2nd by councilor Edwards

12/03/18 City Council
Next: 12/17/18

REFERRED TO COMMITTEE

Councilor Lederman spoke in support of the ordinance.

Councilor Shea spoke in opposition to the ordinance.

Councilor Fenton spoke in opposition to the ordinance.

Councilor Twiggs spoke in opposition to the ordinance.

Councilor Edwards spoke in support of the ordinance.

Councilor Whitfield spoke in opposition to the ordinance.

Councilor Walsh spoke in opposition to the ordinance.

Councilor Twiggs moved to send the matter to committee. Seconded by Councilor Walsh.

The item was sent to the Health and Human Services committee.

12/17/18 City Council

Councilor Lederman asked to keep the item in committee.

01/14/19 City Council

This item was referred to the Environmental Sustainability Committee.

02/04/19 City Council

03/01/19 City Council

03/04/19 City Council FIRST STEP

03/13/19 City Council

The Plastic Bag Reduction updates and changes was update in Minute traq. The changes were recommended by Councilor Lederman. Big Y has already stated they will going plastic bag free by 2020.

03/18/19 City Council REFERRED TO COMMITTEE

Councilor Lederman moved to amend the check out bag definition as follows:

"A. Bags, whether plastic or not, in which loose produce or products are placed by the consumer or manufacturer to deliver such items to the point of sale or check out area of the store,"

Seconded by Councilor Edwards.

The amendment passed by voice vote.

Councilor Lederman moved to amend the Recyclable Paper Bag Definition as follows:

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and (3) displays the words "recyclable" in a visible manner on the outside of the bag."

Seconded by Councilor Edwards.

The amendment passed by voice vote.

Councilor Lederman moved to amend "Section 2 - Requirements - Subsection B"

as follows:

"(B) A store that provides any type of checkout bag shall sell them for no less than five cents (\$0.05). All moneys collected pursuant to this ordinance shall be retained by the store."

Seconded by Councilor Fenton.

The amendment passed by voice vote.

Councilor Shea spoke in opposition to the proposed ordinance.

Nancy Creed, President of the Regional Chamber of Commerce, stated that the Chamber's members were split on the proposal.

Councilor Allen moved to send the item to committee. Seconded by Councilor Shea.

Councilor Lederman spoke in opposition to the motion to committee.

Councilor Walsh spoke in support of the motion to committee.

Councilor Ryan spoke in support of the motion to committee.

Councilor Whitfield spoke in support of the motion to committee.

Councilor Ramos spoke in opposition to the motion to committee.
Councilor Williams spoke in support of the motion to committee.
Councilor Gomez spoke in opposition to the motion to committee.
Councilor Edwards spoke in opposition to the motion to committee.
Referred to General Government committee.

COMMENTS - Current Meeting:

Councilor Lederman spoke in support of the ordinance.

Councilor Fenton expressed concerns about the drafting and stated that he was against a fee for check-out bags.

Councilor Gomez spoke in support of setting a ceiling for the mandatory charge for checkout bags.

Councilor Fenton spoke in support of setting a ceiling for the mandatory charge for checkout bags.

Councilor Ryan moved to amend section 2(b) to read as follows:

"(b) A store that provides any type of checkout bag may provide them for no more than five cents. All moneys collected pursuant to this ordinance shall be retained by the store.

"

The motion was seconded by Councilor Twiggs.

Councilor Lederman expressed concerns about the motion.

In response to a question from Councilor Gomez, Solicitor Pikula stated that he was not sure if the council had a authority to fix prices in the private market.

Based on the information from the City Solicitor, Councilor Gomez expressed interest in striking a checkout bag fee altogether.

Councilor Shea expressed interest in striking a checkout bag fee altogether.

Councilor Ryan withdrew his motion and moved to amend section 2(b) to read as follows:

"(b) A store that provides any type of checkout bag may provide them for free or at such cost they deem appropriate. All moneys collected pursuant to this ordinance shall be retained by the store.

"

The motion was seconded by Councilor Twiggs.

The motion passed by voice vote.

Councilor Allen moved to delete the word "be" from Section 2(a). The motion passed by voice vote.

Councilor Allen moved to amend "June 30, 2019" in section 3(b) to read "June 31, 2019". The motion passed by voice vote.

Councilor Allen moved to amend section to read as follows:

"All of the requirements set forth in this by-law shall take effect June 1, 2020 for retail establishments 10,000 square feet and greater and December 1, 2020 for retail establishments less than 10,000 square feet."

The motion was seconded by Councilor Fenton.

The motion passed by voice vote.

Councilor Lederman moved to amend the paragraph entitled "checkout bags" in section 1 to read as follows"

"Checkout bag", a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include:

- A. bags, whether plastic or not, in which loose produce or products are placed by the consumer or manufacturer to deliver such items to the point of sale or check out area of the store; or
- B. Laundry or dry-cleaner bags; or
- C. Newspaper bags; or
- D. Bags to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
- E. A non-plastic bag without handles in which prepared food is placed.
- F. A bag provided by a pharmacy to a customer purchasing a prescription medication.

"

Councilor Lederman moved to amend the paragraph entitled "Recyclable Paper Bag" in section 1 to read as follows"

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" in a visible manner on the outside of the bag.

The two motion were seconded by Councilor Ryan.

The motions passed by voice vote.

The council invoked rule 22C to pass the ordinance in one vote

RESULT:	SECOND & THIRD STEPS [12 TO 0]
MOVER:	Jesse Lederman
AYES:	Gomez, Ryan, Fenton, Edwards, Twiggs, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Tracye Whitfield



City Council
36 Court Street
Springfield, MA 01103

Meeting: 04/22/19 06:30 PM
Department: City Council
Category: General
Prepared By: Susan Kacoyannakis
Initiator: Susan Kacoyannakis
Sponsors: Gomez, Lederman, Hurst, Walsh, Williams, Edwards, Fenton, Ramos
DOC ID: 5096 A

ADOPTED

RESOLUTION (ID # 5096)

Support of Stop and Shop Workers

WHEREAS, the Springfield City Council is proud to support our city's workforce including those represented by unions that strive to preserve their workplace rights and benefits to support their families, and

WHEREAS, Five UFCW Locals, including UFCW Local 1459 in Springfield, recently concluded an 11 day strike against Stop and Shop, and

WHEREAS, the locals represent over 30,000 people, many of whom are our constituents and neighbors, who stood strong together in an effort to retain their wages and benefits, and

WHEREAS, workers had identified proposals to cut workers take home pay, reductions in retirement benefits, cuts to healthcare, and elimination of Holidays and personal days as the main issues on the bargaining table, while at the same time citing that the company has produced a 13.4% increase in operating income in the last quarter and \$2 billion in profits last year, and

WHEREAS, during the strike many members of the community including regular customers and other local unions supported the workers by standing in solidarity with them, bringing them food and supplies, and donating to support the effort, highlighting the strength and unity of our community, and

WHEREAS, reports now indicate that the unions have reached a tentative agreement and workers are returning to work,

NOW, THEREFORE BE IT RESOLVED, that the Springfield City Council expresses it's support and congratulations to the Stop and Shop workers and local unions for their steadfast commitment to preserving workers rights and their successful negotiation.

COMMENTS - Current Meeting:

Councilor Lederman spoke in support of the resolution.

Councilor Lederman moved to amend the resolution as follows:

"WHEREAS, the Springfield City Council is proud to support our city's workforce including those represented by unions that strive to preserve their workplace rights and benefits to support their families, and

WHEREAS, Five UFCW Locals, including UFCW Local 1459 in Springfield, recently concluded an 11 day strike against Stop and Shop, and

WHEREAS, the locals represent over 30,000 people, many of whom are our constituents and neighbors, who stood strong together in an effort to retain their wages and benefits, and

WHEREAS, workers had identified proposals to cut workers take home pay, reductions in retirement benefits, cuts to healthcare, and elimination of Holidays and personal days as the main issues on the bargaining table, while at the same time citing that the company has produced a 13.4% increase in operating income in the last quarter and \$2 billion in profits last year, and

WHEREAS, during the strike many members of the community including regular customers and other local unions supported the workers by standing in solidarity with them, bringing them food and supplies, and donating to support the effort, highlighting the strength and unity of our community, and

WHEREAS, reports now indicate that the unions have reached a tentative agreement and workers are returning to work,

NOW, THEREFORE BE IT RESOLVED, that the Springfield City Council expresses it's support and congratulations to the Stop and Shop workers and local unions for their steadfast commitment to preserving workers rights and their successful negotiation.

"

The amendment was seconded by Councilor Walsh.

The amendment passed by voice vote.

RESULT: PASSED BY VOICE VOTE