



City of Springfield

Regular Meeting

~ Draft ~

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

Linda Fitzpatrick
413-787-6559

Monday, May 18, 2015

7:00 PM

Springfield City Hall -- Council Chambers

I. Possible Public Speak-Out Time 6:30 PM

The following individual(s) spoke at public speak-out:

1. **Tracye Whitfield spoke relative to the need for youth jobs in the City for the summer and an Attorney's General State Summer Youth Grant program that she hopes the City Council would endorse.**
2. **Tianna Green and Brandon Green spoke relative to the need for youth jobs in the City for the summer.**
3. **Kiara Kinard spoke relative to the need for youth jobs in the City for the summer.**
4. **Emani Kinard spoke relative to the need for youth jobs in the City for the summer.**
5. **Frank Cincotta did not appear.**
6. **Marcos Carrera of Trinity United Church spoke relative establishing of a Springfield Children Choir and a free Children Choir Concert to be held in Springfield on May 23, 2015, participants will come from Chorus Angelicus in Torrington, CT; Connecticut Children's Chorus at the University of Hartford; Boston City Singers from Dorchester; Worcester Children's Chorus; Community Music School of Springfield; and Children's Chorus of Springfield.**
7. **Ellen Graves from Arise for Justice spoke in support of Springfield Police Officers wearing body cameras when on duty and has a signed petition of support with 2,000 residents.**
8. **Veira Downey-Cage a member of the ACLU spoke in support of Springfield Police Officers wearing body cameras when on duty and passed out a flyer on the use on body-worn cameras, see Item #16.**
9. **Neel Abdul-Hameed spoke relative an ordinance establishing a Community Review Board with teeth and support for body-worn cameras by police officers.**
10. **Tiffany Hartwick spoke relative to the City having a nonbinding question "Do you support Federal Government Common Core Standards?"**

Call to Order

7:00 PM Meeting called to order on May 18, 2015 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Thomas M. Ashe	At-Large Councilor	Absent	
Timothy C. Allen	Ward 7 Councilor	Present	
Clodo Concepcion	Ward 5 Councilor	Absent	
Kenneth E. Shea	Ward 6 Councilor	Present	
Orlando Ramos	Vice President	Present	
Timothy J. Rooke	At-Large Councilor	Present	
Bud L. Williams	At-Large Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Present	
Justin Hurst	At Large Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Zaida Luna	Ward 1 Councilor	Present	
Kateri B. Walsh	Vice President - At-Large Councilor	Late	7:07 AM
Michael A. Fenton	President - Ward 2 Councilor	Present	

Moment of Silence - Pledge of Allegiance

A. Communications

1. Order (ID # 3069)

April Revenue Vs. Expenditure Report

COMMENTS - Current Meeting:

Read and Patrick Burns, City Comptroller made presentation to the City Council relative to the period ending 4-30-15 and the Report shows that the City had spent 87% of the yearly budget and the only real deficit was in DPW's snow account and that was resolved with \$1.2 million transfer and the City is on track for a FY15 balance budget. Council received the Report by a majority voice vote with Councilors Ashe and Concepcion absent and the Report was put on file for the Finance Committee to discussion.

ATTACHMENTS:

- April Revenue Vs. Expenditure Report (PDF)

RESULT: PASSED BY VOICE VOTE

B. Reports of Committee

1. Report from the Health and Human Services Committee

From the City Council Health and Human Services - MGM's Springfield Veterans Outreach. Councilor Bud L. Williams, Chair of the Health and Human Services Committee (Councilors Williams, Luna, Twiggs) have a verbal report that the Committee met on May 15, 2015 and Chair Williams stated that the Committee met with MGM's Springfield Attorney Frank Fitzgerald, Kelley Tucky, MGM's VP, Marikate Murren, MGM's Workforce Development Director and Veterans representatives Tom Belton, Springfield Veteran Director, Gomersindo Gomez, Bilingual Veterans Center, Charles, Rucks of Veterans First, Chris King Secretary of Mass Veterans Affairs, Denise Jordan, Chief of Staff of the Mayor's Office to discuss strategy and execution of MGM Springfield's workforce development plan for veterans and the host community agreement between

MGM and the City requires that MGM abide by an affirmative action program to meet hiring goals of 15.3 percent minorities, 6.9 percent women and 8 percent veterans. Although MGM pledges to create at least 2,000 construction jobs and to hire at least 3,000 workers, of which at least 2,200 will be employed on a full-time equivalent basis, under its agreement the Veterans groups and are also concerned about pre-construction work that MGM is not reaching out to veterans organizations. The Council received the report by a majority voice vote Councilors Ashe and Concepcion absent.

2. Report from the Economic Development Committee

From the City Council Economic Development Committee - Children Choir. Read and explanation given by Councilor Orlando Ramos, Chair of the Economic Development Committee (Councilors Ramos, Allen, Twiggs) gave a verbal report that the Committee met on May 18, 2015 and Chair Ramos stated that the Committee met with Marcos Carrera of Trinity United Church relative establishing of a Springfield Children Choir and a free Children Choir Concert to be held in Springfield on May 23, 2015 at 3 pm on the steps of City Hall and free to the public and Councilor Ramos suggested that the City needs to establish a "Cultural and Artist Committee." The Council received the report by a majority voice vote Councilors Ashe and Concepcion absent.

From the City Council Economic Development Committee - MGM's Springfield. The Committee also met with MGM's representatives Chelan Brown manager of the MGM's Springfield Community Office and Attorney Frank Fitzgerald to discuss strategy and execution of MGM Springfield's workforce development plan and are working with community colleges such as STCC and HCC to put together a curriculum for casino relative jobs and is also developing Casino Career Training Institute to assist Springfield residents to get a job and will provide the Council with more information by email and at the next meeting. The Council received the report by a majority voice vote Councilors Ashe and Concepcion absent.

II. Informational

3. Informational (ID # 3068)

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed the Order by a majority voice vote Councilors Ashe and Concepcion absent.

ATTACHMENTS:

- New Pdf River Street Io (PDF)
- 4-22-2015 notice of meeting CMA 500 (PDF)

RESULT:	RECEIVED THE REPORT-PASSED
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4. Informational (ID # 3072)

Order of Location for the Installation and Maintenance of Underground Utilities

<<Enter brief purpose>>

<<Insert proper utility template>>

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed the Order by a majority voice vote Councilors Ashe and Concepcion absent.

ATTACHMENTS:

- DWG-Lincoln St. (PDF)
- 5-11-2015 notice of meeting CMA 500 (PDF)

RESULT: RECEIVED THE REPORT-PASSED

5. Zoning Ordinance 2015-5

To Amend the City of Springfield's Zoning Ordinance by Adding Article 8, Section 8.7, Casino Overlay District B and by Amending the City of Springfield's Zoning Map by the Mapping of the Casino Overlay District B to the Properties Known as 23 State Street (11110-0063), 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (08130-0096).

PETITIONER: Courthouse Park Associates, Briarwood Thirteen, LLC, Carmela A. Fraziero, Trustee, Colvest/Columbus Springfield, LLC

ADDRESS: See Above

CHANGE REQUESTED: Casino Overlay District "B"

COMMENTS - Current Meeting:

Read and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances by a majority voice vote with Councilors Ashe and Concepcion absent and the public hearing is set for Tuesday, May 26, 2015. The Planning Board recommendation is not to approve.

ATTACHMENTS:

- Casino_Overlay_B_Formal (PDF)
- 3173_Casino_Overlay_District_B_CC_2015 (PDF)

RESULT: RECEIVED 1ST STEP	Next: 5/26/2015 7:00 PM
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III. Grants

6. Order (ID # 3065)

Grant Acceptance - No Match Required \$232,137

COMMENTS - Current Meeting:

Read and an explanation was given by Sgt. Brian Elliott, Grant Manager for the Police Department that the grant was from Mass Executive Office of Health and Human Services "Safe and Successful Youth Initiative Grant" in the amount of \$232,137 increase in the

grant will allow the program to be extended from June 30, 2015 to September 30, 2015 and is the eighths amendment implementing a coordinated intervention strategy focused on “proven risk youth” identified as highest risk individual for being perpetrators or victims of shooting or stabbing violence. Councilor Hurst asked what agencies would be participating in the extension and Sgt. Elliot said Police Department, ROCA, ASSI, Salvation Army, Baystate Health and REB and the Order passed by a majority voice vote with Councilors Ashe and Concepcion absent.

ATTACHMENTS:

- SSIYI - Springfield Cont revised Amd 8-FINAL-May 2015 (PDF)

RESULT: PASSED BY VOICE VOTE**7. Order (ID # 3058)**

Senior SNAP Enrollment Initiative Grant Acceptance - No Match Required (\$50,000)

COMMENTS - Current Meeting:

Read and an explanation was given by Jan Denny, Director of the Office of Elder Affairs that the grant was from Mass Association of Councils on Aging-in the amount of \$50,000 to implement Senior SNAP (Food Stamp) Enrollment Initiative in Hampden County and to hire 1 employee for 30 hour per week as a SNAP outreach worker to conduct SNAP screening for senior citizens in Hampden County and the Order passed by a majority voice vote with Councilors Ashe and Concepcion absent.

ATTACHMENTS:

- 20150513103632661 (PDF)

RESULT: PASSED BY VOICE VOTE**8. Order (ID # 3066)**

Hasbro Summer Learning Initiative Grant - \$2,900

COMMENTS - Current Meeting:

Read and the Council accepted a Hasbro Summer learning Initiative Grant on behalf of the Park's Department in the amount of \$2,900.00 from Regional Employment Board of Hampden County to provide low-income youth with access to safe, supportive learning opportunities that will: (1) promote free expression, play, and exploration; (2) foster positive social interactions, build self-confidence and positive attitudes towards learning; and (3) help to reduce the academic achievement gaps attributed to academic learning loss over the summer and while out of school and the Order passed by an unanimous voice vote without discussions because it is less than \$20,000.

ATTACHMENTS:

- Hasbro Grant Set Up & Contract (PDF)

RESULT: PASSED BY VOICE VOTE**9. Order (ID # 3060)**

Donation Women's Commission - No Match Required (\$100)

COMMENTS - Current Meeting:

Read and the Council accepted a donation on behalf of the Springfield Women's Commission in the amount of \$100.00 from the Committee to Election Kateri Walsh to help defray the cost of the May 22, 2015 International Women's Day event and the Order passed by a majority voice vote with Councilors Luna and Fenton absent without discussions because it is less than \$20,000.

RESULT: PASSED BY VOICE VOTE

10. Order (ID # 3061)

Donation Women's Commission - No Match Required (\$50)

COMMENTS - Current Meeting:

Read and the Council accepted a donation on behalf of the Springfield Women's Commission in the amount of \$50.00 from Kathy Tobin Martin to help defray the cost of the May 22, 2015 International Women's Day event and the Order passed by a majority voice vote with Councilors Luna and Fenton absent without discussions because it is less than \$20,000.

RESULT: PASSED BY VOICE VOTE

11. Order (ID # 3062)

Donation Women's Commission- No Match Required (\$50)

COMMENTS - Current Meeting:

Read and the Council accepted a donation on behalf of the Springfield Women's Commission in the amount of \$50.00 from Katherine Pedersen to help defray the cost of the May 22, 2015 International Women's Day event and the Order passed by a majority voice vote with Councilors Luna and Fenton absent without discussions because it is less than \$20,000.

RESULT: PASSED BY VOICE VOTE

12. Order (ID # 3063)

Donation Women's Commission - No Match Required (\$50)

COMMENTS - Current Meeting:

Read and the Council accepted a donation on behalf of the Springfield Women's Commission in the amount of \$50.00 from Barbara P. Loh to help defray the cost of the May 22, 2015 International Women's Day event and the Order passed by a majority voice vote with Councilors Luna and Fenton absent without discussions because it is less than \$20,000.

RESULT: PASSED BY VOICE VOTE

IV. General Business

13. Order (ID # 3070)

Snow & Ice Budget Transfer - \$1,246,330.55

FINANCIAL IMPACT:

\$1,246,330.55

COMMENTS - Current Meeting:

Read the first time and Rule 19 suspended and an explanation was given by Chris Cignoli, Director of the DPW stated that the Order is to transfer \$1,246,330.55 from Comptroller's Office -Other Financing Uses to Streets & Engineering (Snow & Ice) - Temporary Salaries & Wages and Streets & Engineering (Snow & Ice) - Hired Equipment in order to fund 2014/2015 winter storms cleanup costs. Mr. Cignoli said DPW has spend over \$2.9 million for snow and ice removal and for hired equipment, sand and salt, however, \$100,000 will from an existing DPW account and read for a second time and the Order passed by the following roll call vote.

ATTACHMENTS:

- CAFO Certification DPW Snow & Ice Deficit FY15 (PDF)

RESULT:	ADOPTED [9 TO 0]
MOVER:	Kenneth E. Shea, Ward 6 Councilor
SECONDER:	Bud L. Williams, At-Large Councilor
AYES:	Allen, Shea, Ramos, Williams, Hurst, Edwards, Luna, Walsh, Fenton
ABSENT:	Thomas M. Ashe, Clodo Concepcion, Timothy J. Rooke, E. Henry Twiggs

14. Order (ID # 3067)

Free Cash to School Department Transportation Costs - \$750,000

COMMENTS - Current Meeting:

Read the first time and Rule 19 suspended and an explanation was given by T J Plante, CAFO, Maria D'Angelantonio, Director of School Transportation and Patrick Roach, School Business Manger stated that the Order is to transfer \$750,000 from Certified Free Cash - Other Financing Uses to School Department Transportation Contract Carrier for the purpose of paying increasing cost associated with McKinney Vento and Charter School transportation and the budget for transportation is over \$27 million in FY16. Councilor Williams said this is an unfunded mandate and the City can't keep fund the school transportation cost without some help from the State. Mr. Plante said the major cost drivers are Out of District Placements for our students with special needs and IEP's, charter schools and McKinney Vento homeless transportation. Councilors Shea and Twiggs asked about charter school costs and Mr. Plante said the City does not have any control over when or how many Charter School are approved by the State. Councilor Allen asked how are the costs categorized and Mr. Plante said the high cost is the numbers of buses and to and from schools not the after school programs and the McKinney Vento

cost have more than double in 5 years and read for a second time and the Order passed by the following roll call vote.

ATTACHMENTS:

- CAFO Certification School Transportation (DOCX)

RESULT:	ADOPTED [11 TO 0]
MOVER:	Bud L. Williams, At-Large Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Allen, Shea, Ramos, Rooke, Williams, Twiggs, Hurst, Edwards, Luna, Walsh, Fenton
ABSENT:	Thomas M. Ashe, Clodo Concepcion

15. Order (ID # 3073)

Streets & Engineering Flood Control Transfer - \$60,000

FINANCIAL IMPACT:

\$60,000

COMMENTS - Current Meeting:

Read the first time and Rule 19 suspended and an explanation was given by Chris Cignoli, Director of the DPW stated that the Order is to transfer \$60,000 from Streets & Engineering (Fleet Management - Salaries & Wages to Streets & Engineering (Administration) - Software (\$12,000) to Streets & Engineering (Streets) - Mixes (\$13,000) and to Streets & Engineering (Storm Drains) (\$13,000) - Professional Services in order to purchase new software licenses for new engineers to perform design and planning work, purchase pothole materials and for funds to initiate projects aimed at ensuring compliance with mandated flood control projects required by the Army Corps of Engineers and read for a second time and the Order passed by the following roll call vote.

ATTACHMENTS:

- CAFO Certification DPW Salary Transfer (PDF)

RESULT:	ADOPTED [10 TO 0]
MOVER:	Melvin A. Edwards, Ward 3 Councilor
SECONDER:	Orlando Ramos, Vice President
AYES:	Allen, Shea, Ramos, Williams, Twiggs, Hurst, Edwards, Luna, Walsh, Fenton
ABSENT:	Thomas M. Ashe, Clodo Concepcion, Timothy J. Rooke

16. Resolution 2015-1

Body-Worn Cameras for Springfield Police Department

COMMENTS - Current Meeting:

Read and an explanation was given by Councilor Orlando Ramos City Councilor Orlando Ramos will ask the full Council to go on record in favor of Springfield police being required to wear body cameras and he said would benefit the officers, City, the Department and the public and save money paid out by the City police misconduct cases in over \$1.5 million in the last year. Councilor Ramos further said that his concern is that Joint Study Committee are discussing outdated technology when we should be considering

the latest technology especially because funds are available at the federal level for body cameras and is urging the Joint Study Committee to develop recommendations for the implementation and use of body-worn cameras for the Springfield Police Department. Councilor Walsh asked what is the Council's role since this is matter for Labor Relations and negotiations and Associate City Solicitor Anthony Wilson stated that the Council does not have a direct role but can express its opinion on the matter by this resolution and how the Council votes on the next contract. Councilor Edward spoke saying he supports the resolution and hopes all councilors present would support it also. Councilor Twiggs spoke saying he is "amused" by fact that the City has "to negotiate" cameras in cruisers and if a police officer had a cameras they could get the beginning of the encounter because citizens cameras don't always get the beginning of the encounter and asked Associate City Solicitor Wilson to explain the reasons while the City "just can't do it" and Associate City Solicitor Wilson said that such a change is considered a "change in work conditions" and had to been negotiated. Councilor Shea spoke saying that he did want to give the Union an out by taking cruisers cameras off the negotiating table since the Joint Study Committee was already discussing that issue and asked d Councilor Ramos if the Resolutions could be amended so that both item were on the table. Councilor Shea made a motion to amended as follows: "however, that the passage of this Resolution shall in no way be interpreted as to prevent the installation of a mobile video and audio recording system in police cruisers" and was seconded by Councilor Edwards. The Resolve as amended passed by a majority voice vote Councilors Ashe and Concepcion absent.

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ATTACHMENTS:

- ACLU BODY CAM (PDF)
- ACLU 2.0 (PDF)

RESULT: PASSED AS AMENDED**Motion To:** A. Motion to Amend**COMMENTS - Current Meeting:**

Councilor Shea made a motion to amend the Resolution by adding the following phrase "however, the passage of this Resolution shall in no way be interpreted as to prevent the installation of a mobile video and audio recording system in police cruisers" and was seconded by Councilor Edwards and said motion to amend passed by majority voice vote with Councilors Ashe and Concepcion absent.

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RESULT: ADOPTED VOICE**V. Suspension of Rules - NONE**



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3069

A.1

April Revenue Vs. Expenditure Report (Mayor Sarno)

RESULT: PASSED BY VOICE VOTE

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

For the period ended
04/30/15

Revenues and Other Sources:	Revised Budget	Actual	Variance Over/(Under)	%
Real Estate & Personal Property Taxes	\$ 171,580,896	\$ 161,840,123	\$ (9,740,773)	94%
Real Estate & Personal Property Taxes - Tax Liens	-	1,838,745	1,838,745	0%
Motor Vehicle Excise	9,600,000	8,460,930	(1,139,070)	88%
Penalties, interest and other taxes	5,072,427	3,581,932	(1,490,495)	71%
Charges for Services	12,467,836	8,891,413	(3,576,423)	71%
Intergovernmental	346,115,651	288,176,719	(57,938,932)	83%
MSBA Payments	14,560,053	10,003,165	(4,556,888)	69%
Licenses and Permits	6,009,143	4,307,821	(1,701,322)	72%
Fines and Forfeits	423,386	378,573	(44,813)	89%
Interest earned on Investments	1,196,859	746,258	(450,601)	62%
Miscellaneous	5,252,990	7,462,061	2,209,071	142%
FY 2014 Net School Spending Shortfall (a.)	18,571,226	18,571,226	-	100%
Stabilization Reserves	3,856,130	3,856,130	-	100%
Other Financing Sources	995,735	995,735	-	100%
Overlay Surplus	2,700,000	2,700,000	-	100%
Total Revenues and Other Sources	598,402,331	521,810,832	(76,591,499)	87%

Expenditures and Other Uses:

General government	21,770,097	18,271,615	3,498,482	84%
Public safety				
Police	39,888,209	32,058,411	7,829,799	80%
Fire	20,493,920	16,260,929	4,232,991	79%
Centralized Dispatch	1,676,719	1,343,479	333,240	80%
Other	3,427,166	2,800,907	626,259	82%
Health and Welfare	4,908,005	3,755,389	1,152,616	77%
Public works	10,147,086	10,325,524	(178,438)	102%
Education	384,182,515	300,567,183	83,615,332	78%
Culture and recreation	12,369,128	10,247,275	2,121,853	83%
Pension and fringe	53,177,581	48,765,309	4,412,272	92%
State and district assessments	3,288,772	2,669,703	619,069	81%
Debt Service	38,090,246	36,118,759	1,971,487	95%
Pay as you go Capital	892,052	590,860	301,192	66%
Other Financing Use - Trash Enterprise Supplement	4,090,834	4,090,834	-	100%
Total Expenditures and Other Uses	598,402,331	487,866,177	110,536,155	82%

Excess (deficiency) of revenues
and other sources over
expenditures and other uses

\$ -	\$ 33,944,655	\$ 33,944,655
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(a.) The FY 2014 Net School Spending Requirement shortfall must be appropriated in the School Budget pursuant to Chapter 70 Section 11 of the Education Reform Act of 1993.

CITY OF SPRINGFIELD, MASSACHUSETTS

Budget and Actual - General Fund

Expenditures and Encumbrances

For the period ended

04/30/15

Expenditures and Other Uses:

	Original Budget	Transfers In/(Out)	Revised Budget	Expenditure	Encumbrance	Variance Over/(Under)	%
General government	19,817,650	1,952,447	21,770,097	16,866,135	1,405,480	3,498,482	84%
Public safety							
Police	40,386,314	(498,105)	39,888,209	31,613,479	444,932	7,829,799	80%
Fire	20,293,920	200,000	20,493,920	16,121,848	139,081	4,232,991	79%
Centralized Dispatch	1,676,719	-	1,676,719	1,340,709	2,770	333,240	80%
Other	3,430,409	(3,243)	3,427,166	2,613,193	187,714	626,259	82%
Health and Welfare	4,933,005	(25,000)	4,908,005	3,736,932	18,457	1,152,616	77%
Public works	10,115,556	31,530	10,147,086	10,205,065	120,459	(178,438)	102%
Education	369,413,118	14,769,397	384,182,515	281,459,747	19,107,435	83,615,332	78%
Culture and recreation	12,376,041	(6,913)	12,369,128	9,739,563	507,711	2,121,853	83%
Pension and fringe	53,177,581	-	53,177,581	48,765,309	-	4,412,272	92%
State and district assessments	3,288,772	-	3,288,772	2,669,703	-	619,069	81%
Debt Service	38,090,246	-	38,090,246	36,118,759	-	1,971,487	95%
Pay as you go Capital	892,052	-	892,052	302,948	287,912	301,192	66%
Other Financing Use - Trash Enterprise Supplement	4,031,454	59,380	4,090,834	4,090,834	-	-	100%
Total Expenditures and Other Uses	581,922,838	16,479,493	598,402,331	465,644,225	22,221,952	110,536,155	82%



City of Springfield

ADOPTED

2.3

Meeting: 05/18/15 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3068

Order of Location for the Installation and Maintenance of Underground Utilities

By the City Council of the City of Springfield, Massachusetts:
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the COLUMBIA GAS OF MASSACHUSETTS, be and it is hereby granted a location for and permission to
<<Insert proper utility template>>

River Street IO

<<Enter brief purpose>>

Also that permission be and hereby granted said {ResUserUserLookup1} to complete the above request.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on May 18, 2015

City Clerk

We hereby certify that on April 22, 2015, at 5:00 PM, at 70 Tapley Street, Conference Center a public hearing was held on the petition of the COLUMBIA GAS OF MASSACHUSETTS for permission to complete the above mentioned request.

City Clerk

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Springfield, Massachusetts, on the May 18, 2015, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk

Columbia Gas[®] of Massachusetts

A NiSource Company

JOB ORDER SUMMARY	JOB ORDER NUMBER
(PM-SOLUTIA GMB)	15-0825326-00
(PM-SOLUTIA DISTRICT STATION)	15-0825327-00
(PM-SOLUTIA MAIN)	13-0823293-00

PROJECT ID 14-23160
SOLUTIA

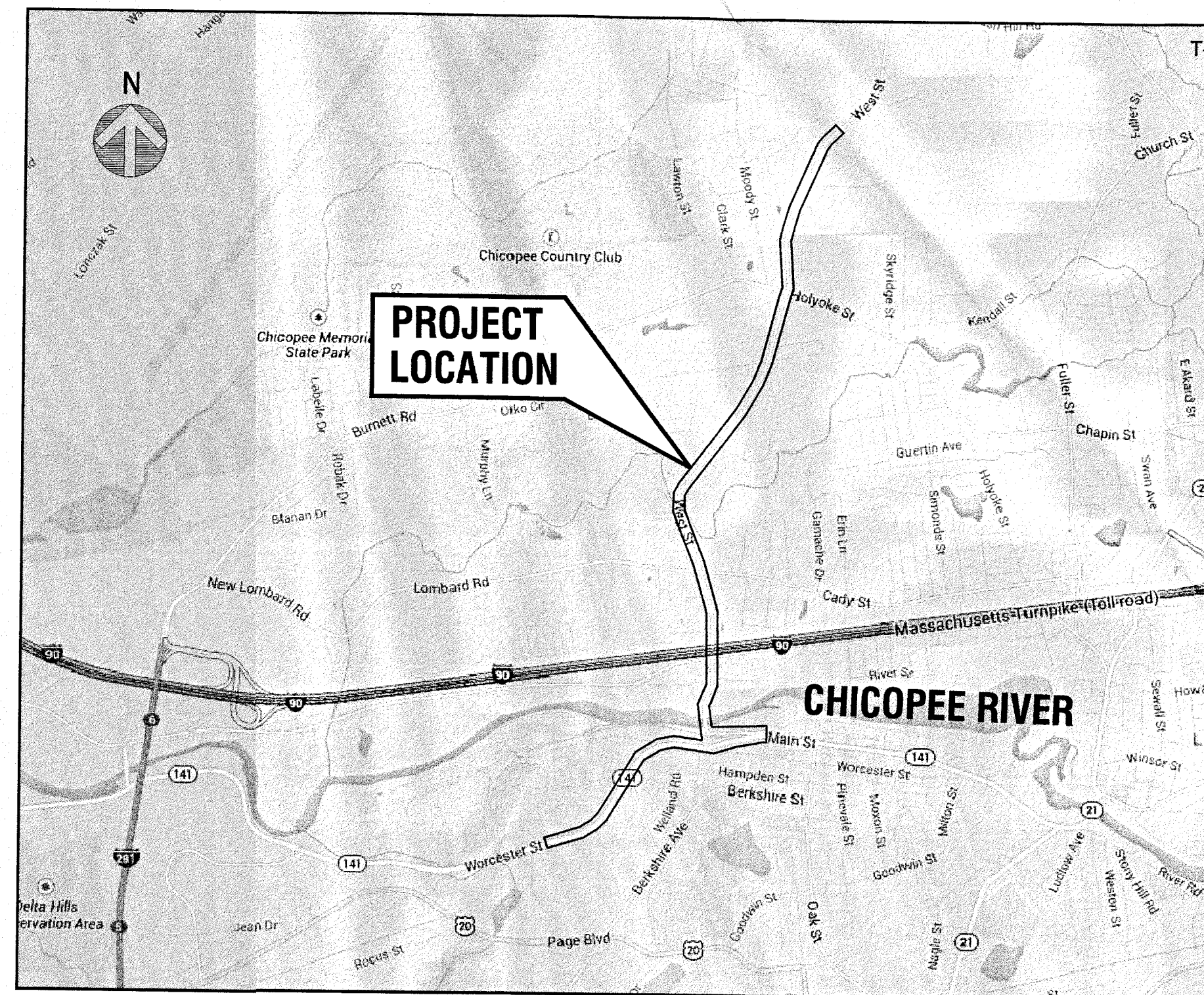
JOB TYPE: 587-573-555

PROJECT INFORMATION

FIELD ENGINEER/TECHNICIAN:	GENE GIULIANO
CONSTRUCTION FLL:	
PERMITS:	MWRA 8M PERMITS LUDLOW & SPRINGFIELD OPEN TRENCH PERMIT MASSDOT HIGHWAY OPENING PERMIT NOIS FOR LUDLOW & SPRINGFIELD CONSERVATION COMMISSIONS
TCC:	8100
COUNTY:	HAMPDEN
TAX DISTRICT:	LUDLOW & SPRINGFIELD
MAP NUMBER:	MAP 50 & 58
SYSTEM NUMBER(S):	80003002
24 HR. EMERGENCY LINE:	COLUMBIA GAS OF MASSACHUSETTS 1-800-525-8222

VICINITY MAP

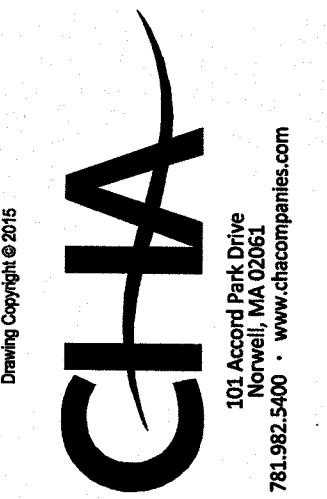
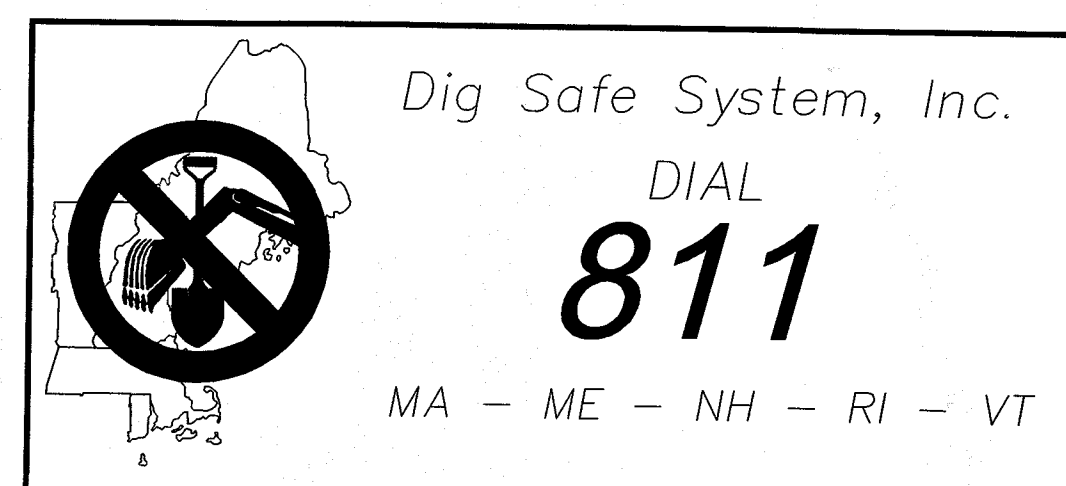
SCALE: N.T.S.



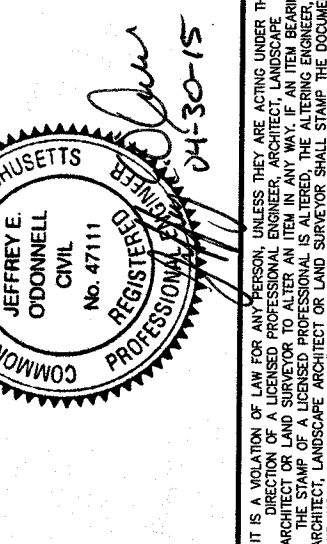
SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
T-001	TITLE SHEET
C-111	ALIGNMENT SHEET
C-112	ALIGNMENT SHEET
C-113	ALIGNMENT SHEET
C-114	ALIGNMENT SHEET
C-115	ALIGNMENT SHEET
C-116	ALIGNMENT SHEET

ISSUED FOR CITY COUNCIL APPROVAL
APRIL 2015



COLUMBIA GAS
OF MASSACHUSETTS
2025 ROOSEVELT AVE.
SPRINGFIELD, MA 01102

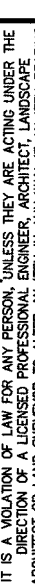


COLUMBIA GAS OF MASSACHUSETTS
PROPOSED 8" GAS MAIN INSTALLATION
SPRINGFIELD, MA
TITLE SHEET

No.	Submitted / Revision	App'd. By	Date
0	CITY COUNCIL APPROVAL	JED	04/30/2015

Designed By: KDW	Drawn By: KDW	Checked By: JEO
Issue Date: 04/30/2015	Project No: 28557	Scale: NONE

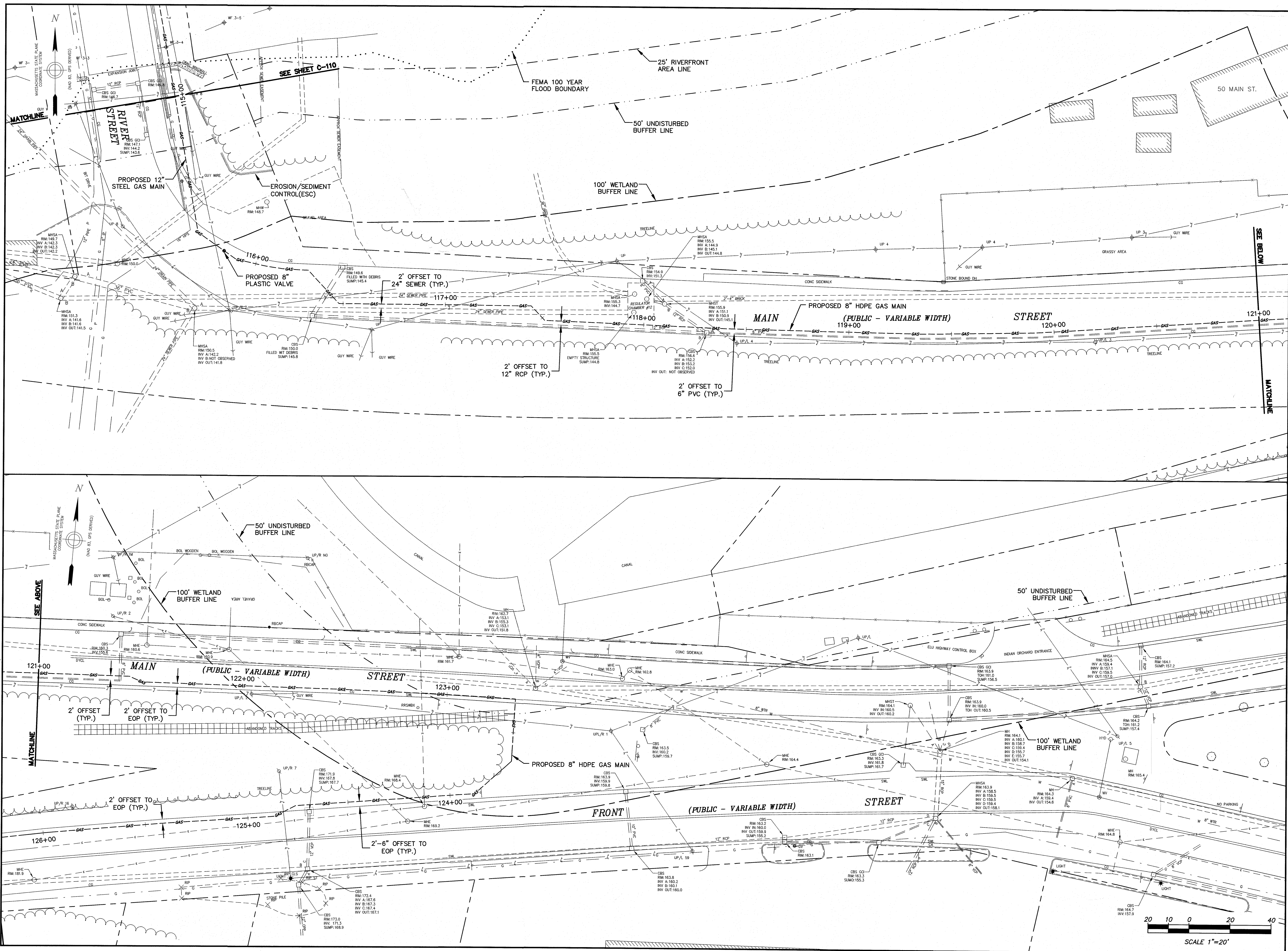
Drawing No.:
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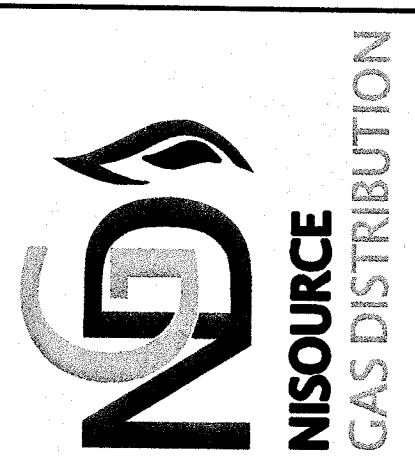
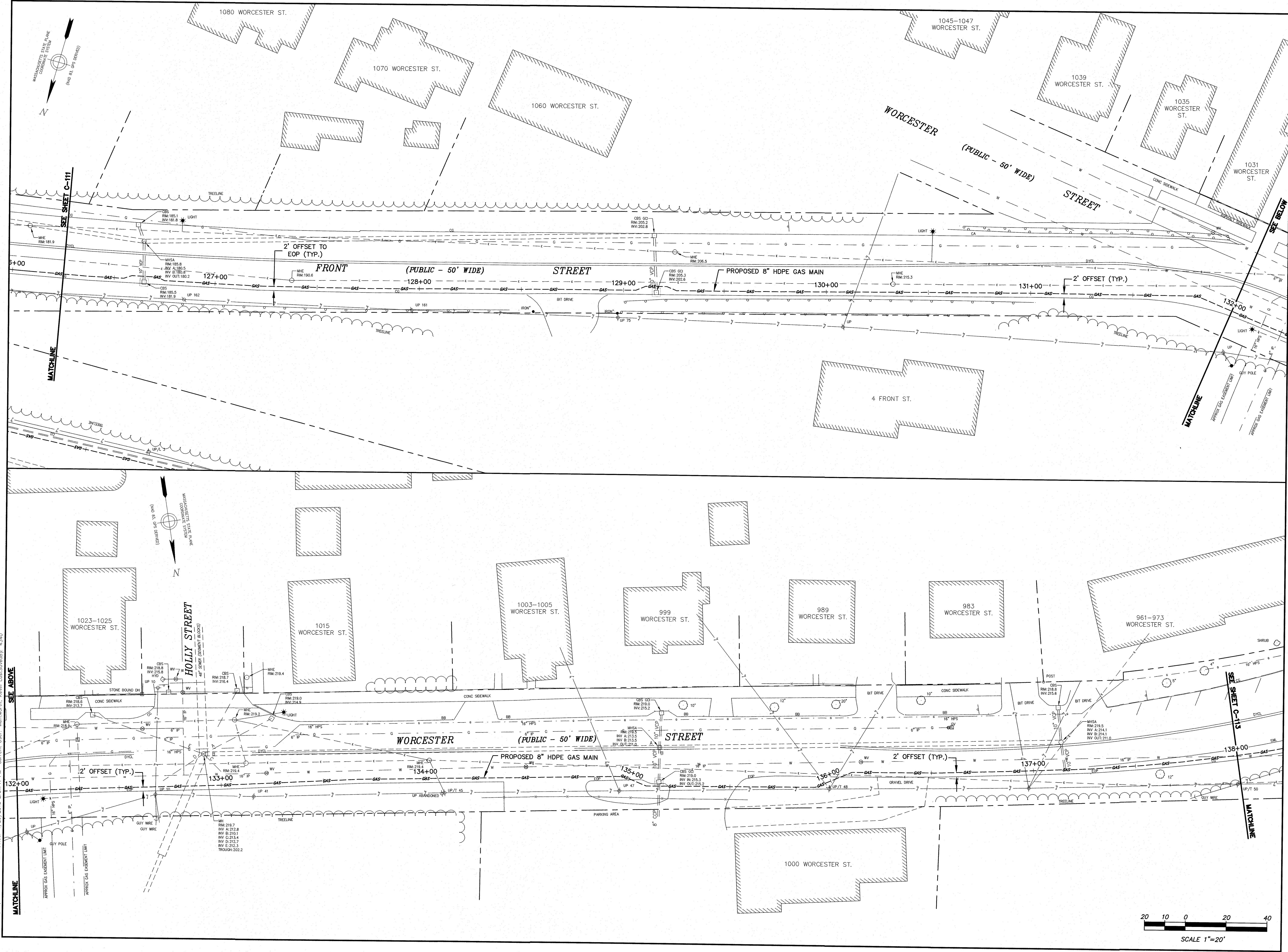
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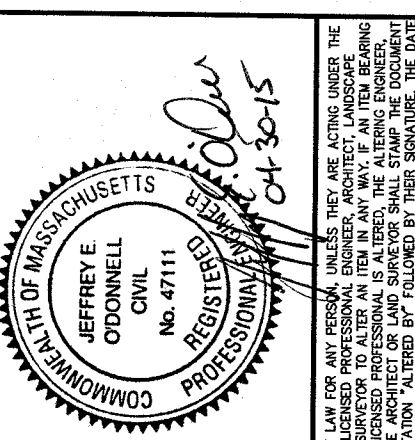
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COLUMBIA GAS
OF MASSACHUSETTS
2025 ROOSEVELT AVE.
SPRINGFIELD, MA 01102



COLUMBIA GAS OF MASSACHUSETTS
PROPOSED 8" GAS MAIN INSTALLATION
SPRINGFIELD, MA
ALIGNMENT SHEET

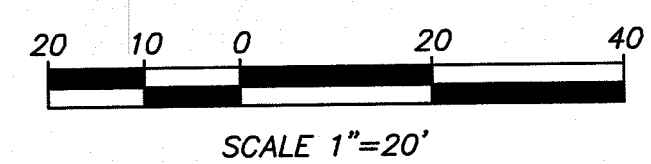
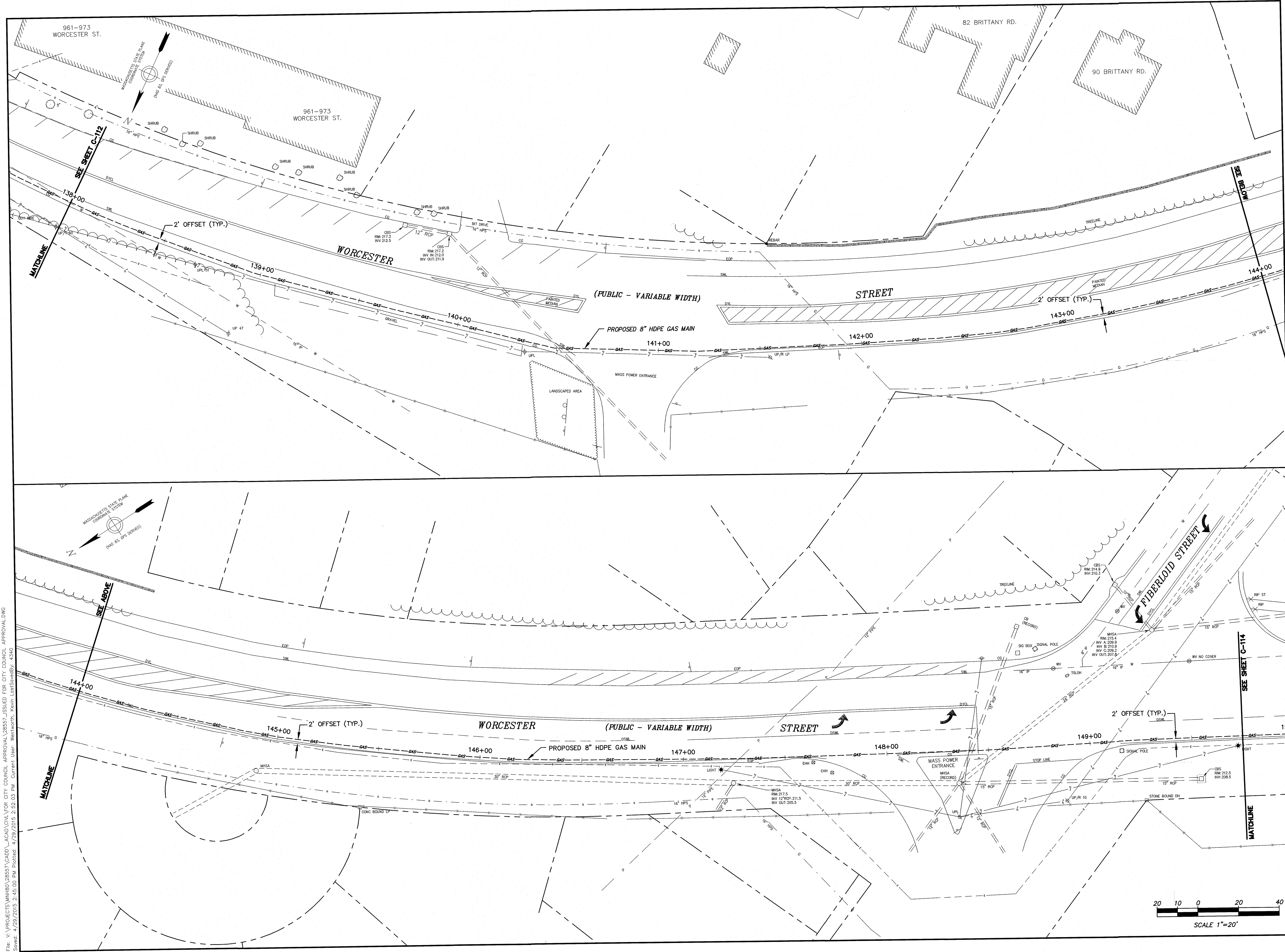
No.	Submitted / Revision	Appr'd. By	Date
0	CITY COUNCIL APPROVAL	JEO	04/30/2015

Designed By: KDW	Drawn By: KDW	Checked By: JEO
Issue Date: 04/30/2015	Project No: 28557	Scale: 1"=20'

Drawing No.:
C-112

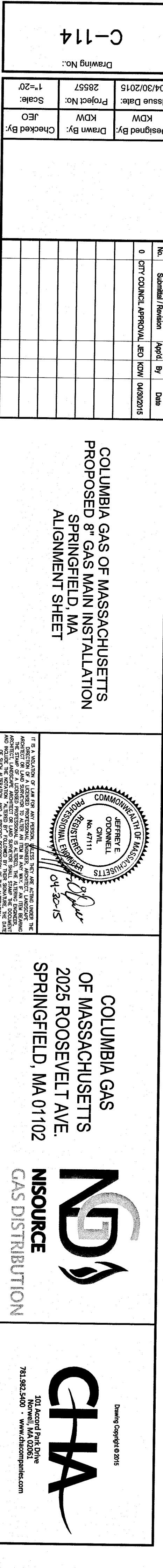
Attachment: New Pdf River Street to (3068 : River Street 10)

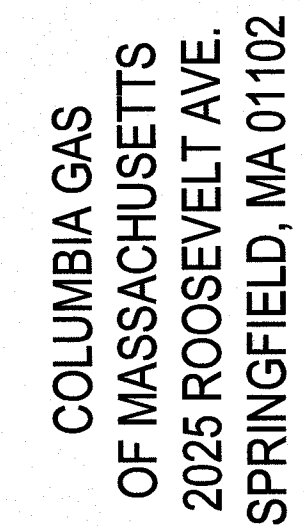
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No.	Submitted / Revision	App'd By	Date
0	CITY COUNCIL APPROVAL	JEO	04/30/2015

Designed By: KDW	Drawn By: KDW	Checked JEO
Issue Date: 04/30/2015	Project No: 28557	Scale: 1"=20'

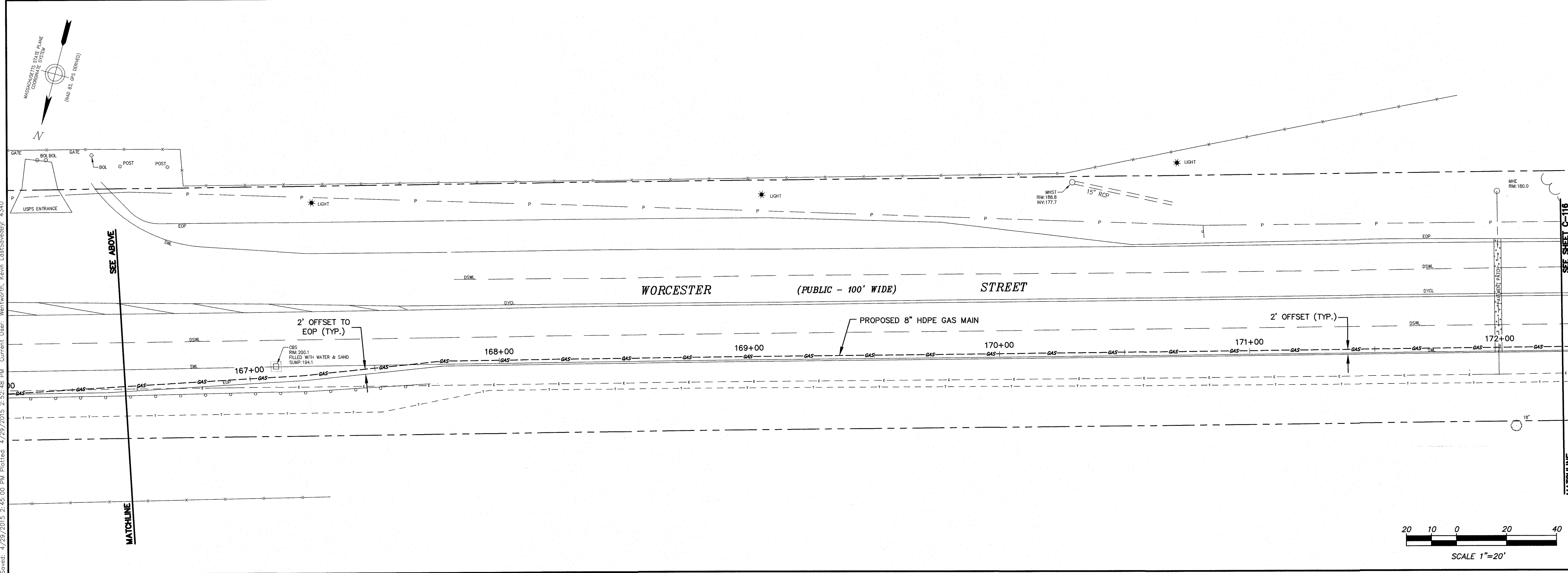
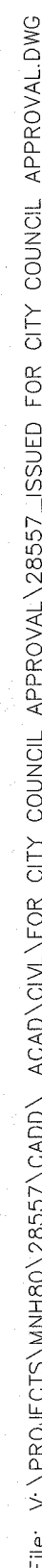


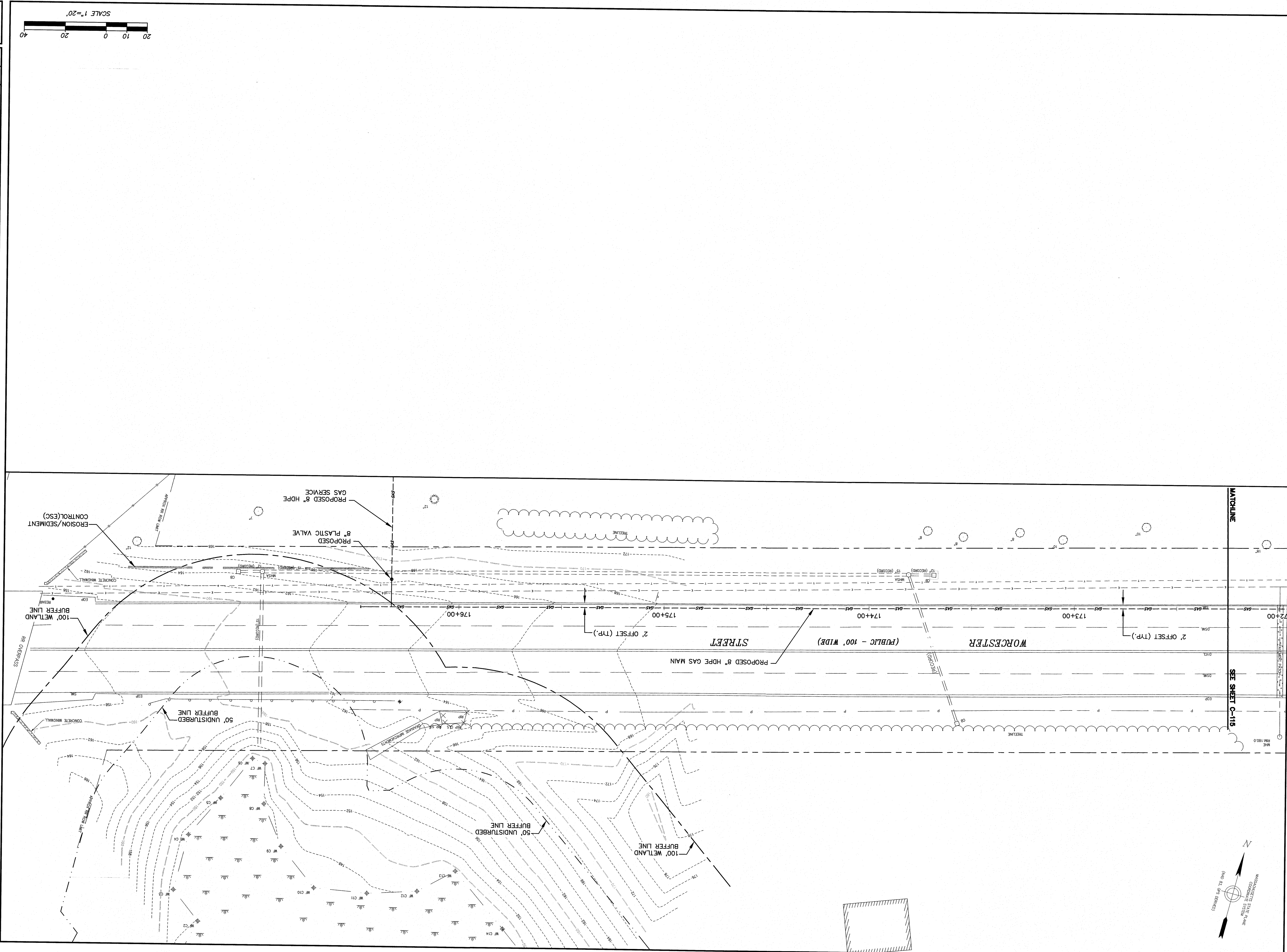


COLUMBIA GAS OF MASSACHUSETTS
PROPOSED 8" GAS MAIN INSTALLATION
SPRINGFIELD, MA
ALIGNMENT SHEET

Designed By: KDW	Drawn By: KDW	Checked By: JEL
Issue Date: 04/30/2015	Project No: 28557	Scale: 1"=

C-115





04/30/2015

Issue Date:

28567

Project No:

Scale:

1"=20'

Designed By:

KDW

Drawn By:

JEO

Checked By:

0

017 COUNCIL APPROVAL EEO KDW

04/30/2015

COLUMBIA GAS OF MASSACHUSETTS

PROPOSED 8" GAS MAIN INSTALLATION

SPRINGFIELD, MA

ALIGNMENT SHEET

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE REGISTER

REGISTERED PROFESSIONAL ENGINEER

NO. 47111

JOHN E. O'DONNELL

04-20-15

COLUMBIA GAS OF MASSACHUSETTS

2025 ROOSEVELT AVE.

SPRINGFIELD, MA 01102

NG

NISOURCE

GAS DISTRIBUTION

CHA

101 Academy Park Drive

Springfield, MA 01103

781.862.5400

www.cha-engineers.com

2.3.a

**DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCES
CITY OF SPRINGFIELD
MASSACHUSETTS**

DATE: April 9, 2015

TO: Wayman Lee, Esq.
City Clerk

FROM: Hector Velez, DPW Engineer.
on behalf of BPW

DEPARTMENT: City Clerk Office

SUBJECT: Board's agenda for:
April 22, 2015

NOTICE OF MEETINGS

Wednesday - April 22, 2015 - At 70 Tapley Street, Conference Center at 5:00 P.M

Minutes of Previous Meeting
Communications
Old Business

New Business: River Street /IO

Columbia Gas of Massachusetts

HEARING RE: To install underground gas main.

Attachment: 4-22-2015 notice of meeting CMA 500 (3068 : River Street IO)



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3072

2.4

Order of Location for the Installation and Maintenance of Underground Utilities

By the City Council of the City of Springfield, Massachusetts:
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the COLUMBIA GAS OF MASSACHUSETTS, be and it is hereby granted a location for and permission to
<<Insert proper utility template>>

Lincoln Street

<<Enter brief purpose>>

Also that permission be and hereby granted said {ResUserUserLookup1} to complete the above request.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on May 18, 2015

City Clerk

We hereby certify that on May 11, 2015, at 5:00 PM, at #68 Lincoln Street a public hearing was held on the petition of the COLUMBIA GAS OF MASSACHUSETTS for permission to complete the above mentioned request.

City Clerk

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Springfield, Massachusetts, on the May 18, 2015, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk

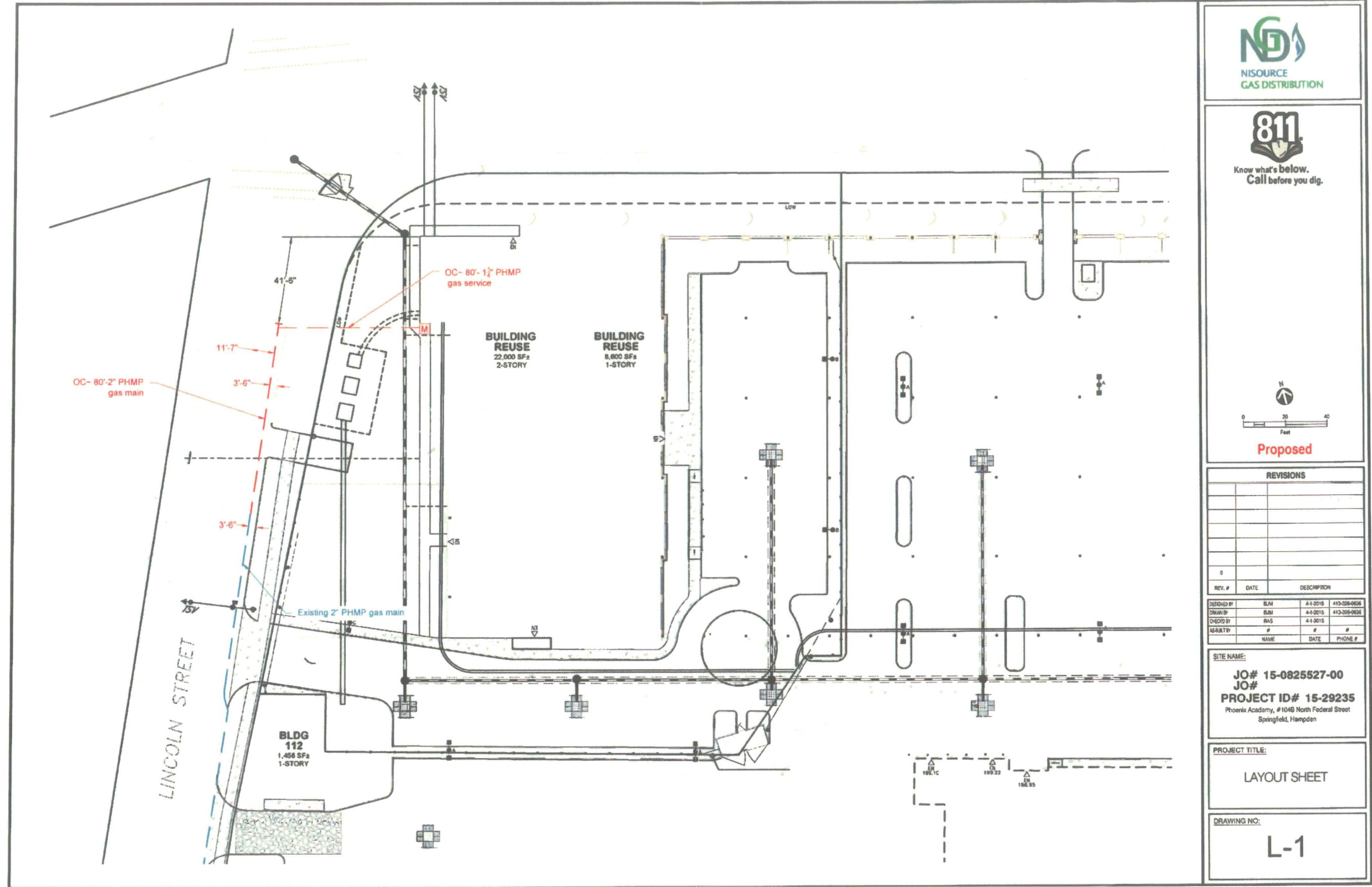
SWSC REVUE W
NO EXCEPTIONS TAKEN
DS
4-7-15



**Know what's below.
Call before you dig.**

JOB TYPE: BUDGET NAME (555)

T-1



Know what's below.
Call before you dig.



Proposed

REVISIONS

REV. #	DATE	DESCRIPTION

DESIGNED BY	ELM	4-1-2015	413-328-8806
DRAWN BY	ELM	4-1-2015	413-328-8806
CHECKED BY	RAS	4-1-2015	
AS-BUILT BY			
NAME	DATE	PHONE #	

SITE NAME:
JO# 15-0825527-00
JO#
PROJECT ID# 15-29235
Phoenix Academy, #1046 North Federal Street
Springfield, Hampden

PROJECT TITLE:
LAYOUT SHEET

DRAWING NO:
L-1

AS-BUILT NOTES (TO BE COMPLETED DURING CONSTRUCTION)																																																																																		
PIPELINE PRESSURE TEST DATA ☐ CGV☐ CKY☐ CMA☐ CMD☐ COH☐ CPA☐ NIPSCO LGA/TCG: WOJID: RECORDING CHART ☐ YES ☐ NO RECORDER SERIAL NO: REQUIRED MAGP: PRESSURE SYSTEM NO:TEST ACCEPTABLE: ☐ YES ☐ NO <table><thead><tr><th>PIPELINE LOCATION (STREET, CITY, TOWN OR COUNTY)</th><th>LENGTH</th><th>SIZE</th><th>PE/STEEL</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> TEST DATE:TEST MEDIUM:TEST PRESSURE: START TIME:STOP TIME:DURATION: PRINT NAME:CONTRACTOR (IF APPLICABLE): REMARKS*: * DESCRIBE ANY LEAKAGE OR FAILURES FOUND DURING THE TEST AND THEIR DISPOSITION. NOTE SIGNIFICANT ELEVATION VARIATIONS ON WATER TESTS. FORM GS 1500.010-1 (5-2014)		PIPELINE LOCATION (STREET, CITY, TOWN OR COUNTY)	LENGTH	SIZE	PE/STEEL												Proposed <table><thead><tr><th colspan="4">REVISIONS</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td>REV.#</td><td>DATE</td><td colspan="2">DESCRIPTION</td></tr></tbody></table> <table><tbody><tr><td>DESIGNED BY</td><td>BJM</td><td>4-1-2015</td><td>413-305-0806</td></tr><tr><td>DRAWN BY</td><td>BJM</td><td>4-1-2015</td><td>413-305-0806</td></tr><tr><td>CHECKED BY</td><td>#</td><td>#</td><td>#</td></tr><tr><td>ASBUILT BY</td><td>#</td><td>#</td><td>#</td></tr><tr><td>NAME</td><td>DATE</td><td colspan="2">PHONE #</td></tr></tbody></table> SITE NAME: JO# 15-0825527-00 JO# PROJECT ID# 15-29235 Phoenix Academy, #104B North Federal Street Springfield, Hampden DRAWING TITLE: CONSTRUCTION DETAILS DRAWING NO: D-1		REVISIONS																																								REV.#	DATE	DESCRIPTION		DESIGNED BY	BJM	4-1-2015	413-305-0806	DRAWN BY	BJM	4-1-2015	413-305-0806	CHECKED BY	#	#	#	ASBUILT BY	#	#	#	NAME	DATE	PHONE #	
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**DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCES
CITY OF SPRINGFIELD
MASSACHUSETTS**

DATE: April 28, 2015

TO: Wayman Lee, Esq.
City Clerk

FROM: Hector Velez, DPW Engineer.
on behalf of BPW

DEPARTMENT: City Clerk Office

SUBJECT: Board's agenda for:
May 11, 2015

NOTICE OF MEETINGS

Monday – May 11, 2015 – On front of #68 Lincoln Street at 5:00 P.M

Minutes of Previous Meeting
Communications
Old Business

New Business: Lincoln Street

Columbia Gas of Massachusetts

HEARING RE: To install underground gas main.

Attachment: 5-11-2015 notice of meeting CMA 500 (3072 : Lincoln Street)

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B:

(See Attached for Full Text)

and by amending the City of Springfield's Zoning Map by the mapping of the Casino Overlay District B to the properties known as 23 State Street (11110-0063, 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (08130-0096).

Mailing Address:

33 State Street
 Springfield, MA 01103

174 South Boulevard 2nd Floor
 West Springfield, MA 01089

1060
~~160~~ Main Street
 Springfield, MA 01103

1259 East Columbus Avenue
 Springfield, MA 01105

Owner/Petitioner:

**Courthouse Park Associates, Briarwood
 Thirteen, LLC, Carmela A. Fraziero, Trustee,
 Colvest/Columbus Springfield, LLC**

I hereby certify that I am the owner and petitioner
 or acting on behalf of the owner and petitioner.

By: _____
 Paul Salvage

By: _____
 Lester Seidman

By: Carmela A Fraziero, Trustee
~~Tony Caputo~~ Carmela A Fraziero, Trustee

By: [Signature]
 Frank Colaccino

RECEIVED
 2015 FEB 19 A 11:07
 CITY CLERK'S OFFICE
 SPRINGFIELD, MA

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B:

(See Attached for Full Text)

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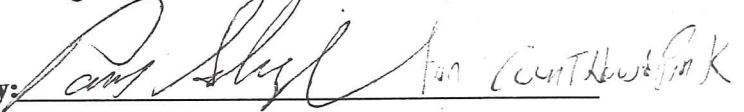
160 Main Street
 Springfield, MA 01103

1259 East Columbus Avenue
 Springfield, MA 01105

Owner/Petitioner:

**Courthouse Park Associates, Briarwood
 Thirteen, LLC, Carmela A. Fraziero, Trustee,
 Colvest/Columbus Springfield, LLC**

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By: _____
Lester Seidman

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Tony Caputo

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 Tony Caputo

By: _____
 Frank Colaccino

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE**

CASINO OVERLAY DISTRICT "B"

GENERAL INFORMATION

Petitioner:	Courthouse Park Associates, Briarwood Thirteen, LLC., Carmela A. Fraziero, Trustee, Colvest/Columbus Springfield, LLC.
Request:	To amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B and by amending the City of Springfield's Zoning Map by the mapping of the Casino Overlay District B to the properties known as 23 State Street (11110-0663), 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (04303-0510).
Location:	23 State Street, 55 State Street, 58 Bliss Street, 1070 Main Street and 1259 East Columbus Avenue
Parcel Size:	Approximately 4.1 acres.
Purpose:	To facilitate the location of business and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities.
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Planning Board Hearing:	3-4-15

SPECIAL INFORMATION

Traffic & Parking:	n/a
Physical Characteristics:	n/a
Other Notes:	n/a

ANALYSIS

The petitioners have requested to amend the existing Springfield Zoning Ordinance by the creation of a Casino Overlay District "B" and mapping this district to include the properties known as 23 State Street, 55 State Street, 58 Bliss Street, 1070 Main Street and 1259 East Columbus Avenue.

After reviewing the proposed request, the staff has a number of concerns. First and foremost, it needs to be stressed that the existing Casino Overlay District was drafted as part of a comprehensive revision of the Springfield Zoning Ordinance which was adopted by the City Council in May 2013. Drafting of the Casino Overlay District was also completed with the assistance of professional urban planners with a great deal of experience in the area of casino development. These urban planners also played a key role in the evaluation of the proposals submitted by the competing casino developments during the City's RFQ/P process as well as the negotiating and drafting of the Host Community Agreement (HCA). Further, the Casino Overlay District was also fully vetted by not only the Springfield Law Department but also a legal consultant specializing in zoning related matters. In the case of the proposed Casino Overlay District "B", no such comprehensive review has been completed. In reviewing the proposed language submitted, it appears the petitioners have simply changed a number of the specific clauses in the existing Casino Overlay District to draft the proposed Casino Overlay District "B". A full copy of the proposed language has been attached.

Further, as noted above, as part of the overall casino development, a Host Community Agreement was drafted and ultimately approved by the Mayor, City Council, Mass Gaming Commission and the voters of the City of Springfield. This HCA was a lengthy, comprehensive, transparent process which outlined in great detail the overall development of the proposed casino, including base site plans/elevations, and involved criteria to address public health, safety and welfare concerns protected by the Zoning Enabling Act. The HCA requires the casino developer to comply with the terms and conditions of the agreement, including the payment of substantial impact fees, as well as all regulations outlined under M.G.L. c. 23K enacted by Chapter 194 of the Acts of 2011 – An Act Establishing Expanded Gaming in the Commonwealth. Therefore, it needs to be stressed that in order to protect the interests of the City with the enactment of more flexible development controls and to ensure the casino would be developed as proposed, language was added to the Casino Overlay District regulations which specifically tied them to the approved HCA. The Casino Overlay District "B", as proposed, does not have any of the same provisions or protections yet it would still provide the same underlying development regulations as those found within the Casino Overlay District.

In addition to the staff review of the proposed Casino Overlay District "B", the City again elicited the assistance of the urban planners mentioned above. While these urban planners believe the idea of creating an additional "overlay" district(s) is a good idea, they are also in agreement that this needs to be a more comprehensive approach. Further they go on to state that, as proposed, they do not believe these properties should be provided the same regulatory controls as is afforded within the Casino Overlay District "...unless and until a property is either integrated into the MGM casino development as part of the HCA and governed by all commitments and related provisions of such, or the property owner applies for and is granted a special permit and rezoned as provided for under the Springfield zoning procedures". They go on to say while these properties are part of the larger casino block, they should be "...appropriately subject to a higher degree of coordination and scrutiny for any future change in their development". A full copy of their memo has been attached to this report.

The planners go on to state that a more comprehensive approach can also help facilitate a "strategic plan" and that a more comprehensive "overlay" district(s) may be a "... means to articulate the implementation blueprint contemplated in the HCA in order to help the City stimulate and realize the full range of potential collateral economic development desired from the casino project investment. This process may well lead to recommended adjustments to zoning regulations to help encourage the best quality development, and/or incentives or other means to encourage both private and civic investment in the area". The staff is in full agreement with this approach and is currently working with these planners to review potential options to move this plan forward.

In addition to the review completed by the planning consultants, the proposed language was also reviewed by the Springfield Law Department. A copy of their memo has been attached to this report as well.

As noted in the memo, the Law Department has legal concerns over whether the Casino Overlay District "B", as currently drafted, "... meets the uniformity requirements of M.G.L. c. 40A §4 and is consistent with the public policy of the Zoning Enabling Act in that it confers a public benefit in furtherance of the interest of public health, safety and welfare". As such, the Law Department is concerned that this may be considered to be "spot zoning" as the proposed Casino Overlay District "B" would "...confer a benefit to the owners of those properties [included within the "B" district] that is not conferred to the owners of the other properties with identical uses in the surrounding area". Further details regarding these concerns are outlined in the memo attached.

Another point raised in the Law Department memo that the staff wants to stress is that there is an inference in the proposed Casino Overlay District "B" that the properties included in the proposed "B" district have "special characteristics" simply by their nature of being adjacent to the proposed casino development. However, these "special characteristics" are never outlined or defined. The uses outlined in the "B" district, including restaurants, hotels, accessory parking, housing, etc., are all uses which are currently allowed under the existing zoning and throughout the City. However, it needs to be stressed that if allowed to be included within the proposed Casino Overlay District "B", these properties would be reviewed under the same "requirements and criteria" of those uses within the Casino Overlay District but without the same terms and conditions of an HCA or the Gaming License. This is a major concern and one that must be fully vetted before any such overlay district can be implemented. The staff would strongly recommend that if these property owners are looking for flexibility for future development, they can explore re-zoning their properties to Business C as well. Business C was used as the basis for the Casino Overlay District and is a zoning classification that is used throughout the Central Business District and up and down Main Street, State Street and East Columbus Avenue. The Business C zoning classification allows for much greater building coverage, building heights and far less parking restrictions.

Furthermore, it needs to be pointed out that the Casino Overlay District "B", as currently drafted, has removed a number of requirements including the section that requires a development to be "...sensitive to buildings within the immediate area which have an architectural or historic value...". This was a key aspect to the Casino Overlay District and one in which the developer has spent significant time and resources to address.

Lastly, in line with a full comprehensive approach to any additional overlay district(s), the staff needs to fully review all the existing planning documents to ensure compatibility with any proposed overlay district(s). These would include the existing Court Square Urban Renewal Plans, the Downtown Master Plan (2001), the Urban Land Institute (ULI) Report (2006), the ULI Downtown Report (2007) and the Rebuild Springfield District 1 Report (2012).

While the staff recognizes that this is a unique time for development within the City of Springfield, specifically within this part of the City, due to the number of issues outlined above, as well as the issues outlined in the memos attached, the staff cannot support the proposed Casino Overlay District "B". As such, the staff is recommending that the Planning Board vote not to approve the proposed amendment at this time. However, as noted above, the staff is going to continue to explore the "implementation blueprint" outlined in the HCA which hopefully will help to address the petitioner's stated purpose.

RECOMMENDATION

Not to Approve.

THE CHICAGO CONSULTANTS STUDIO, INC.

February 23, 2015

TO: Michael Schaller
Taft Stettinius & Hollister LLP

FROM: Kimbal Goluska

RE: *Planning Assessment of Proposed Casino Overlay B District and Aspects Related to the Strategic Plan Process Contemplated by the HCA*

The Chicago Consultants Studio, Inc. (CCS) has reviewed and assessed the proposal to create a Casino Overlay District 'B' and has consulted with and provided comments to the City through Taft, and recommendations in that regard. This discussion of a overlay district 'B' provides the opportunity to advance the planning of the casino's area of influence in order to best leverage the casino project investment toward broader and deliberate economic development initiatives as anticipated in the HCA.

Section 4.10 of the HCA requires that the City and the casino developer "(i) cooperate with each other to rezone the Project Site to take into account all elements of the Project, and (ii) participate in a district redevelopment strategic plan to provide an implementation blueprint to stimulate and direct the broader economic development associated with the Project".

In summary:

- The current Casino Overlay District satisfied Item (i) above and put in place the appropriate zoning controls for the casino development.
- The notion of including the remaining (non-MGM owned) parcels within the casino block into an adjunct overlay district to afford the owners and the City a means for a coordinated future development of those parcels is a very good idea
- From a planning and economic development perspective, there perhaps should be three distinct overlay areas related to planning and economic development:
 - *Casino Overlay District A* = the MGM properties as current defined by the Casino Overlay District (as noted, this satisfies the zoning intent of HCA Section 4.10)
 - *Casino Overlay District B* = the remaining properties within the same casino block but not controlled by MGM - unless and until a property is either integrated into the MGM casino development as

Attachment: 3173_Casino_Overlay_District_B_CC_2015 (Z-2015-5 : Casino Overlay District "B")

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part of the HCA and governed by all commitments and related provisions of such, or the property owner applies for and is granted a special permit and rezoned as provided for under the Springfield zoning procedures (intent: to acknowledge that while these properties remain regulated by their existing underlying zoning they are physically part of the casino block and therefore appropriately subject to a higher degree of coordination and scrutiny for any future change in their development)

- *Casino Overlay District C* = the "blue zone" which would have at least three sub-zones in it: 1) to control/guide initiatives to the NW (such as Court Square, 13-31 Elm St redevelopment, and Mass Mutual); 2) to control/guide the Main Street Corridor so that the urban design character and quality MGM is restoring on the south side of the street is reinforced with anything new on the north side of the street; and 3) to control/guide development to the SE where the City should discourage/prohibit shoddy interim uses such as surface parking lots, pawn shops, etc., as well as encourage initiatives that restore the South End neighborhood fabric in the future and stimulate collateral private sector investment in that area; Note - additional subzones of Overlay District C may well prove to be desirable as the planning process evolves

Together, Overlay Districts 'B' and 'C' would serve to facilitate the "strategic plan" noted in Section 4.10 and complete the comprehensive approach to the casino development with an implementation blueprint as contemplated and required under the HCA Section 4.10, Item (ii). It is important to note that Overlay Districts 'B' and 'C' are not intended as amendments to the zoning ordinance and controls. Rather, they are a means to articulate the implementation blueprint contemplated in the HCA in order to help the City stimulate and realize the full range of potential collateral economic development desired from the casino project investment. This process may well lead to recommended adjustments to zoning regulations to help encourage the best quality development, and/or incentives or other means to encourage both private and civic investment in the area.

There are a variety of means to undertake the process of articulating the implementation blueprint. CCS' recommendation is for the City to engage in a process to first articulate the a strategic initiatives workbook which creates a strategic framework for the "implementation blueprint" envisioned in the HCA. By way of illustration, a very similar process was employed toward the same objective with the recent completion of an \$800M+ expansion of Chicago's McCormick Place convention center. In the period since completion of the expansion project, several of the initiatives have been translated into specific development plans and development districts, new collateral spin-off projects/investments have been announced, and the \$800M investment in the expansion has begun to stimulate deliberate and strategically planned collateral

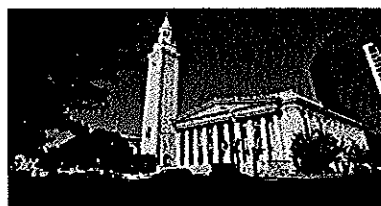
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development and investment in the various areas articulated in the Initiatives Workbook.

Applied to the Springfield casino development, CCS would recommend a process which includes:

- *Initial Work Sessions with Business/Civic Leadership, Property Owners and Community Input*
- *Identification of Specific Physical and Market Opportunities*
- *A Preliminary Menu of Concepts/Initiatives*
- *In-Depth Investigation of Strategic Plan Components*
- *The Initiatives Workbook and Work Program*

LAW DEPARTMENT
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CONFIDENTIAL ATTORNEY WORK PRODUCT COMMUNICATION

TO: Phil Dromey, OPED

FROM: Edward M. Pikula, City Solicitor

DATE: February 25, 2015

RE: Proposed B District Amendment to Casino Overlay Zoning Ordinance

CC: Kevin Kennedy

You have requested a legal opinion as to an application filed to amend the Springfield Zoning Ordinance (the "Zoning Ordinance") in order to create a new overlay district provisions entitled "Casino Overlay District B" (the "Proposed B District"). The application has been advertised and is scheduled for consideration at a public hearing before the City's Planning Board on March 4, 2015. A copy of the Proposed B District is set forth as an appendix to this memorandum.

In short answer to your request, the Law Department is of the opinion that the application needs further evaluation and revision. In its current form, the application would not meet the uniformity requirements of the Massachusetts Zoning Enabling Act, which prohibit "spot zoning." A more detailed discussion of the legal issues is set forth in this memorandum.

A. The requirements for comprehensive analysis of the proposed Casino Overlay District B, set forth in Massachusetts case, consistent with the Zoning Enabling Act, need to be addressed.

The Proposed B District would only cover several non-contiguous parcels not owned by Blue Tarp reDevelopment, LLC contained in the edges of the area bordered by Main Street, State Street, East Columbus Avenue and Union Street (hereafter the "Casino Block"). Property within the Casino Block was approved by the City Council, Mayor, and City voters in a local referendum for development in accordance with the terms of the Host Community Agreement ("HCA") and subject to the Category 1 gaming license (the "Gaming License") issued by the Massachusetts Gaming Commission ("MGC") approved pursuant to G.L. c. 23K (enacted by Chapter 194 of the Acts of 2011 – An Act Establishing Expanded Gaming in the Commonwealth (the "Act")). The scattered parcels not owned by Blue Tarp reDevelopment, LLC have not been approved by the MGC as part of the licensed

gaming establishment and are therefore not eligible for inclusion in an amendment to the map of the Casino Overlay District under the existing Zoning Ordinance.

The terms of the HCA and Gaming License protect the public interests, including land use issues as to the properties owned by Blue Tarp reDevelopment, LLC and licensed as part of the gaming establishment. Specifically, pursuant to the provisions in section 4.10 of the HCA, Blue Tarp reDevelopment, LLC and the City have agreed to: "(i) cooperate with each other to rezone the Project Site to take into account all elements of the Project; and (ii) participate in a district redevelopment strategic plan to provide an implementation blueprint to stimulate and direct the broader economic development associated with the Project." As to the obligations of the parties to the HCA under section 4.10(i), Blue Tarp reDevelopment, LLC has filed an application to amend the zoning map pursuant to the existing provisions contained in the Zoning Ordinance to include the properties it owns in the Casino Block. However, as to the provisions of HCA section 4.10(ii), discussions have been recently initiated as to the implementing best practices for going forward.

In the internal discussions with the same urban planning professionals utilized during the review of casino proposals and negotiation of the HCA, it has been suggested that there could be value in future amendments to the Casino Overlay District, as set forth in communications from the City's consultants, and consistent with the HCA provisions relating to developing a strategic plan to stimulate development. However, as set forth in that communication, (copy attached) the consultants expressed concerns as to the Proposed B District from an urban planning perspective. Those concerns are consistent with the legal concerns expressed in this memorandum.

Prior to enactment of the Proposed B District as an amendment to the Zoning Ordinance and the HCA, an evaluation is legally required to be undertaken to assure the validity of such an ordinance from a legal perspective, and to assure that the purpose and intent of the ordinance will meet those rational planning objectives and the uniformity requirements of the Massachusetts Zoning Enabling Act, (G.L. c. 40A) that confers a public benefit in furtherance of the interests of public health, safety and welfare.

Zoning ordinances may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner provided in G.L. c. 40A §5. The process under that section requires a public hearing before the planning board in accordance with notice provisions, and a report from the Planning Board prior to the vote of the legislative body. The Proposed B District will amend the existing ordinance which provides for a Casino Overlay District in Section 8.5 of the Zoning Ordinance.

For purposes of evaluation, a copy of the proposal comparing the Proposed B District to the language in the existing Zoning Ordinance is included with this memorandum. According to the language in the Proposed B District, its purpose:

is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities.

The purpose of the existing Casino Overlay District in the Springfield Zoning Ordinance, as noted in Section 8.5.10 is to:

facilitate the location of licensed casinos and casino complexes within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District focuses on urban entertainment and recreational activities that will enhance the area as a desirable location for tourists, conventions, and urban life. The provisions of the district encourage pedestrian and transit-oriented linkages between casinos and casino complexes and other activities and venues within the City. Because of the special characteristics of casinos and casino complexes, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that casinos and casino complexes contribute positively to the built environment that the operation of casinos and casino complexes will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

The proposed development shall be subject to the provisions of a Host Community Agreement (HCA) approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all casinos and casino complexes per the standards and criteria established herein. The Casino Overlay District and its provisions shall only apply to the specific properties so designated by the City Council as allowing a casino and related uses with a valid and current gaming license issued by the Commonwealth. Should a property so designated lose its gaming license at any point, the City Council may revoke the overlay designation and revert the property to its underlying zoning.

The existing provisions in the Zoning Ordinance and the pending application to establish the map for a proposed Casino Overlay District pursuant to that Zoning Ordinance, as to those properties defined as the "Gaming Establishment" by the Massachusetts Gaming Commission ("MGC") license conditions, was already part of a lengthy process. The HCA itself resulted from a lengthy, comprehensive, transparent evaluation, selection and licensing process carried out by the City and the MGC that involved criteria to address public health, safety and welfare concerns protected by the Zoning Enabling Act. That process resulted in an HCA and a Category 1 gaming license issued by the MGC (the "Gaming License") whose terms protect the public interests. In addition, the HCA and Gaming License, together with the Casino Overlay District regulations, provide flexibility to meet changing needs and development pressures.

As previously noted, Springfield engaged urban planning consultants experienced in casino development to evaluate and assist in selection among the competing development proposals for a gaming establishment submitted by competing casino developers who participated in the City's two

phased RFQ/P process, utilized these urban planners to assist in the negotiation of the HCA from a land use perspective. In addition, the same urban planning consultants were engaged in the drafting of the provisions of the existing Casino Overlay District. The next step in that process is to obtain final design documents from the Developer for evaluation and consideration in a Site Plan Review process.

The existing Casino Overlay District set forth in the Zoning Ordinance was part of a comprehensive revision of the Zoning Ordinance that changed allowable land uses, land use approval procedures, the zoning map, and regulations affecting the use of land, site and building design, and dimensional requirements. It was adopted by the City Council in May, 2013, and became effective in August 2013.

The HCA requires the Developer to comply with terms and conditions to protect the City's interests. These terms and conditions include the payment of substantial impact fees for the City as authorized pursuant to the terms of G.L. c. 23K, § 15(8). The existing Casino Overlay District requires an HCA and licensing of the property within its boundaries by the MGC. The HCA was conditioned on the issuance the Gaming License whose terms protect the public interests set forth in the provisions of the Act.

The MGC's evaluation of licenses for gaming facilities, in accordance with the Act and regulations promulgated the Act, was dedicated to ensuring that these facilities would provide the greatest possible economic development benefits and revenues to the people of the Commonwealth. At the same time, the MGC worked to reduce to the maximum extent possible the potentially negative or unintended consequences of the new facilities. The RFA-2 or Phase 2 gaming applications required by the MGC to be filed by applicants for gaming licenses ("RFA-2") were evaluated by the MGC based on five key criteria including:

- Overview / General – What about this license applicant's project will make the project unique in the industry, make it a unique destination, reinforce the Massachusetts-brand and positively impact the Commonwealth?
- Finance – Will the project meet the estimated revenue projections, does the proponent have suitable financing to complete the project and will they spend the required minimum investment?
- Economic Development – How the project maximizes a positive impact on area visitor attractions, supports small business in the region and creates viable and meaningful pathways for employment?
- Building And Site Design – Does the building meet requirements for energy efficiency, have a design that integrates itself into the community and meet permitting requirements?
- Mitigation –How does the proponent solve traffic problems, address problem gambling, minimize its impact on the Lottery and mitigate any problems with the host and surrounding communities?

(See 205 CMR 119.03(2)(a) through (e)).

The RFA-2 application and review process required the submission of documentation to assure compliance with 780 CMR (State Building Code), 521 CMR (Architectural Access regulations), local ordinances and by-laws, including M.G.L. c.30, §§61-62H as provided in 205 CMR 120.01. The applicant was required to submit completed studies and reports as required by the commission, which "shall include", but were not to be limited to, an examination of the proposed gaming establishment's: economic benefits to the region and the commonwealth as well as local and regional social, environmental, traffic and infrastructure impacts. (See 205 CMR 199.01(36)).

In addition, the requirements of the RFA-2, set forth in regulations found in 205 CMR 119 promulgated under the Act, included several requirements that the RFA-2 address specific land use criteria including environmental sustainability issues and:

- (17) an explanation as to how the applicant proposes to utilize sustainable development principles including, but not limited to:
 - (a) being certifiable as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council;
 - (b) meeting or exceeding the stretch energy code requirements contained in 780 CMR: *Appendix 120AA* or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs;
 - (c) efforts to mitigate vehicle trips;
 - (d) efforts to conserve water and manage storm water;
 - (e) demonstrating that electrical and HVAC equipment and appliances will be Energy Star labeled where available;
 - (f) procuring or generating on-site at least 10% of its annual electricity consumption from renewable sources qualified by the department of energy resources under M.G.L. c. 28A, § 11F; and
 - (g) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

Another example of the application process addressing land use considerations included requiring that the applicant demonstrate creativity in design and overall concept excellence in relationship with surroundings. This required that the applicant describe the relationship, if any, between the proposed facility and the architecture, history and culture of its immediate and regional surroundings and culture of its immediate and regional surroundings and information such as the following:

- (27) the designs for the proposed gaming establishment, including the names and addresses of the architects, engineers and designers, and a timeline of construction that includes:
 - (a) detailed stages of construction for the gaming establishment, non-gaming structures, and racecourse, where applicable;
 - (b) the deadline by which the stages and overall construction and any infrastructure improvements will be completed; and
 - (c) a projected date that it will begin gaming operations; and
- (28) the number of construction hours estimated to complete the work; and
- (29) how the applicant proposes to build a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry; and
- (30) the number and a description of the hotels and rooms, restaurants and other ancillary entertainment services and amenities to be located at the

proposed gaming establishment and how they measure in quality to other area hotels and amenities;

No similar evaluation or analysis has been undertaken as to the Proposed B District. Additionally, the Proposed B District does not have any provisions requiring a host community agreement, does not require payment of impact fees, and does not require the owner to obtain any licensing by the MGC.

However, as discussed above, due to the provisions of the HCA that require the Developer and the City to cooperate with each other to rezone the Project Site to take into account all elements of the Project; and participate in a district redevelopment strategic plan, the same urban planning consultants engaged in the development process that resulted in the existing Casino Overlay District provisions were utilized to preliminarily evaluate the Proposed B District.

As noted by initial comments from these urban planning consultants, the notion of including the remaining (non-casino owned) parcels within the block into an adjunct overlay zone to afford the owners and the City a means for a coordinated future development of those parcels is a very good idea and lays the groundwork for a future situation where MGM acquires portions of those remaining parcels.

According to the urban planning professionals there are a number of ways to move forward with an evaluation and implementation in accordance with the provisions of Section 4.10 (ii) of the HCA. As an example, the urban planner referenced McCormick Place, an \$800M expansion of the convention center in Chicago, the urban planners accomplished this by preparing an "Initiatives Workbook" which provided the strategy for leveraging the investment – by the public sector, the civic/community sector and the private investment sector.

In order to meet the legal requirements for evaluation prior to zone changes under Massachusetts law and the HCA, the urban planning professionals will continue to work with the City and Blue Tarp reDevelopment's stated intent to cooperate in the development of a strategic plan to pursue the "implementation blueprint" stipulated in the HCA which in turn will serve to address the stated purpose of the applicants seeking to amend the Zoning Ordinance to provide for the Proposed B District.

B. Whether the enactment of a Casino Overlay District B would meet the uniformity provisions of G. L. c. 40A, § 4 and not constitute "Spot Zoning"?

From a legal perspective, consistent with the comments outlined above, the Proposed B District, as currently drafted, does not meet the uniformity requirements of G.L. c. 40A, §4 and is not consistent with the public policy of the Zoning Enabling Act. This is discussed below.

G. L. c. 40A, § 4 states in part that "any zoning ordinance . . . which divides cities and towns into districts shall be uniform within the district for each class or kind of structures or uses permitted." (emphasis added). Spot zoning is the singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, all for the economic benefit of the owner of that lot. See *Whittemore v. Bldg. Inspector of Falmouth*, 313 Mass. 248, 249, 46 N.E.2d 1016 (1943), citing *Leahy v. Inspector of Buildings of New Bedford*, 308 Mass. 128, 133-134, 31 N.E.2d 436 (1941). Spot zoning therefore violates the uniformity requirement of G. L. c. 40A, § 4.

“The enactment of a zoning bylaw ... is not only the exercise of an independent police power; it is also a legislative act ... carrying a strong presumption of validity.” *Durand v. IDC Bellingham, LLC*, 440 Mass. 45, 50-51 (2003). A zoning amendment may be undone only if a plaintiff demonstrates “that the zoning regulation is arbitrary and unreasonable, or substantially unrelated to the public health, safety ... or general welfare.” *Id.* (quoting *Johnson v. Edgartown*, 425 Mass. 117, 121 (1997)).

As previously noted, in the currently existing Zoning Ordinance, the Casino Overlay District is tied to the Gaming License issued to the Developer who has proposed the mapping of the gaming establishment set by the MGC as the boundary for the Casino Overlay District.

The Proposed B District does not contain any requirements as to an HCA or MGC licensing requirements. The newly Proposed B District amendment states that its purpose is similar to the existing ordinance, but applicable to properties “adjacent to and within the boundaries established by the City of Springfield for casino gaming activities”. As such, the Proposed B District would only apply to those properties contained in the Casino Block.

According to the language in the Proposed B District, it:

is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. (emphasis added).

The “requirements and criteria” that are specified in the Proposed B District are identical to the “requirements and criteria” in the currently existing Casino Overlay District. The language “non-gaming uses similar to casino complexes” is not defined. It is unknown what the “special characteristics” of these “non-gaming uses” refers to. The permitted uses in the Proposed B District are set forth in Section 8.7.20:

Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Such uses exist and are permitted in other zones throughout the City. The only distinction between those existing uses and those contained in the Proposed B District would be the fact that they are within the Casino Block. There would not appear to be any other “special characteristics” associated with the permitted uses other than their inclusion in the Casino Block. As such, these “non-gaming uses”, while no different than other such uses throughout the City, would be subject to the same “requirements and criteria” that are applicable to the properties subject to the HCA and Gaming License, but the identical uses on properties located in the Proposed B District would not be subject to the terms and conditions of the HCA or the Gaming License.

The use of an overlay district is a recognized planning technique when a municipality needs to assure two different concerns; the underlying zoning of the property, and an overlapping concern for

either additional restrictions to protect, for example, environmentally sensitive lands, or historically significant buildings, from problem uses. In addition, an overlay can be used by a municipality to lift restrictions in order to encourage reuse of an area by allowing for greater use than allowed in the underlying district based on certain conditions.

Springfield's existing Casino Overlay District provisions has both of these features. First, its stated purpose is to facilitate casino development. Second, it regulates potential problems created by signage or inappropriate use of historic properties. Third, it requires an HCA and property licensed by the MGC. As such, while there is freedom from restrictions as to the underlying zoning of the properties, the HCA and Gaming License requirements both impose restrictions to set a baseline over those properties which protect many public interests identified in the Act.

Providing relaxed restrictions to the properties located within the Proposed B District would confer a benefit to the owners of those properties that is not conferred to the owners of other properties with identical uses in the surrounding area. At the same time, the owners in the Proposed B District would receive these benefits without being subject to the restrictions placed on the Developer of the existing Casino Overlay District as the adjacent properties are not covered by any HCA or regulated under any Gaming License. In its current form, it would appear that the Proposed B District does not meet the uniformity requirements of G.L. c. 40 A, § 4, and would amount to "spot zoning".

Any comprehensive evaluation in furtherance of the requirements of Massachusetts law and the requirements of section 4.10(h) of the HCA should take into consideration a means of addressing the goals of the applicants of the Proposed B District and the prohibitions of "spot zoning". To this end, the tools that can be considered during the development of such a strategic plan include zone changes to the underlying parcels in accord with the existing Zoning Ordinance; site plan review provisions, and the use of special permits.

As to a zone change, it should be noted that the regulations found in the existing Casino Overlay District are similar to the provisions contained in the Business C Zoning District provisions in the existing Zoning Ordinance. As to Site Plan Review, both the existing Casino Overlay District provision and the Proposed B District contain a Site Plan Review process to assure appropriate conditions are imposed on the development to address specific details which need to be addressed to assure the development is in harmony with the surrounding area and addresses identified particularized needs.

However, under Massachusetts Law, any site plan review process cannot be a means of disallowing otherwise permissible uses, *Prudential Ins. Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278, 502 N.E.2d 137 (1986), but rather it is a "means of controlling the aesthetics and environmental impacts of land use." *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 57 (1997). Site plan review is not part of the Zoning Act, G. L. c. 40A, but rather a creation of municipalities and recognized by courts "as a means of controlling the aesthetics and environmental impacts of land use." *Osberg supra*, at 57.

In other words the Proposed B District provides for "as of right" permissible uses as to those contained in the Proposed B District, which mirror the currently existing Casino Overlay District ordinance. The insertion of a site plan review process in the proposed ordinance does not change the status, but contributes to the invalidation of the Proposed B District as spot zoning.

"[W]here the proposed use is one permitted by right the planning board may only apply substantive criteria consistent with *Prudential Ins. Co. v. Board of Appeals of Westwood*, 23 Mass.

App. Ct. 278, (1986) (i.e., it may impose reasonable terms and conditions on the proposed use, but it does not have the discretionary power to deny the use.)” *Castle Hill Apartments Ltd. Partnership v. Planning Bd. of Holyoke*, 65 Mass. App. Ct. 840, 845 (2006), quoting *Quincy v. Planning Bd. of Tewksbury*, 39 Mass. App. Ct. 17, 21 (1995). Site plan review may be defined generally as establishing “criteria for the layout, scale, appearance, safety, and environmental impacts of commercial or industrial development in an attempt to ‘fit’ larger projects into the community.” M. Bobrowski, *Massachusetts Land Use and Planning Law* § 9.07, at 281 (2d ed. 2002). See also *St. Botolph Citizens Comm. v. Boston Redevelopment Auth.*, 429 Mass. 1, 9, 705 N.E.2d 617 (1999) (citing earlier edition).

Another tool that may be considered in the evaluation process is language that requires a “special permit” in the event that a proposed use in the Proposed B District will amount to a “change or substantial expansion” of a use from the underlying zoning. Special Permits are provided for in the Zoning Enabling Act in G.L. c. 40A, § 9 which states in part:

Zoning ordinances or by-laws shall provide for *specific types of uses* which shall only be permitted in specified districts upon the issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use. (Emphasis supplied.)

Special permit procedures have long been used to bring flexibility to the fairly rigid use classifications of *Euclidean* zoning schemes (see 3 Anderson, *American Law of Zoning* § 19.01 [2d ed. 1977]; see also *Burnham v. Board of Appeals of Gloucester*, 333 Mass. 114, 116 [1955]) by providing for specific uses which are deemed necessary or desirable but which are not allowed as of right because of their potential for incompatibility with the characteristics of the district. See 3 Rathkopf, *Zoning and Planning* § 41.01, at 41-3 (4th ed. 1984). “Some exceptions to uniformity are sanctioned by The Zoning Act and involve generally a limited tolerance for nonconforming uses (§ 6 of c. 40A) and provision for special permits and variances (§§ 9 and 10 of c. 40A, respectively).” *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101, 108 (1984).

“Exceptions” or tolerance for deviations from requirements under § 4 as to uniformity “does not contemplate, once a district is established and uses within it authorized as of right, conferral on local zoning boards of a roving and virtually unlimited power to discriminate as to uses between landowners similarly situated.” *Id.* As such, a requirement for a special permit, where there will be a change of use from existing zoning or a substantial expansion, with conditions imposed on a site plan approval, would likely be considered consistent with the Zoning Enabling Act uniformity requirements so long as the deviations from uniformity requirements were rationally related to important public health, safety and welfare concerns connected to the Zoning Enabling Act.

These legal considerations should be kept in mind during a full comprehensive approach to meet the requirements of Massachusetts law and the HCA which should also take into consideration of the stated intent of the applicants for the Proposed B District..

APPENDIX

Section 8.7 Casino Overlay District "B"

Section 8.7.10 Purpose

The Casino Overlay District B's purpose is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District B focuses on urban services, entertainment, recreational activities, hospitality, restaurants, retail, residential, offices, banking and business uses that will enhance the area as a desirable location for tourists, conventions, and urban businesses and the Casino Overlay District. The Casino Overlay District B is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that these uses contribute positively to the built environment, that their operation will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all proposed uses per the standards and criteria established herein and elsewhere in this Zoning Ordinance. The Casino Overlay District B and its provisions shall only apply to the specific properties included within the Casino Overlay District B boundary as shown on the Casino Overlay District B zoning map.

Section 8.7.20 Permitted Uses

Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Section 8.7.30 Site Plan Review

- 8.7.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District B.
- 8.7.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the City Council and not the Planning Board.

- 8.7.33 The intent of the signage regulations herein (Section 8.7.60) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in a non-gaming entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.7.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

Section 8.7.40 Site Plan Review Submission Requirements

- 8.7.41 The petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

Section 8.7.50 Criteria for Rezoning

The City Council shall review development proposals for compliance with the following criteria:

- 8.7.51 The proposed development shall be consistent with and promote the goals of the Casino Overlay District and the plans and policies of the City of Springfield;
- 8.7.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues within the City of Springfield;
- 8.7.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function.
- 8.7.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;
- 8.7.55 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.
- 8.7.56 The location of the Casino Overlay District B shall be those properties abutting the Casino Overlay District.

Section 8.7.60 Dimensional Regulations

All proposed uses and/or activities occurring within the Casino Overlay District B are subject to the underlying zoning regulations, except as noted herein.

8.7.61 Dimensional and Intensity Regulations

Table 8-1 Dimensional and Intensity Regulations	
	Casino Overlay District
Lot Area, minimum square feet	No Regulation
Lot Frontage , minimum (feet)	No Regulation
Lot Width , minimum (feet)	No Regulation
Front Yard (feet) Minimum	0
Side Yard, minimum (feet)	0
Rear Yard, minimum (feet)	0
Building Height , maximum Stories Feet	No Regulation 400
Building Coverage, maximum	95%
Maximum Residential Density (Dwelling Units Per Acre)	150
Parking	The Casino Overlay District B shall meet the off-street parking provisions of Article 7, Section 7.1 of the Zoning Ordinance

Section 8.7.70 Sign Regulations

Due to the unique signage associated with non-gaming uses similar to CASINOS and casino complexes, the Casino Overlay District B specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.7.74 and the Casino Overlay District. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.5.74. However, such additional signage requires submittal of a specific and detailed "signage and specialty lighting concept" as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

8.7.71 As part of the sign approval process a detailed sign plan must be submitted which includes:

- A. Dimensions and overall size(s) of all proposed signs;
- B. Building elevations indicating location of all proposed signage, including any directional signage;
- C. Materials of all proposed signage;
- D. Type(s) of illumination.
- E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.

8.7.72 Signs to be located along the frontages of Main Street, State Street, Union Street, or East Columbus Avenue shall:

- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties and the Casino Overlay District;
- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

8.7.73 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)
- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

8.7.74 The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept and should be consistent with the Casino Overlay District. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public Works (regarding any traffic safety

hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits).

A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;

B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.

C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.

D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

Section 8.7.80 Modification of Approved Plans

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the approval plans and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.7.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or
- 8.7.82 An increase in the ratio of gross floor area (as specified in the approval documents) to LOT area by more than twenty five percent (25%); or
- 8.7.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.7.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

Proposed New Overlay District

Article 8 Overlay Districts

- Section 8.0 Purpose and Applicability*
- Section 8.1 Neighborhood Commercial Design Overlay District*
- Section 8.2 West Columbus Urban Renewal Overlay District*
- Section 8.3 Floodplain Overlay District*
- Section 8.4 Regional Shopping Center Overlay District*
- Section 8.5 Casino Overlay District*
- Section 8.6 Smart Growth District [Reserved]*
- Section 8.7 Casino Overlay District B*

Section 8.7 CASINO OVERLAY DISTRICT B

Section 8.7.10 Purpose

The Casino Overlay District B's purpose is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District B focuses on urban services, entertainment, recreational activities, hospitality, restaurants, retail, residential, offices, banking, and business uses that will enhance the area as a desirable location for tourists, conventions, and urban business and the Casino Overlay District. The Casino Overlay District B is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that these uses contribute positively to the built environment, that their operation will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all proposed uses per the standards and criteria established herein and elsewhere in this Zoning Ordinance. The Casino Overlay District B and its provisions shall only apply to the specific properties included within the Casino Overlay District B boundary as shown on the Casino Overlay District B zoning map.

Section 8.7.20 Permitted Uses

Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Section 8.7.30 Site Plan Review

8.7.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District B.

8.7.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the City Council and not the Planning Board.

- 8.7.33 The intent of the signage regulations herein (Section 8.7.60) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in a non-gaming entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.7.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

Section 8.7.40 Site Plan Review Submission Requirements

The petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

Section 8.7.50 Criteria for Rezoning

The City Council shall review development proposals for compliance with the following criteria:

- 8.7.51 The proposed development shall be consistent with and promote the goals of the the Casino Overlay District and the plans and policies of the City of Springfield;
- 8.7.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues with the City of Springfield;
- 8.7.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function.
- 8.7.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;
- 8.7.55 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.

- 8.7.56 The location of the Casino Overlay District B shall be those properties abutting the Casino Overlay District.

Section 8.7.60 Dimensional Regulations

All proposed uses and/or activities occurring within the Casino Overlay District B are subject to the underlying zoning regulations, except as noted herein.

- 8.7.61 Dimensional and Intensity Regulations

Table 8-2 Dimensional and Intensity Regulations

	Casino Overlay District
Lot Area, minimum square feet	No Regulation
Lot Frontage , minimum (feet)	No Regulation
Lot Width , minimum (feet)	No Regulation
Front Yard (feet) Minimum	0
Side Yard, minimum (feet)	0
Rear Yard, minimum (feet)	0
Building Height , maximum Stories Feet	No Regulation 400
Building Coverage, maximum	95%
Maximum Residential Density (Dwelling Units Per Acre)	150
Parking	The Casino Overlay District B shall meet the off-street parking provisions of Article 7, Section 7.1 of the Zoning Ordinance

Section 8.7.70 Sign Regulations

Due to the unique signage associated with non-gaming uses similar to casinos and casino complexes, the Casino Overlay District B specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.7.64 and the Casino Overlay District. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.7.64. However, such additional signage requires submittal of a specific and detailed "signage and specialty lighting concept" as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

- 8.7.71 As part of the sign approval process a detailed sign plan must be submitted which includes:

- A. Dimensions and overall size(s) of all proposed signs;
- B. Building elevations indicating location of all proposed signage, including any directional signage;
- C. Materials of all proposed signage;
- D. Type(s) of illumination.
- E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.

8.7.72 Signs to be located along the frontages of Main Street, State Street, Union Street, or East Columbus Avenue shall:

- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties and the Casino Overlay District;
- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

8.7.73 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature

accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)

- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

8.7.74 The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept and should be consistent with the Casino Overlay District. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public Works (regarding any traffic safety hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits).

- A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;
- B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.
- C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.

- D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

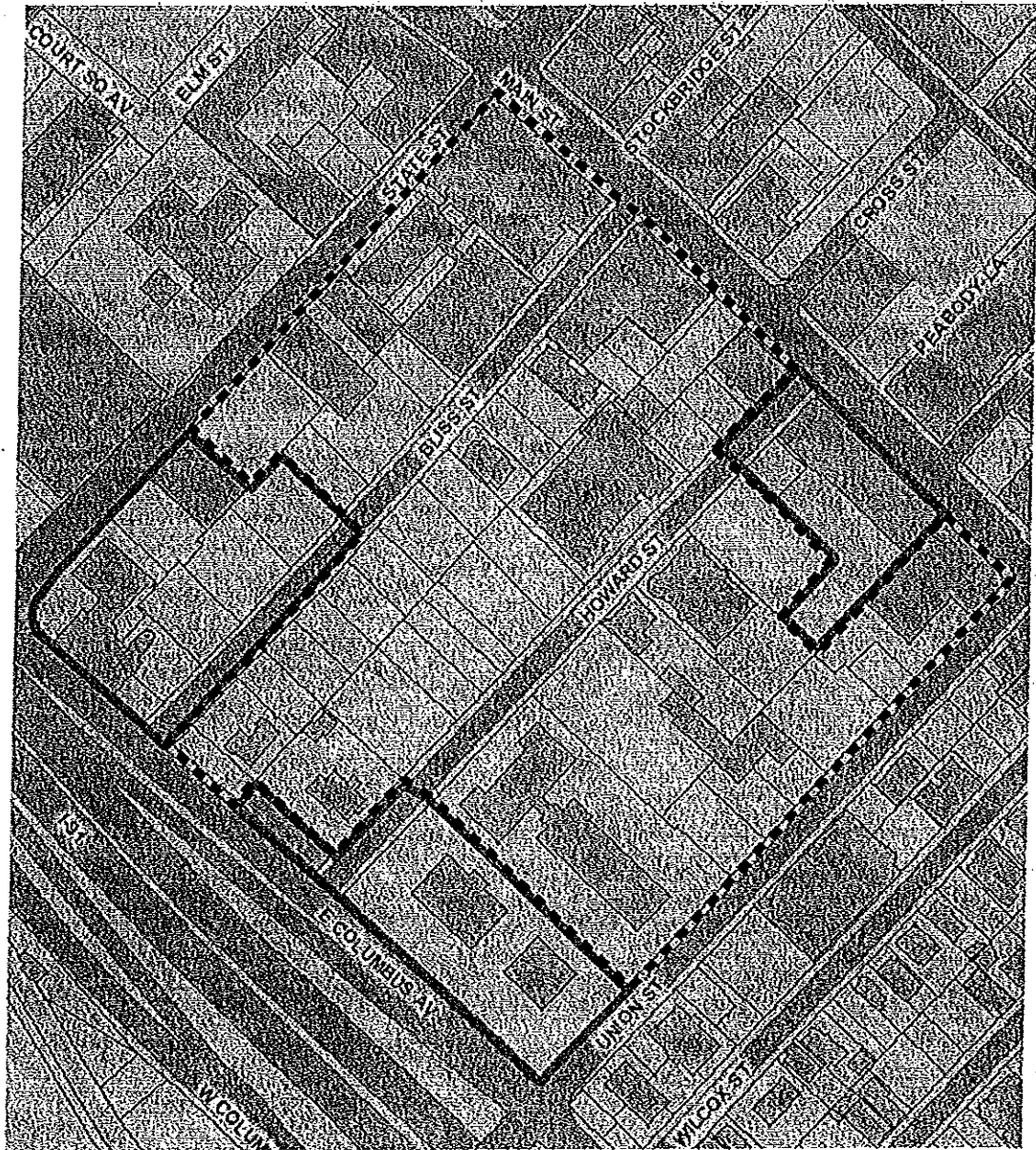
Section 8.7.80 Modification of Approved Plans

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended, pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the approval plans and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.7.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or
- 8.7.82 An increase in the ratio of gross floor area (as specified in the approval documents) to LOT area by more than twenty five percent (25%); or
- 8.7.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.7.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

Proposed Casino Overlay District B



-  Proposed Casino Overlay District B
-  Proposed Casino Overlay District



ENTERPRISE DIGITAL INC.
SPRINGFIELD, MA 01103

Image Source: City of Springfield, MA GIS

SECTION 8.75 CASINO OVERLAY DISTRICT "B"

Section 8.75.10 Purpose

The Casino Overlay District B's purpose is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District B focuses on urban services, entertainment, and recreational activities, hospitality, restaurants, retail, residential, offices, banking and business uses that will enhance the area as a desirable location for tourists, conventions, and urban businesses and the Casino Overlay District life. The Casino Overlay District B is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casinos and casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses ~~casinos and casino complexes~~, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that these uses ~~casinos and casino complexes~~ contribute positively to the built environment, that their ~~operation of casinos and casino complexes~~ will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

~~The proposed development shall be subject to the provisions of a Host-Community Agreement (HCA) approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.~~

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all proposed uses ~~casinos and casino complexes~~ per the standards and criteria established herein and elsewhere in this Zoning Ordinance. The Casino Overlay District B and its provisions shall only apply to the specific properties included within the Casino Overlay District B boundary as shown on the Casino Overlay District B zoning map, so designated by the City Council as allowing a casino and related uses with a valid and current gaming license issued by the Commonwealth. Should a property so designated lose its gaming license at any point, the City Council may revoke the overlay designation and revert the property to its underlying zoning.

Section 8.75.20 Permitted Uses

~~CASINO and casino complexes, inclusive of accessory uses, including but not limited to~~ Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance

the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Section 8.75.30 Site Plan Review

8.75.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District B.

8.75.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the City Council and not the Planning Board.

~~8.5.33 Notwithstanding pending Site Plan Review required for final project approval, site plan and design aspects which are consistent with those contained in the Host Community Agreement are pre-approved unless variations or modifications to them are proposed which exceed the provisions of 8.5.80 below.~~

8.75.334 The intent of the signage regulations herein (Section 8.75.670) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in ~~urban casino and a non-gaming~~ entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.75.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

Section 8.75.40 Site Plan Review Submission Requirements

8.75.41 ~~In petitioning for a rezoning to a Casino Overlay District,~~ The petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

Section 8.75.50 Criteria for Rezoning

The City Council shall review development proposals for compliance with the following criteria:

- 8.75.51 The proposed development shall be consistent with and promote the goals of M.G.L. Chapter 23K and the Casino Overlay District and the plans and policies of the City of Springfield;
- 8.75.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues within the City of Springfield;
- 8.75.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function, ~~recognizing the unique functional characteristics of a casino or casino complex;~~
- 8.75.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;
- ~~8.5.55 The proposed development shall provide amenities and public facilities to promote safety, comfort and convenience for visitors, employees and the general public;~~
- 8.75.556 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.
- ~~8.5.57 The proposed development shall be sensitive to buildings within the immediate area which have an architectural or historic value and work with the Springfield Historical Commission in that regard, consistent with the disposition of historic aspects articulated in the Host Community Agreement (HCA).~~
- ~~8.5.58 The proposed development shall be subject to the provisions of a HCA approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.~~
- 8.75.569 The location of the Casino Overlay District B shall be those properties abutting the Casino Overlay District, the project site identified in the HCA between the City of Springfield and the project developer and consistent with the property set forth in the application for a gaming license submitted to the Massachusetts Gaming Commission. The Casino Overlay District may be added to the City of Springfield Zoning Map at any time after the filing of an application for a gaming license by means of a duly enacted amendment to the City of Springfield Zoning

~~Map. The provision of the Section 8.5 shall not be legally effective within the Casino Overlay District unless the gaming license is approved by the Massachusetts Gaming Commission. In the event that a gaming license is not approved by the Massachusetts Gaming Commission, the City Council shall amend the zoning map by repealing the amendment placing the Casino Overlay District on the Zoning Map. Whether or not such repeal is enacted, only the underlying zoning of the land within the Casino Overlay District shall apply if the gaming license is not approved.~~

Section 8.75.60 Dimensional Regulations

All proposed uses and/or activities occurring within the Casino Overlay District B are subject to the underlying zoning regulations, except as noted herein, ~~or in the Host Community Agreement. Where regulations conflict the specific provisions of the HCA shall govern.~~

8.75.61 Dimensional and Intensity Regulations

Table 8-1 Dimensional and Intensity Regulations (unless otherwise specified on the Host Community Agreement)	
	Casino Overlay District
Lot Area, minimum square feet	No Regulation
Lot Frontage , minimum (feet)	No Regulation
Lot Width , minimum (feet)	No Regulation
Front Yard (feet)	
Minimum	0
Maximum	10
Side Yard, minimum (feet)	0
Rear Yard, minimum (feet)	0
Building Height , maximum	
Stories	No Regulation
Feet	400
Building Coverage, maximum	95%
Maximum Residential Density (Dwelling Units Per Acre)	150

Table 8-1 Dimensional and Intensity Regulations (unless otherwise specified on the Host Community Agreement)	
	Casino Overlay District
Parking	The Casino Overlay District <u>B</u> shall meet the off-street parking provisions of <u>Article 7, Section 7.1 of the Zoning Ordinance</u> stipulated in the HCA.

Section 8.~~75~~.70 Sign Regulations

Due to the unique signage associated with non-gaming uses similar to a CCASINOS and casino complexes, the Casino Overlay District B specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.~~75~~.74~~5~~ and the Casino Overlay District. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.5.74~~5~~. However, such additional signage requires submittal of a specific and detailed “signage and specialty lighting concept” as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

- 8.~~75~~.71 As part of the sign approval process a detailed sign plan must be submitted which includes:
- A. Dimensions and overall size(s) of all proposed signs;
 - B. Building elevations indicating location of all proposed signage, including any directional signage;
 - C. Materials of all proposed signage;
 - D. Type(s) of illumination.
 - E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.
- 8.~~75~~.72 Signs to be located along the frontages of Main Street, State Street, Union Street, or East Columbus Avenue ~~Howard Street and Emery Street~~ shall:
- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties and the Casino Overlay District;

- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

~~8.5.73~~ — Signs specifically located on HISTORIC RESOURCE PROPERTIES shall:

- ~~A. Be in keeping with the character, size and architectural elements of the building as determined by the Springfield Historical Commission.~~
- ~~B. Allow individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations (subject to 8.5.73.A. above), in addition to any specialty signage and lighting elements which are subject to discretionary approval.~~

8.75.734 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)
- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

8.75.745 The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept and should be consistent with the Casino Overlay District. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public

Works (regarding any traffic safety hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits), ~~and the Springfield Historical Commission (in any situation where landmark or historic resources are impacted by signage).~~

- A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;
- B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.
- C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.
- D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

Section 8.75.80 Modification of Approved Plans

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended ~~from what is specified in the HCA,~~ pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the approval plans ~~HCA plans~~ and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.75.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or

- 8.75.82 An increase in the ratio of gross floor area (as specified in the approval documents~~as specified in the HCA~~) to LOT area by more than twenty five percent (25%); or
- 8.75.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.75.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

Proposed Casino Overlay District



Attachment: 3173_Casino_Overlay_District B_CC 2015 (Z-2015-5 : Casino Overlay District "B")



SPRINGFIELD
GIS

City of Springfield, Massachusetts

DATA SOURCE:



Properties to be located within
Casino Overlay District "B"



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FIFTEEN

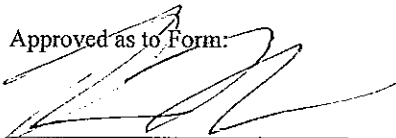
AN ORDINANCE

AMENDING SECTION 47 OF THE BUILDING ZONE MAP

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

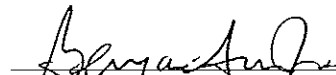
SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, as amended, is hereby further amended by adding Article 8, Section 8.7, Casino Overlay District "B" and by mapping the Casino Overlay District "B" on Plot #3173, Section 47 of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "Section 47 Building Zone Map of the City of Springfield."

Approved as to Form:


Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on March 4, 2015 and April 15, 2015 regarding the above Ordinance amendment.

1 Person(s) appeared in favor, and 2 Person(s) appeared in opposition.


Ben Swan Jr, Vice Chairperson



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FIFTEEN

AN ORDINANCE

AMENDING SECTION 47 BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, as amended, is hereby further amended by adding Article 8, Section 8.7, Casino Overlay District "B" and by mapping the Casino Overlay District "B" on Plot #3173, Section 47 of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "Section 47 Building Zone Map of the City of Springfield."

**REPORT TO CITY COUNCIL
ZONE CHANGE HEARING**

PETITION: #3173
SECTION: 47

DATE: April 16, 2015

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

PETITIONER: Courthouse Park Associates, Briarwood Thirteen, LLC., Carmela A. Fraziero, Trustee and Colvest/Columbus Springfield, LLC.

ADDRESS: 23 State Street, 55 State Street, 58 Bliss Street, 1070 Main Street and 1259 East Columbus Avenue

CHANGE REQUESTED: Adding Article 8, Section 8.7, Casino Overlay District "B" and by mapping the Casino Overlay District "B".

PETITIONER'S PURPOSE STATEMENT: The Casino Overlay District's "B" purpose is to facilitate the location business and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities.

DATE OF PUBLIC HEARING: March 5, 2015/April 15, 2015

DATE OF FINAL DECISION: April 15, 2015

BOARD MEMBERS PRESENT and COUNT: six (6): Ms. Morin, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade and Mr. Cignoli

FINAL MOTION: Not to approve.

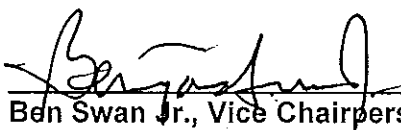
IN FAVOR: five (5): Ms. Morin, Ms. DeFillipo, Mr. Swan, Mr. Florian and Mr. Cignoli

OPPOSED: zero (0)

ABSTAINED: one (1): Ms. McQuade

RECOMMENDATION: Not to approve.

Respectfully submitted,


Ben Swan Jr., Vice Chairperson

Attachment: 3173_Casino_Overlay_District_B_CC_2015 (Z-2015-5 : Casino Overlay District "B")



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Lindsay B. Hackett
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3065

3.6

Grant Acceptance - No Match Required \$232,137 (Mayor Sarno)

WHEREAS, the Police Department ("Department") has been awarded a grant increase for the "Safe and Successful Youth Initiative" Grant of \$232,137.00 from the Executive Office of Health and Human Services; and

WHEREAS, the grant's purpose is to fund a multi-faceted strategy for reducing youth violence in the Commonwealth; and

WHEREAS, the Department intends to use the grant funds to implement a coordinated intervention strategy focused on "proven risk youth" identified as the highest risk individuals for being perpetrators or victims of shootings or stabbing violence; 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:

Safe and Successful Youth Initiative Grant Increase \$232,137

RESULT: PASSED BY VOICE VOTE

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



3.6.a

This form is jointly issued and published by the [Executive Office for Administration and Finance \(ANF\)](#), the [Office of the Comptroller \(CTR\)](#) and the [Operational Services Division \(OSD\)](#) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under [Guidance For Vendors - Forms](#) or www.mass.gov/osd under [OSD Forms](#).

CONTRACTOR LEGAL NAME: City of Springfield Police Department (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Health and Human Services MMARS Department Code: EHS	
Legal Address: (W-9, W-4,T&C): 36 Court Street, Springfield, MA 01103		Business Mailing Address: One Ashburton Place, Boston, MA 02108	
Contract Manager: Brian Elliott		Billing Address (if different):	
E-Mail: belliot@springfieldpolice.net		Contract Manager: Robyn Kennedy	
Phone: 413-787-6318	Fax: 413-787-6663	E-Mail: robyn.kennedy@state.ma.us	
Contractor Vendor Code: VC6000192140		Phone: 617-573-1666	Fax: 617-573-1890
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID Must be set up for EFT payments.)		MMARS Doc ID(s): 13EHSSSYICITYSPRINLC	
		RFR/Procurement or Other ID Number: 13EHSCLSSYINITIATIVERFR2013	
<u> </u> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <u> </u> Statewide Contract (OSD or an OSD-designated Department) <u> </u> Collective Purchase (Attach OSD approval, scope, budget) <u> </u> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <u> </u> Emergency Contract (Attach justification for emergency, scope, budget) <u> </u> Contract Employee (Attach Employment Status Form, scope, budget) <u> </u> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		<u> </u> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: <u>June 30, 2015</u> Enter Amendment Amount: <u>\$232,137</u>. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <u> </u> Amendment to Scope or Budget (Attach updated scope and budget) <u> </u> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <u> </u> Contract Employee (Attach any updates to scope or budget) <u> </u> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <u> </u> Commonwealth Terms and Conditions <u> </u> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <u> </u> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <u> </u> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). <u>\$1,962,502.78</u>.			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days <u> </u> % PPD; Payment issued within 15 days <u> </u> % PPD; Payment issued within 20 days <u> </u> % PPD; Payment issued within 30 days <u> </u> % PPD. If PPD percentages are left blank, identify reason: <u> </u> agree to standard 45 day cycle <u> </u> statutory/legal or Ready Payments (G.L. c. 29, § 23A); <u> </u> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) This Amendment 8 changes the Contract end date to September 30, 2015 and increases the maximum obligation to provide for summer programming.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <u> </u> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <u> </u> 2. may be incurred as of <u> </u>, 20<u> </u>, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <u> </u> 3. were incurred as of <u> </u>, 20<u> </u>, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of September 30, 2015, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Domenic J. Sarno</u> Print Title: <u>Mayor, City of Springfield</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Alice Moore</u> Print Title: <u>Undersecretary</u>	

Attachment: SSYI - Springfield Cont revised Amd 8-FINAL-May 2015 (3065 : SSYI Grant - \$232,137 - No Match)

**INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS**

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

CONTRACTOR LEGAL NAME (AND D/B/A): Enter the **Full Legal Name** of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) **and** the applicable Commonwealth Terms and Conditions. If Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) **and** the applicable Commonwealth Terms and Conditions, which must match the legal address on the 10991 table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

Contractor Contract Manager: Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on COMMBUYS, the name of the Contract Manager must be included in the Contract on COMMBUYS.

Contractor E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

Contractor Vendor Code: The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

Vendor Code Address ID: (e.g., "AD001") The Department must enter the MMARS Vendor Code Address ID identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paying and Vendor File and W-9 policies.

COMMONWEALTH DEPARTMENT NAME: Enter the full Department name with the authority to obligate funds encumbered for the Contract.

Commonwealth MMARS Alpha Department Code: Enter the three (3) letter MMARS Code assigned to this Commonwealth Department in the state accounting system.

Department Business Mailing Address: Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

Department Billing Address: Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

Department Contract Manager: Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

Department E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

MMARS Document ID(s): Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

RFR/Procurement or Other ID Number or Name: Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

NEW CONTRACTS (left side of Form):

Complete this section **ONLY** if this Contract is brand new. (Complete the **CONTRACT AMENDMENT** section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

PROCUREMENT OR EXCEPTION TYPE: Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See State Finance Law and General Requirements, Acquisition Policy and Fixed Assets, the Commodities and Services Policy and the Procurement Information Center (Department Contract Guidance) for details.

Statewide Contract (OSD or an OSD-designated Department): Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

Collective Purchase approved by OSD: Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

Department Contract Procurement: Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

Emergency Contract: Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

Contract Employee: Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an Individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

Legislative/Legal or Other: Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) "See Amendments, Suspensions, and Termination Policy.)

Enter Current Contract End Date: Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

Enter Amendment Amount: Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

AMENDMENT TYPE: Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. **Amendment to Scope or Budget:** Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

Interim Contracts: Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

Contract Employee: Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

Legislative/Legal or Other: Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



3.6.a

COMMONWEALTH TERMS AND CONDITIONS

Identify which [Commonwealth Terms and Conditions](#) the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See [Vendor File and W-9s](#) Policy.

COMPENSATION

Identify if the Contract is a **Rate Contract** (with no stated Maximum Obligation) or a **Maximum Obligation Contract** (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as [available and encumbered](#) prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both, specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth [Bill Paying Policy](#) for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under [G.L. c. 29, s. 23A](#)). See [Prompt Pay Discounts Policy](#). PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify that the Contractor agrees to the standard 45 day cycle; a statutory/legal exemption such as Ready Payments ([G.L. c. 29, s. 23A](#)); or only an initial accelerated payment for reimbursements or start up costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment cycle. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the [Expenditure Classification Handbook](#)) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the [Effective Date](#) (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default [Effective Date](#) (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the [Settlement and Release Form](#) when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the [Effective Date](#) for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the [Effective Date](#) under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to [G.L. c.4, s.9](#).

CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. **If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here.** A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to [G.L. c.4, s.9](#).

CERTIFICATIONS AND EXECUTION

See [Department Head Signature Authorization Policy](#) and the [Contractor Authorized Signatory Listing](#) for policies on Contractor and Department signatures.

Authorizing Signature for Contractor/Date: The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under ["Anticipated Contract Start Date"](#). Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. **Rubber stamps, typed or other images are not acceptable.** Proof of Contractor signature authorization on a [Contractor Authorized Signatory Listing](#) may be required by the Department if not already on file.

Contractor Name /Title: The Contractor Authorized Signatory's name and title must appear legibly as it appears on the [Contractor Authorized Signatory Listing](#).

Authorizing Signature For Commonwealth/Date: The [Authorized Department Signatory](#) must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under ["Anticipated Start Date"](#). **Rubber stamps, typed or other images are not accepted.** The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See [Department Head Signature Authorization](#). The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an [approved Interdepartmental Service Agreement \(ISA\)](#). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

Department Name /Title: Enter the Authorized Signatory's name and title legibly.

CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

Commonwealth and Contractor Ownership Rights. The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

Qualifications. The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability; and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the [Secretary of State's website](#) as licensed to do business in Massachusetts, as required by law.

Business Ethics and Fraud, Waste and Abuse Prevention. The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

Collusion. The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

Public Records and Access The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under [Executive Order 195](#) and [G.L. c. 11, s.12](#) seven (7) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



3.6.a

records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under [950 C.M.R. 32.00](#).

Debarment. The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including, [Executive Order 147](#); [G.L. c. 29, s. 29F](#); [G.L. c. 30, § 39R](#); [G.L. c. 149, § 27C](#); [G.L. c. 149, § 44C](#); [G.L. c. 149, § 148B](#) and [G.L. c. 152, s. 25C](#).

Applicable Laws. The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable [Massachusetts General Laws](#); the Official [Code of Massachusetts Regulations](#); [Code of Massachusetts Regulations](#) (unofficial); [801 CMR 21.00](#) (Procurement of Commodity and Service Procurements, Including Human and Social Services); [815 CMR 2.00](#) (Grants and Subsidies); [808 CMR 1.00](#) (Compliance, Reporting and Auditing for Human And Social Services); [AICPA Standards](#); confidentiality of Department records under [G.L. c. 66A](#); and the [Massachusetts Constitution Article XVIII](#) if applicable.

Invoices. The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth [Bill Paying Policy](#). Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15th for performance made and received (goods delivered, services completed) prior to June 30th, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15th or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

Payments Subject To Appropriation. Pursuant to [G.L. c. 29 § 26, § 27 and § 29](#), Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by [G.L. c. 29, § 9C](#). A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

Intercept. Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to [G.L. c. 7A, s. 3](#) and [815 CMR 9.00](#). Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

Tax Law Compliance. The Contractor certifies under the pains and penalties of perjury tax compliance with [Federal tax laws](#); [state tax laws](#) including but not limited to [G.L. c. 62C](#); [G.L. c. 62C, s. 49A](#); compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under [G.L. c. 62E](#), withholding and remitting [child support](#) including [G.L. c. 119A, s. 12](#); [TIR 05-11](#); [New Independent Contractor Provisions](#) and applicable [TIRs](#).

Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts. The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing **at least 45 days prior** to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is **any risk** to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

Federal Anti-Lobbying and Other Federal Requirements. If receiving federal funds, the

Contractor certifies compliance with federal anti-lobbying requirements including [31 USC 1352](#); [other federal requirements](#); [Executive Order 11246](#); [Air Pollution Act](#); [Federal Water Pollution Control Act](#) and [Federal Employment Laws](#).

Protection of Personal Data and Information. The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under [G.L. c. 93H](#) and [c. 66A](#) and [Executive Order 504](#). The Contractor is required to comply with [G.L. c. 93I](#) for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information transmitted electronically or through a portable device be properly encrypted using (at a minimum) [Information Technology Division \(ITD\) Protection of Sensitive Information](#), provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the [Payment Card Industry Council Standards](#) and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to [G.L. c. 214, s. 3B](#).

Corporate and Business Filings and Reports. The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the [Secretary of the Commonwealth](#), the [Office of the Attorney General](#) or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

Employer Requirements. Contractors that are employers certify compliance with applicable state and [federal employment laws](#) or regulations, including but not limited to [G.L. c. 5, s. 1](#) (Prevailing Wages for Printing and Distribution of Public Documents); [G.L. c. 7, s. 22](#) (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); [minimum wages and prevailing wage programs and payments](#); [unemployment insurance](#) and contributions; [workers' compensation and insurance](#), [child labor laws](#), [AGO fair labor practices](#); [G.L. c. 149](#) (Labor and Industries); [G.L. c. 150A](#) (Labor Relations); [G.L. c. 151 and 455 CMR 2.00](#) (Minimum Fair Wages); [G.L. c. 151A](#) (Employment and Training); [G.L. c. 151B](#) (Unlawful Discrimination); [G.L. c. 151E](#) (Business Discrimination); [G.L. c. 152](#) (Workers' Compensation); [G.L. c. 153](#) (Liability for Injuries); [29 USC c. 8](#) (Federal Fair Labor Standards); [29 USC c. 28](#) and the [Federal Family and Medical Leave Act](#).

Federal And State Laws And Regulations Prohibiting Discrimination including but not limited to the [Federal Equal Employment Opportunity \(EEO\) Laws](#) the [Americans with Disabilities Act](#); [42 U.S.C. Sec. 12,101, et seq.](#) the [Rehabilitation Act](#), [29 USC c. 16 s. 794](#); [29 USC c. 16, s. 701](#); [29 USC c. 14, 623](#); the [42 USC c. 45](#); (Federal Fair Housing Act); [G. L. c. 151B](#) (Unlawful Discrimination); [G.L. c. 151E](#) (Business Discrimination); the Public Accommodations Law [G.L. c. 272, s. 92A](#); [G.L. c. 272, s. 98](#) and [98A](#), [Massachusetts Constitution Article CXIV](#) and [G.L. c. 93, s. 103](#); [47 USC c. 5, sc. II, Part II, s. 255](#) (Telecommunication Act); Chapter 149, [Section 105D](#), [G.L. c. 151C](#), [G.L. c. 272, Section 92A, Section 98](#) and [Section 98A](#), and [G.L. c. 111, Section 199A](#), and [Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities](#), and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also [MCAD](#) and [MCAD links and Resources](#).

Small Business Purchasing Program (SBPP). A Contractor may be eligible to participate in the SBPP, created pursuant to [Executive Order 523](#), if qualified through the SBPP COMMBUYS subscription process at: [www.commbuys.com](#) and with acceptance of the terms of the SBPP participation agreement.

Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized). The [Information Technology Mandatory Specifications](#) and the [IT Acquisition Accessibility Contract Language](#) are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the [Expenditure Classification Handbook](#) or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



3.6.a

damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

Northern Ireland Certification. Pursuant to [G.L. c. 7 s. 22C](#) for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pandemic, Disaster or Emergency Performance. In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

Consultant Contractor Certifications (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to [G.L. Chapter 29, s. 29A](#)). Contractors must make required disclosures as part of the RFR Response or using the [Consultant Contractor Mandatory Submission Form](#).

Attorneys. Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to [G.L. c. 30, s. 65](#), and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

Subcontractor Performance. The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable [Executive Orders](#) (see also [Massachusetts Executive Orders](#)), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

Executive Order 481. [Prohibiting the Use of Undocumented Workers on State Contracts.](#) For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

Executive Order 130. [Anti-Boycott.](#) The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See [IRC § 999\(b\)\(3\)-\(4\)](#), and [IRS Audit Guidelines Boycotts](#)) or engages in conduct declared to be unlawful by [G.L. c. 151E, s. 2](#). A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

Executive Order 346. [Hiring of State Employees By State Contractors](#) Contractor certifies compliance with both the conflict of interest law [G.L. c. 268A specifically s. 5 \(f\)](#) and this order; and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the

Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

Executive Order 444. [Disclosure of Family Relationships With Other State Employees.](#) Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

Executive Order 504. [Regarding the Security and Confidentiality of Personal Information.](#) For all Contracts involving the Contractor's access to personal information, as defined in [G.L. c. 93H](#), and personal data, as defined in [G.L. c. 66A](#), owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth [Information Technology Division's Security Policies](#). Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's ["Security Policies"](#) (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the [Commonwealth's Terms and Conditions](#), withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under [G.L. c. 214, § 3B](#) for violations under M.G.L. c. 66A.

Executive Orders 523, 524 and 526. Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes [Executive Order 478](#)). [Executive Order 524](#) (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390). [Executive Order 523](#) (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

Attachment: SSYI - Springfield Cont revised Amd 8-FINAL-May 2015 (3065 : SSYI Grant - \$232,137 - No Match)

AMENDMENT 8

TO THE CONTRACT BETWEEN

THE EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

AND

THE CITY OF SPRINGFIELD

FOR THE

SAFE AND SUCCESSFUL YOUTH INITIATIVE

WHEREAS, the Executive Office of Health and Human Services (EOHHS) and the City of Springfield (the Contractor) entered into a Contract, (“the Contract”) effective April 3, 2013 and amended October 22, 2013 (Amendment 1), November 21, 2013 (Amendment 2), January 17, 2014 (Amendment 3), April 2014 (Amendment 4), May 2014 (Amendment 5), September 29, 2015 (Amendment 6) and March 16, 2015 (Amendment 7); and

WHEREAS, in accordance with **Section 4.N** of the Contract and 801 CMR 21.05(5), EOHHS and the Contractor desire to amend the Contract as an interim contract due to a delayed competitive procurement of SSYI;

NOW, THEREFORE, in consideration of their mutual undertakings, EOHHS and the Contractor agree to amend the Contract as follows:

1. **Section 3, Payment, subsection 3.A** is hereby amended by deleting the subsection in its entirety and inserting in place thereof a new **subsection 3.A** as follows:

“EOHHS shall pay the Contractor \$1,962,502.78 during the Contract term for the performance of its responsibilities under the Contract; provided, however that \$232,137.00 shall be allocated for summer programming through September 30, 2015, as approved by EOHHS.”

2. **Section 4.A., Contract Term** is hereby amended by deleting the section in its entirety and inserting in place thereof a new **Section 4.A** as follows:

“A. Contract Term

This Contract shall commence at Contract execution and end September 30, 2015, subject to future legislative appropriations, continued legislative authorization, and EOHHS’s determination of satisfactory performance.”



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Melanie Acobe
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3058

3.7

Senior SNAP Enrollment Initiative Grant Acceptance - No Match Required (\$50,000) (Mayor Sarno)

WHEREAS, the Elders Department has been awarded a Senior SNAP Enrollment Initiative Grant of \$50,000.00 from the Mass Association of Councils on Aging; and

WHEREAS, the purpose of the grant is to implement Senior SNAP Enrollment Initiative in Hampden County.

WHEREAS, the Department intends to use the grant funds to hire one (1) 30 hour per week SNAP Outreach Worker.

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:

Senior SNAP Enrollment Initiative Grant Acceptance - No Match Required (\$50,000)

RESULT: PASSED BY VOICE VOTE



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	04/29/15
Department Requesting Grant Setup	DEA (541)
Department Phone # (Please include extension)	886-5261
Name and Title of Person to Contact in Case of Questions	Maureen Morrissey

Was this Grant previously setup for a prior fiscal year?
If yes, please indicate your previous project number: NO

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
State – City
Private/Other

XX

Grant Name: SENIOR SNAP ENROLLMENT INITIATIVE

Total Grant Amount Awarded: \$50,000

Is this a Reimbursable Grant?

(Y/N) NO

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 Mass Association of Councils on Aging
 Contact Person Mary Kay Browne, Director of Special Projects
 Street Address 116 Pleasant Street
 City, State, Zip Code Easthampton, MA 01027
 Telephone 413 923 4161
 Fax
 E-Mail marykay@mcaonline.com

Actual Award Date 04/29/2015

Board Approval Date

Start Date 05/01/2015

Expiration Date 04/30/2016

Renewal Action Date (optional)

If there are any Matching Funds:

Type NA
 Percent NA
 Amount NA

Comments re: Description/Purpose of Grant

Implementation of Senior SNAP Enrollment Initiative in Hampden County

Comments re: Conditions/Restrictions of Grant

Hire one (1) 30 hour per week Snap Outreach Worker

If this is a Federal Grant, enter CFDA#: NA

If applicable enter the State ID # : NA

What is the required drawdown frequency?

(Ex: Monthly, Quarterly) NA

If payment is to be sent by Grantor as a Wire,

Please enter any wire reference/identification # that may be used (if known) NA

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

Org Code:

Object Codes:

51000 Personnel (Budget line 1-3) = \$34,500

Budget Roll-Up Codes:

571100 Mileage = \$4,700

530105 Professional Services = \$6,500

542010 Office Supplies = \$200

534100 Postage = \$600

551700 Other Supplies - \$3,500
(Cell phone plus monthly bill;
Lap top and case; Multi - function
Copier/scanner)

TOTAL OTPS = \$15, 500

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.

Maureen Morrissey
Signature

4/30/15
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.



At the Center of it All

To: Jan Rodriguez Denney, Springfield Department of Elder Affairs
Fr: Mary Kay Browne, Director of Special Projects, Mass Association of Councils on Aging
Date: April 29, 2015
Re: Grant Awarded to MCOA for Project Designed in Partnership with SDEA

I am happy to announce that the National Council on Aging has awarded the Massachusetts Association of Councils on Aging and Senior Center Directors (MCOA) a Senior SNAP Enrollment Initiative grant for \$50,000. As the Springfield Department of Elder Affairs is our partner in this project, this news means you may begin the hiring process for the grant-funded outreach staff person included in the project design as well as arranging for the training of SHINE counselors on SNAP screening and the development of your local outreach materials for your SNAP Enrollment outreach campaign strategy. This is wonderful news for low income older adults in Springfield and all of Hampden County!

It is important for the Springfield Department of Elder Affairs (SDEA) to hire the Senior SNAP Enrollment Initiative SSEI Manager as soon as possible. The grant period begins on May 1, 2015 and ends on April 30, 2016. The SSEI Manager will work in partnership with other SDEA staff as well as community partners to organize and deliver services throughout Hampden County.

The NCOA liked our project design's comprehensiveness – especially the deployment of the 50 health benefits volunteers of the Hampden County SHINE Program to conduct SNAP eligibility screens throughout the county (as a new component to their health benefits counseling responsibilities), the new extensive outreach activities of the new SSEI Manager to be hired, and then the arrangement whereby the current SDEA economic case workers plus the new hire will help seniors with completing and submitting applications., and then following up with their verification and documentation requirements. So many barriers exist to SNAP enrollment, that all of these workers are needed to ensure success for many, many older adults.

For your records, the final budget approved by NCOA for the project is attached. By the end of the week, I will send you the contract for local signature. Congratulations to you and your fine team!

SDEA and MCOA Budget for SNAP Enrollment Initiative

1. 30 hr SNAP outreach worker at 15.30/hr	\$24,500
2. 33% Fringe benefits	\$8,000
3. 2 hour per week Supervision \$19.40	\$2,000
4. Travel 700 miles/month at \$.56/mile.	\$4,700
5. Advertising: Printing SNAP Enrollment Flyers and posters	\$2,000
6. Office supplies for enrollment events, training	\$200
7. Postage for mailing verification documents/applications	\$600
8. Mobile Telephone/ SNAP Outreach Worker	\$750
9. Equipment: Lap top, Scanner/Copier w/carrying case,	\$2,750
10. MCOA Report to share findings/ perform oversight	<u>\$4,000</u>
TOTAL:	\$50,000

The SNAP outreach worker will travel across Hampden County (671 square miles) going to all senior activities and facilities and on local media outlets to reach many elders to help them access the application and submit on line

Supervisor will oversee and help direct the recruitment activities to gather 1000 SNAP applications.

Travel throughout Hampden County, which consists of 24 cities and towns and 621 square miles.

Equipment will be needed to allow seniors to submit their application right on the spot via online application portal for Massachusetts SNAP applicants. Equipment will expedite the signing up process.

MCOA: Fiscal agent; grant oversight; shall report out on grant experience and findings, best practices and tools developed during grant with full COA, SHIP, and MA Aging Services Network for their adoption and use; and web site support for grant activities.



Hasbro Summer Learning Initiative Grant - \$2,900 (Mayor Sarno)

WHEREAS, the Park's Department ("Department") has been awarded a Hasbro Summer Learning Initiative (HSLI) grant totaling \$2,900 from the Regional Employment Board of Hampden County; and

WHEREAS, the grant will work to provide low-income youth with access to safe, supportive learning opportunities that will: 1. Promote free expression, play, and exploration, 2. Foster positive social interactions, build self-confidence, and positive attitudes towards learning, and 3. Help to reduce the academic achievement gaps attributed to academic learning loss over the summer and while out of school; and

WHEREAS, the Department intends to use the grant funds for their intended purposes; 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.

Hasbro Summer Learning Initiative Grant - FY15 - \$2,900

RESULT: PASSED BY VOICE VOTE



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	5/7/2015
Department Requesting Grant Setup	PBRM
Department Phone # (Please include extension)	787-7772
Name and Title of Person to Contact in Case of Questions	CAROL
LANGVIN	

Was this Grant previously setup for a prior fiscal year?
If yes, please indicate your previous project number:

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
State – City
Private/Other

XXXX

Grant Name: HASBRO

Total Grant Amount Awarded: \$ \$2,900

Is this a Reimbursable Grant? (Y/N) NO

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 REGIONAL EMPLOYMENT BOARD
Contact Person DAVID CRUISE
Street Address 1441 MAIN STREET
City, State, Zip Code SPRINGFIELD, MA 01103
Telephone
Fax
E-Mail

Actual Award Date 1/15/2015

Board Approval Date

Start Date

Expiration Date 12/31/2015

Renewal Action Date (optional)

If there are any Matching Funds:

Type

Percent

Amount

Comments re: Description/Purpose of Grant
SUMMER LITERACY PROGRAM

Comments re: Conditions/Restrictions of Grant
NONE

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:
551700 - OTHER SUPPLIES

Object Codes:

Budget Roll-Up Codes:

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.

Signature

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.

Memorandum of Agreement

Hasbro Summer Learning Quality Enhancement Initiative

I. Purpose and Partners

- i. Hasbro Summer Learning Initiative (HSLI)
- ii. Springfield Parks and Recreation at Liberty School

This Memorandum of Agreement (MOA) outlines the agreement between the partners listed below to strengthen the unique and significant role out-of-school and summer programs play in supporting children's social and academic development. Through convening and partnering together, Springfield Parks and Recreation at Liberty School with the Hasbro Summer Learning Initiative will work to provide low-income youth with access to safe, supportive learning opportunities that:

1. *Promote free expression, play, and exploration;*
2. *Foster positive social interactions, build self-confidence, and positive attitudes towards learning; and*
3. *Help to reduce the academic achievement gaps attributed to academic learning loss over the summer and while out of school.*

II. Term

This MOA shall be in effect from January 1, 2015 and shall end on December 31, 2015. This MOA may be terminated prior to the effective end date upon the written approval of all the partners.

III. Individual Roles and Expectations

Program Quality Improvement and Summer Implementation Planning

Program Planning

1. Springfield Parks and Recreation at Liberty School will designate a program champion to serve as the contact person to HSLI staff, evaluation team, and literacy/curriculum specialist.
2. Based on program feedback, HSLI will plan and facilitate summer implementation planning sessions with relative stakeholders. The Springfield Parks and Recreation at Liberty School program champion or program representative will attend support meetings/planning sessions. Topics for discussion include new developments and legislative changes in out-of-school programming, EEC licensing and credentialing requirements, etc. Meetings in 2015 are scheduled as follows:
 - i. Tuesday, March 24, 2015
 - ii. Thursday, April 23, 2015
 - iii. Tuesday, May 26, 2015
3. Springfield Parks and Recreation at Liberty School working in partnership with HSLI and the HSLI curriculum/literacy specialist will develop and submit a quality improvement plan using HSLI planning materials (see attached) and any other planning templates used by Springfield Parks and Recreation at Liberty School.

Memorandum of Agreement

Hasbro Summer Learning Quality Enhancement Initiative

Technical Assistance

1. HSLI with Springfield Parks and Recreation at Liberty School input will hire an experienced educator with expertise in reading and in implementation of thematic curriculum as a literacy/curriculum specialist (coach) to provide technical assistance to the Springfield Parks and Recreation at Liberty School line staff
2. The literacy/curriculum specialist will be available to support Springfield Parks and Recreation at Liberty School line staff in the planning of program and implementation of programming. The specialist will be available to meet with the Springfield Parks and Recreation at Liberty School program planning team prior to the start of summer programs. The specialist will also be onsite for 15 – 18 hours per week for a period of 5 weeks during programming.
3. Springfield Parks and Recreation at Liberty School will support HSLI curriculum/literacy specialist by establishing a collaborative team to facilitate planning for the implementation of HSLI related activities.

Curriculum and Service Learning Project

1. Springfield Parks and Recreation at Liberty School will partner with HSLI in the planning and implementation of the HSLI curriculum for 30 hours or more with consistent groups of children.
2. HSLI will provide professional development and technical assistance on the implementation of community service learning projects that reinforces HSLI curriculum and further engage children in applying their knowledge and skills to real world problems.
3. Springfield Parks and Recreation at Liberty School will develop and implement a service learning project.

Literacy Supports

1. HSLI will provide professional development, technical assistance and other materials to implement HSLI literacy support strategies including (creating a literacy conducive environment, infusing literacy within thematic curriculum, universal literacy strategies for program staff, literacy stations, increasing the volume of reading for pleasure - recreational reading, literacy specialist supporting individual and small groups of kids who need it).
2. Springfield Parks and Recreation at Liberty School will commit to implementing literacy supports specific to program needs in planning documents (please use the attachment).
3. Springfield Parks and Recreation at Liberty School will document literacy support in overall quality improvement plan
4. HSLI will contribute to Springfield Parks and Recreation at Liberty School and the Springfield City Library's collaboration to increase volume of reading (Summer Reading Club); HSLI will document best practices.
5. Springfield Parks and Recreation at Liberty School will continue its collaboration with the library and work with library staff to ensure visits are prearranged and library activities more closely relates to Springfield Parks and Recreation at Liberty School ' curriculum.

Professional Development

- ❖ HSLI will provide Springfield Parks and Recreation at Liberty School and Springfield Parks and Recreation at Liberty School will ensure that staff attends a series of staff

Memorandum of Agreement

Hasbro Summer Learning Quality Enhancement Initiative

development training opportunities to build program capacity to implement curriculum, community service learning projects, universal literacy strategies and aid programs with registration requirements. Professional development trainings for 2015 are listed below.

- a. Empowering line staff to confidently lead program activities on **Saturday, April 11, 2015** *(Please note that HSLI is planning a training specifically for line staff in collaboration with HCC, HSLI will share the relative information on this trainings once the details become available)*
- b. Community Service Learning and Quality Improvement Assessments (Full Day) on **Saturday, May 2, 2015 –**

*****HSLI is partnering with the Preschool Enrichment Team to provide trainings to summer programs in 2015**

Quality Enhancement Award

- ❖ HSLI will distribute a quality enhancement grant of up to \$3,000 to Springfield Parks and Recreation at Liberty School to directly support HSLI related activities and program quality enhancements.
 - Allowable expenses include: the purchase of materials and supplies for curriculum; expansion of libraries and literacy materials; staff stipends to attend training or for paid time for planning; transportation and entrance fees for educational field trips; funds to increase family engagement and coordination with schools.
 - **\$100 of the \$3,000 award will be given directly to the HSLI curriculum/literacy specialist for the purchase of materials that are directly linked to program.**
 - Expenses incurred by the curriculum/literacy specialist during the course of program planning and implementation will be reimbursable. Reimbursable expenses **should not** exceed \$100. All receipts **must be** submitted with reimbursement requests.
- ❖ Springfield Parks and Recreation at Liberty School will submit a detailed budget for the awarded \$3,000 action grant to the HSLI program director. If needed, please discuss any change(s) to the submitted budget with the HSLI program director prior to proceeding with the adjustment(s).
- ❖ Upon the receipt of the signed MOA and program budget, HSLI will provide Springfield Parks and Recreation at Liberty School with partial funding (\$1,500).
- ❖ Springfield Parks and Recreation at Liberty School will provide HSLI with the program quality improvement plan on or before May 15, 2015 according to the guidelines listed in the MOA.
- ❖ Upon the receipt of the quality improvement plan, HSLI will provide Springfield Parks and Recreation at Liberty School with the balanced funding (\$1,400).

Program Evaluation

- ❖ Springfield Parks and Recreation at Liberty School will participate in HSLI evaluation
 - HSLI Literacy Assessments
 - HSLI team and Springfield Parks and Recreation at Liberty School staff will work with collaboratively to implement HSLI pre and post assessments in a timely manner
 - HSLI will provide Springfield Parks and Recreation at Liberty School with student evaluation consent materials to be include in program registration packet
 - Springfield Parks and Recreation at Liberty School will provide HSLI with eligible participant first names, last initial and associated demographic information

Memorandum of Agreement

Hasbro Summer Learning Quality Enhancement Initiative

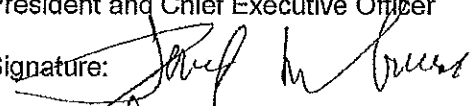
- HSLI will provide programs with initial results and to guide literacy support strategies with students
- Program Survey
 - HSLI will administer HSLI End-of-Program surveys (via Survey Monkey) for program staff and champion to complete

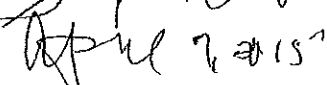
V. General Terms and Conditions

The terms and conditions of this MOA may be revised or modified at any time during the effective period of the MOA, upon written consent of all of the partners. By signing this Memorandum of Agreement, each partner institution commits to the implementation of the Hasbro Summer Learning Quality Enhancement Initiative in summer 2015.

Regional Employment Board of Hampden County Hasbro Summer Learning Initiative

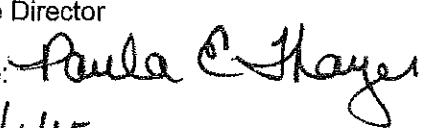
David M. Cruise
President and Chief Executive Officer

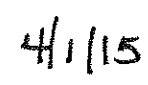
Signature: 

Date: 

Springfield Parks and Recreation at Liberty School

Paula Thayer
Executive Director

Signature: 

Date: 

Attachment: HSLI 2015 Summer Ongoing Planning Document for HSLI Coaches and Programs

REGIONAL EMPLOYMENT BOARD OF HAMPDEN COUNTY, INC.

30409

VENDOR NO.: 1839 NAME: SPRINGFIELD PARKS DEPARTMENT CHECK DATE: 4/22/2015

REFERENCE NUMBER	INVOICE DATE	GROSS AMOUNT	DISCOUNT TAKEN	NET AMOUNT PAID
#SP & R-2015-01	4/22/2015	1,500.00	0.00	1,500.00

TOTAL

1,500.00

30409

REGIONAL EMPLOYMENT BOARD
OF HAMPDEN COUNTY, INC.1441 MAIN ST., 1ST FLR.
SPRINGFIELD, MA 01103

5-13-110

DATE	AMOUNT
4/22/2015	***1,500.00

PAY One Thousand Five Hundred and 00/100*****

TO THE
ORDER
OFSPRINGFIELD PARKS DEPARTMENT
ATTN: PAULA THAYER
EXECUTIVE DIRECTOR
200 TRAFTON ROAD
SPRINGFIELD, MA 01108

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

Attachment: Hasbro Grant Set Up & Contract (3066 : Hasbro Summer Learning Initiative Grant - \$2,900)

⑈030409⑈ ⑆011000138⑆ 000009000590⑈



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3060

3.9

Donation Women's Commission - No Match Required (\$100) (Mayor Sarno)

WHEREAS, the Springfield Women's Commission ("Commission"), an ad hoc committee of the City Council, has been awarded a donation of \$100.00 from The Committee to Elect Kateri Walsh

WHEREAS, the funds provided shall be used towards the cost of the Commission's International Women's Day event on Friday, May 22th,

WHEREAS, the funds provided shall cover the cost of miscellaneous expenses totaling \$100.00,

WHEREAS, the Commission has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds for the purposes of the International Women's Day event:

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

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

Springfield Women's Commission Donation \$100.00

Committee to Elect Kateri Walsh

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3061

3.10

Donation Women's Commission - No Match Required (\$50) (Mayor Sarno)

WHEREAS, the Springfield Women's Commission ("Commission"), an ad hoc committee of the City Council, has been awarded a donation of \$50.00 from Kathy Tobin Martin

WHEREAS, the funds provided shall be used towards the cost of the Commission's International Women's Day event on Friday, May 22th,

WHEREAS, the funds provided shall cover the cost of miscellaneous expenses totaling \$50.00,

WHEREAS, the Commission has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds for the purposes of the International Women's Day event:

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

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

Springfield Women's Commission Donation \$50.00

Kathy Tobin Martin
265 Springfield Street
Springfield, MA 01107

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3062

3.11

Donation Women's Commission- No Match Required (\$50) (Mayor Sarno)

WHEREAS, the Springfield Women's Commission ("Commission"), an ad hoc committee of the City Council, has been awarded a donation of \$50.00 from Katherine J. Pedersen

WHEREAS, the funds provided shall be used towards the cost of the Commission's International Women's Day event on Friday, May 22th,

WHEREAS, the funds provided shall cover the cost of miscellaneous expenses totaling \$50.00,

WHEREAS, the Commission has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds for the purposes of the International Women's Day event:

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

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

Springfield Women's Commission Donation \$50.00

Katherine J. Pedersen
82 Montgomery St.
Westfield, MA 01085

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3063

3.12

Donation Women's Commission - No Match Required (\$50) (Mayor Sarno)

WHEREAS, the Springfield Women's Commission ("Commission"), an ad hoc committee of the City Council, has been awarded a donation of \$50.00 from Barbara P. Loh

WHEREAS, the funds provided shall be used towards the cost of the Commission's International Women's Day event on Friday, May 22th,

WHEREAS, the funds provided shall cover the cost of miscellaneous expenses totaling \$50.00,

WHEREAS, the Commission has accepted the donation and requests authorization from the City Council and the Mayor to expend the donation funds for the purposes of the International Women's Day event:

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

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

Springfield Women's Commission Donation \$50.00

Barbara P. Loh
595 Frank Smith Road
Longmeadow, MA 01106

RESULT: PASSED BY VOICE VOTE



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Mitchell Doty
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3070

4.13

Snow & Ice Budget Transfer - \$1,246,330.55 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield for the fiscal year commencing July 1, 2014 and ending June 30, 2015 (FY15), pursuant to Mass. Gen. Laws ch. 44, Section 33B, Ch. 59, Section 23 and Chapter 468 of the Acts of 2008, the Chief Administrative and Financial Officer and his Honor the Mayor have requested authorization from the City Council to appropriate the sum of \$1,246,330.55 from FY15 Free Cash to the Streets & Engineering (Snow and Ice) - Temporary Salaries & Wages, and Hired Equipment line items in order to fund 2014/2015 winter storm cleanup costs, and;

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the transfer, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008;

NOW THEREFORE BE IT ORDERED, that the City Council approves the appropriation of \$1,246,330.55 from FY15 Free Cash to the Streets & Engineering (Snow and Ice) - Temporary Salaries & Wages, and Hired Equipment line items in order to fund 2014/2015 winter storm cleanup costs, and meet the expenses of the City of Springfield for Fiscal Year 2015.

From: Comptroller's Office - Other Financing Use

0100-00-000-0000-0000-000000-0000000-701000 - \$1,246,330.55

To: Streets & Engineering (Snow and Ice) - Temporary Salaries & Wages

0100-40-400-4230-4999-0090-000000-0000000-503000 - \$72,479.64

To: Streets & Engineering (Snow and Ice) - Hired Equipment

0100-40-400-4230-4231-0090-000000-0000000-531710 - \$1,173,850.91

FINANCIAL IMPACT:

\$1,246,330.55

RESULT:	ADOPTED [9 TO 0]
MOVER:	Kenneth E. Shea, Ward 6 Councilor
SECONDER:	Bud L. Williams, At-Large Councilor
AYES:	Allen, Shea, Ramos, Williams, Hurst, Edwards, Luna, Walsh, Fenton
ABSENT:	Thomas M. Ashe, Clodo Concepcion, Timothy J. Rooke, E. Henry Twiggs

City of Springfield
36 Court Street
Springfield, MA 01103



Office of Management
and Budget

To: Springfield City Council
From: Timothy J. Plante , Chief Administrative & Financial Officer
Date: May 12, 2015
Re: Order for Council Meeting – May 18, 2015
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 18, 2015 Council meeting which transfers \$1,246,330.55 from Comptroller's Office Other Financing Use line item to the Streets & Engineering Snow and Ice Division Temporary Salaries & Wages and Hired Equipment line items, in order to fund 2014/2015 winter storm cleanup costs.

Background: On January 30, 2015, the City Council, pursuant to Mass. Gen. Laws ch. 44, sec. 31D, approved the Streets & Engineering Department (DPW) request to incur liability and make expenditures in excess of available appropriations for snow and ice removal in FY15.

At present, DPW has overspent its current year budget by responding to the winter storms of 2014 and 2015, and without receiving any direct reimbursement from the Commonwealth of Massachusetts, is currently running a deficit of \$1,346,330.55. Of this amount, \$100,000 is available in FY15 departmental savings and \$1,246,330.55 has been identified as available in unappropriated free cash, known as the Comptroller's Office Other Financing Use line item. This transfer will balance the division's budget for the remainder of Fiscal Year 2015.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, 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.

This certification is made 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.

Attachment: CAFO Certification DPW Snow & Ice Deficit FY15 (3070 : Snow & Ice Budget Transfer - \$1,246,330.55)



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Jennifer Whisher
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3067

4.14

Free Cash to School Department Transportation Costs - \$750,000 (Mayor Sarno)

WHEREAS, to meet the expenses of the Springfield School Department pursuant to Mass. Gen. Laws Ch. 44, Section 33B, Ch. 59, Section 23 and Chapter 468 of the Acts of 2008, the Chief Administrative and Financial Officer and his Honor the Mayor have requested authorization from the City Council to appropriate the sum of \$750,000 from FY15 Free Cash to the School Department Transportation Contract Carrier Account for increasing costs associated with McKinney Vento and Charter School transportation.

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

NOW THEREFORE BE IT ORDERED, that the City Council approves the appropriation of the sum of \$750,000 from FY15 Free Cash to the Springfield School Department Transportation Contract Carrier Account.

From:

Certified Free Cash - Other Financing Uses

0100-00-000-0000-0000-000000-0000000-701000 **\$750,000.00**

To:

Transportation Contract Carrier

0100-30-340-3911-3911-3980-303000-0000000-533100 **\$750,000.00**

RESULT:	ADOPTED [11 TO 0]
MOVER:	Bud L. Williams, At-Large Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Allen, Shea, Ramos, Rooke, Williams, Twiggs, Hurst, Edwards, Luna, Walsh, Fenton
ABSENT:	Thomas M. Ashe, Clodo Concepcion

City of Springfield
36 Court Street
Springfield, MA 01103



Division of Administration
and Finance

To: Springfield City Council
From: Timothy J. Plante, Chief Administrative & Financial Officer
Date: May 18, 2015
Re: Order for Council Meeting – 5/18/2015
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 18, 2015 Council meeting. This order is to transfer funds from Unappropriated FY15 Free Cash to School Department Transportation Account in the amount of \$ 750,000.

Background: As you know, school transportation, which is an unfunded mandate, has been a budget buster in recent years and this year is no exception. During FY15, the school department transportation account is currently running a deficit of approximately \$750K. The major cost drivers are Out of District Placements for our students with special needs and IEPs, charter schools, and McKinney-Vento homeless transportation.

Out of District Placements for IEPs

The Individuals with Disabilities Education Act (IDEA) (34 C.F.R. § 300.24(b)(15)), requires all states accepting federal money under the Act to provide free appropriate public education (FAPE) for students with disabilities in the least restrictive environment. With the population of special needs students increasing, along with increasingly complex individual education plans (IEPs), many students are placed in schools out of the Springfield School District for their education. Students with IEPs calling for out of district placements live all over the City, require special transportation, and can require transportation as far as Hartford.

Charter School Transportation

With the cap on the number of charter schools allowed in an area lifted, Springfield anticipates the number of charter schools will increase. According to Massachusetts General Law (M.G.L. Ch. 71 § 89), the school district in which the charter school is located is required to provide transportation to the charter school on the same terms and conditions as transportation provided to children attending local district schools. Charter school acceptance is based on a lottery system, meaning that charter school students live all over the City and are not bound by the Boundary Plan (implemented in 2005). Furthermore, charter school calendars and schedules are approved by the Board of Education and do not follow the Springfield Public School calendar. Often, their schedules and calendar year make more costly and less efficient transportation service plans.

McKinney-Vento Transportation

The Federal McKinney-Vento Homeless Education Assistance Act (42 U.S.C. § 11301) requires homeless students the right to school selection and transportation services. McKinney-Vento allows homeless students to continue their education in their schools of origin for the remainder of the academic year in which they become permanently housed, in order to provide for school stability. Students, who are homeless, are often temporarily housed in towns surrounding Springfield, requiring special busing to and from their school of origin. The State grants some funding towards these costs, but the City's responsibility continues to increase as transportation costs rise.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, 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.

This certification is made 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.



City of Springfield

ADOPTED

Meeting: 05/18/15 07:00 PM
Initiator: Mitchell Doty
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3073

4.15

Streets & Engineering Flood Control Transfer - \$60,000 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield for the fiscal year commencing July 1, 2014 and ending June 30, 2015 (FY15), pursuant to Mass. Gen. Laws ch. 44A, Section 33B, and Chapter 468 of the Acts of 2008, the Chief Administrative and Financial Officer and his Honor the Mayor have requested authorization from the City Council to transfer the sum of \$60,000.00 from the Streets & Engineering (Fleet Management) - Salaries and Wages line item to Streets & Engineering (Administration) - Software, Streets & Engineering (Streets) - Mixes, and Streets & Engineering (Storm Drains) - Professional Services line items, to fund current repair and mandated flood control maintenance projects, and;

WHEREAS, Streets & Engineering, whose Department is in control of the appropriation from which the transfer is proposed to be made, has approved this transfer, and;

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the transfer, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008;

NOW THEREFORE BE IT ORDERED, that the City Council approves the transfer of the sum of \$60,000.00 from the Streets & Engineering (Fleet Management) - Salaries and Wages line item to Streets & Engineering (Administration) - Software, Streets & Engineering (Streets) - Mixes, and Streets & Engineering (Storm Drains) - Professional Services line items, to fund current repair and mandated flood control maintenance projects, and meet the expenses of the City of Springfield for Fiscal Year 2015.

From: Streets & Engineering (Fleet Management) - Salaries and Wages

0100-40-400-4430-4999-0090-000000-0000000-501000 - \$60,000.00

To: Streets & Engineering (Administration) - Software

0100-40-400-4210-4211-0090-000000-0000000-542300 - \$12,000.00

To: Streets & Engineering (Streets) - Mixes

0100-40-400-4220-4225-0090-000000-0000000-553200 - \$13,000.00

To: Streets & Engineering (Storm Drains) - Professional Services

0100-40-400-4430-4999-0090-000000-0000000-530105 - \$35,000.00

FINANCIAL IMPACT:

\$60,000

RESULT:	ADOPTED [10 TO 0]
MOVER:	Melvin A. Edwards, Ward 3 Councilor
SECONDER:	Orlando Ramos, Vice President
AYES:	Allen, Shea, Ramos, Williams, Twiggs, Hurst, Edwards, Luna, Walsh, Fenton
ABSENT:	Thomas M. Ashe, Clodo Concepcion, Timothy J. Rooke

City of Springfield
36 Court Street
Springfield, MA 01103



Office of Management
and Budget

To: Springfield City Council
From: Timothy J. Plante , Chief Administrative & Financial Officer
Date: May 13, 2015
Re: Order for Council Meeting – May 18, 2015
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 18, 2015 Council meeting that transfers \$60,000.00 from the Streets & Engineering Salaries and Wages line item to various OTPS line items, to fund current repairs and mandated flood control projects.

Background:

Streets and Engineering (DPW) has new engineers and requires new software licenses for these individuals to perform design and planning work. DPW also continues to make road repairs after a particularly tough winter season, yet is depleting pothole repair materials and requires additional funds to purchase concrete and asphalt.

In addition, DPW requires additional funds to initiate projects aimed at ensuring compliance with mandated flood control projects. The Army Corps of Engineers has issued several flood control management and maintenance directives, and \$35,000 of this transfer will be used to fund these projects.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, 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.

This certification is made 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.

Attachment: CAFO Certification DPW Salary Transfer (3073 : Streets & Engineering Flood Control Transfer - \$60,000)



City of Springfield

36 Court Street
Springfield, MA 01103

ADOPTED

RESOLUTION 2015-1

Meeting: 05/18/15 07:00 PM

Department: City Council

Category: Council Request

Prepared By: Kelley Mickiewicz

Initiator: Orlando Ramos

Sponsors: Vice President Orlando Ramos

DOC ID: 3071 C

Body-Worn Cameras for Springfield Police Department

- WHEREAS, the Commonwealth of Massachusetts' Joint Labor Management Committee in the matter of interest arbitration between the City of Springfield and the International Brotherhood of Police Officers, Local 364 (Union) ruled in favor of the formulation of a Joint Study Committee to the installation of a mobile video and audio recording system in police cruisers, and
- WHEREAS, the Joint Study Committee is comprised of four bargaining unit employees appointed by the Union President and four Management officials appointed by the Commissioner, and
- WHEREAS, the arbitrator's ruling stated that the Joint Study Committee shall meet regularly and develop recommendations to be referred to the parties' bargaining committees in advance of the negotiations for a successor contract to July 1, 2013 to June 30, 2016 collective bargaining agreement, and
- WHEREAS, in a 2011 report Community Police Hearing Board contended that the instillation of cameras would assist the City in protecting the patrol officers from assaults and unfounded allegations of police misconduct, while also providing protection to civilians from police misconduct, and
- WHEREAS, the utility of dashboard-mounted cameras is limited to interactions within the cameras' view that take place around vehicles, unlike mobile body-worn cameras, which accompany police throughout the course of their duties, and
- WHEREAS, the Massachusetts House of Representatives' committee on Public Safety and Homeland Security is currently debating Bill H.2170- An Act promoting the use of body-worn cameras by law enforcement, and
- WHEREAS, President Barack Obama recently proposed a three-year \$263 million investment package that will increase use of body-worn cameras; in addition to training measures,

NOW, THEREFORE, BE IT RESOLVED that the Springfield City Council urges the Joint Study Committee to develop recommendations for the implementation and use of body-worn cameras for the Springfield Police Department, however, the passage of this Resolution shall in no way be interpreted as to prevent the installation of a mobile video and audio

recording system in police cruisers.

RESULT: PASSED AS AMENDED

May 2015



Body-Worn Cameras for Police

The Problem

High-profile incidents in which police officers have harmed or killed civilians—quite often, people of color—have called attention to the problem of police misconduct without consequence or oversight. Law enforcement advocates, meanwhile, assert that this criticism unfairly damages the reputations of officers who do not engage in misconduct. Such mistrust between police and civilians erodes their ability to work together to protect communities.

Factual disputes are a crucial part of this problem. In some cases, such as the killing of Walter Scott in South Carolina, cameras have revealed terrifying police misconduct that might otherwise have gone unproved.ⁱ In others, such as the killing of Angelo West in Roxbury, video has allayed community concerns about possible misconduct.ⁱⁱ In all cases, for both the community and the police, learning the true facts is vitally important.

The Solution

To protect both law enforcement officers and community members, police who engage in encounters with civilians (including interrogations, stops, frisks, and searches) should be required to use body-worn cameras (BWCs) during public interactions.

The evidence supporting this solution is clear. In Rialto, California, implementing BWCs led to a 60% reduction in officer use of force and an 88% reduction in the number of citizen complaints.ⁱⁱⁱ And after BWCs were introduced in San Diego, uses of force and civilian complaints also dropped dramatically (41% and 47% respectively).^{iv}

According to a recent poll, 90% of Americans support BWCs for police.^v

Privacy Protections

The ACLU of Massachusetts supports BWCs if they are operated according to policies that adequately protect privacy and create transparency. Some of these measures include:

- *Notice to people being recorded.*

Whenever possible, police should notify people that they are being recorded. In the interest of protecting privacy, cameras should be turned off *at a civilian's request* in sensitive situations such as recording inside of homes or of sexual assault victims. Officers should not be permitted turn off BWCs unless the civilian request to do so has been recorded.

- *No use for surveillance.*

Body-worn cameras should not be used for surveillance or gathering of information based on First Amendment-protected speech, associations, or religion. Data from BWCs must not be used in any facial recognition system.

- *Public release.*

Videos of public importance, such as those involving use of force, should be made public. Those with highly private footage, such as inside people’s homes, should remain private.

- *Video should not be kept indefinitely.*

BWC video should be deleted in a matter of weeks unless a recording is flagged at the subject’s request or because it documents the use of force, involves an encounter that is the subject of a complaint, or led to a detention or arrest.

Accountability

Some principles to ensure that BWCs create accountability include:

- *Clear rules of when to record, with minimal officer discretion.*

Body cameras don’t advance accountability if police can turn them off any time they don’t want to be recorded. Officers should record when responding to a call for service or any investigative encounter. That includes stops, frisks, searches, arrests, consensual interviews and searches, enforcement actions of all kinds, and any encounter that becomes in any way hostile or confrontational.

- *Meaningful consequences for failure to activate cameras.*

Failure to activate cameras or tampering with equipment must result in sanctions.

ⁱ “Walter Scott Shooting Footage Synced with Police Scanner Audio,” www.theguardian.com, April 9, 2015.
ⁱⁱ “Video Released of City Officer Being Shot,” www.thebostonglobe.com, April 10, 2015.
ⁱⁱⁱ *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. Washington, DC: Office of Community Oriented Policing Services, 2014.
^{iv} “Police Body Camera Experiment in San Diego Produces Promising Results,” www.washingtonpost.com, March 25, 2015.
^v “Negative View of US Race Relations Grows,” www.nytimes.com, May 4, 2015.

Police Body-Mounted Cameras: With Right Policies in Place, a Win For All

Version 2.0

By Jay Stanley, ACLU Senior Policy Analyst

Originally published: October 2013
Last updated: March, 2015

Introduction to Version 2.0¹

Since we published the first version of this policy white paper in October 2013, interest in police body cameras has exploded. The August 2014 shooting of Michael Brown in Ferguson, Missouri and the subsequent protests focused new public attention on the problem of police violence—and on the possibility that body cameras might be part of the solution. The following December, a grand jury’s decision not to indict an officer in the videotaped chokehold death of Eric Garner in New York City further intensified discussion of the technology.

With so much attention being paid to body cameras, we have received a lot of thoughtful feedback on our policy recommendations. Overall, considering how early in the discussion we issued our paper, we believe our recommendations have held up remarkably well. But in this revision of the paper we have seen fit to refine our recommendations in some areas, such as when police should record. And of course, the intersection of technology and human behavior being highly complex and unpredictable, we will continue to watch how the technology plays out in the real world, and will most likely continue to update this paper.

"On-officer recording systems" (also called "body cams" or "cop cams") are small, pager-sized cameras that clip on to an officer's uniform or are worn as a headset, and record audio and video of the officer's interactions with the public. Recent surveys suggest that about 25% of the nation’s 17,000 police agencies were using them, with fully 80% of agencies evaluating the technology.

¹ I would like to thank Doug Klunder of the ACLU of Washington, who did much of the thinking behind the analysis set forth in the original draft of this paper; Scott Greenwood of Ohio; and my colleagues at the national office, for their valuable feedback and advice.

Much interest in the technology stems from a growing recognition that the United States has a real problem with police violence. In 2011, police killed six people in Australia, two in England, six in Germany and, according to an FBI count, 404 in the United States. And that FBI number counted only “justifiable homicides,” and was comprised of *voluntarily submitted* data from just 750 of 17,000 law enforcement agencies. Attempts by journalists to compile more complete data by collating local news reports have resulted in estimates as high as 1,000 police killings per year in the United States. Fully a quarter of the deaths involved a white officer killing a black person.

The ACLU’s Interest

Although we at the ACLU generally take a dim view of the proliferation of surveillance cameras in American life, police on-body cameras are different because of their potential to serve as a check against the abuse of power by police officers. Historically, there was no documentary evidence of most encounters between police officers and the public, and due to the volatile nature of those encounters, this often resulted in radically divergent accounts of incidents. Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse.

We're against pervasive government surveillance, but when cameras primarily serve the function of allowing public monitoring of the government instead of the other way around, we generally support their use. While we have opposed government video surveillance of public places, for example, we have supported the installation of video cameras on police car dashboards, in prisons, and during interrogations.

At the same time, body cameras have more of a potential to invade privacy than those deployments. Police officers enter people's homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and extreme situations.

For the ACLU, the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but *only* if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance *of* the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.

On-officer cameras are a significant technology that implicates important, if sometimes conflicting, values. We will have to watch carefully to see how they are deployed and what their effects are over time, but in this paper we outline our current thinking about and recommendations for the technology. These recommendations are subject to change.

Control over recordings

Perhaps most importantly, policies and technology must be designed to ensure that police cannot "edit on the fly" — i.e., choose which encounters to record with limitless discretion. If police are free to turn the cameras on and off as they please, the cameras'

role in providing a check and balance against police power will shrink and they will no longer become a net benefit.

The primary question is how that should be implemented.

Purely from an accountability perspective, the ideal policy for body-worn cameras would be for continuous recording throughout a police officer's shift, eliminating any possibility that an officer could evade the recording of abuses committed on duty.

The problem is that continuous recording raises many thorny privacy issues, for the public as well as for officers. For example, as the Police Executive Research Forum (PERF) pointed out in their September 2014 report on body cameras, crime victims (especially victims of rape, abuse, and other sensitive crimes), as well as witnesses who are concerned about retaliation if seen cooperating with police, may have very good reasons for not wanting police to record their interactions. We agree, and support body camera policies designed to offer special privacy protections for these individuals.

Continuous recording would also mean a lot of mass surveillance of citizens' ordinary activities. That would be less problematic in a typical automobile-centered town where officers rarely leave their cars except to engage in enforcement and investigation, but in a place like New York City it would mean unleashing 30,000 camera-equipped officers on the public streets, where an officer on a busy sidewalk might encounter thousands of people an hour. That's a lot of surveillance. That would be true of many denser urban neighborhoods—and of course, the most heavily policed neighborhoods, poor and minority areas, would be the most surveilled in this way.

Continuous recording would also impinge on police officers when they are sitting in a station house or patrol car shooting the breeze — getting to know each other as humans, discussing precinct politics, etc. We have some sympathy for police on this; continuous recording might feel as stressful and oppressive in those situations as it would for any employee subject to constant recording by their supervisor. True, police officers with their extraordinary powers are not regular employees, and in theory officers' privacy, like citizens', could be protected by appropriate policies (as outlined below) that ensure that 99% of video would be deleted in relatively short order without ever being reviewed. But on a psychological level, such assurances are rarely enough. There is also the danger that the technology would be misused by police supervisors against whistleblowers or union activists — for example, by scrutinizing video records to find minor violations to use against an officer.

On the other hand, if the cameras do not record continuously, that would place them under officer control, which allows them to be manipulated by some officers, undermining their core purpose of detecting police misconduct. Indeed, this is precisely what we are seeing happening in many cases.

The balance that needs to be struck is to ensure that officers can't manipulate the video record, while also placing reasonable limits on recording in order to protect privacy.

One possibility is that some form of effective automated trigger could be developed that would allow for minimization of recording while capturing any fraught encounters — based, for example, on detection of raised voices, types of movement, etc. With dashcams, the devices are often configured to record whenever a car's siren or lights are activated, which provides a rough and somewhat (though not entirely) non-discretionary measure of when a police officer is engaged in an encounter that is likely to be a problem. That policy is not applicable to body cams, however, since there is no equivalent to flashing lights. And it's not clear that any artificial intelligence system in the foreseeable future will be smart enough to reliably detect encounters that should be recorded. In any case, it is not an option with today's technology.

Another possibility is that police discretion be minimized by requiring the recording of all encounters with the public. That would allow police to have the cameras off when talking amongst themselves, sitting in a squad car, etc., but through that bright-line rule still allow officers no discretion, and thus no opportunity to circumvent the oversight provided by cameras.

An all-public-encounters policy is what we called for in the first version of this white paper, but (as we first explained [here](#)), we have refined that position. The problem is that such a policy does not address the issues mentioned above with witnesses and victims, and greatly intensifies the privacy issues surrounding the cameras, especially in those states where open-records laws do not protect the privacy of routine video footage.

If a police department is to place its cameras under officer control, then it becomes vitally important that it put in place tightly effective means of limiting officers' ability to choose which encounters to record. Policies should require that an officer activate his or her camera *when responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a police officer and a member of the public*. That would include stops, frisks, searches, arrests, consensual interviews and searches, enforcement actions of all kinds. This should cover any encounter that becomes in any way hostile or confrontational.

If officers are to have control over recording, it is important not only that clear policies be set, but also that they have some teeth. In too many places ([Albuquerque](#), [Denver](#), and [other cities](#)) officer compliance with body camera recording and video-handling rules has been terrible. Indeed, researchers report that compliance rates with body camera policies are as low as 30%.

When a police officer assigned to wear a body camera fails to record or otherwise interferes with camera video, three responses should result:

1. Direct disciplinary action against the individual officer.
2. The adoption of rebuttable evidentiary presumptions in favor of criminal defendants who claim exculpatory evidence was not captured or was destroyed.
3. The adoption of rebuttable evidentiary presumptions on behalf of civil plaintiffs suing the government, police department and/or officers for damages based on

police misconduct. The presumptions should be rebuttable by other, contrary evidence or by proof of exigent circumstances that made compliance impossible.

Evidentiary presumptions against a defendant-officer in a criminal proceeding should not be sought, as they are insufficient for meeting the burden of proof in a criminal case and might lead to false convictions.

Limiting the threat to privacy from cop cams

The great promise of police body cameras is their oversight potential. But equally important are the privacy interests and fair trial rights of individuals who are recorded. Ideally there would be a way to minimize data collection to only what was reasonably needed, but there's currently no technological way to do so.

Police body cameras mean that many instances of entirely innocent behavior (on the part of both officers and the public) will be recorded. Perhaps most troubling is that some recordings will be made inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls. In the case of dashcams, we have also seen video of particular incidents released for no important public reason, and instead serving only to embarrass individuals. Examples have included DUI stops of celebrities and ordinary individuals whose troubled and/or intoxicated behavior has been widely circulated and now immortalized online. The potential for such merely embarrassing and titillating releases of video is significantly increased by body cams.

Therefore it is vital that any deployment of these cameras be accompanied by good privacy policies so that the benefits of the technology are not outweighed by invasions of privacy. The core elements of such a policy follow.

Notice to citizens

Most privacy protections will have to come from restrictions on subsequent retention and use of the recordings. There are, however, a few things that can be done at the point of recording.

1. Body cameras should generally be limited to uniformed police officers and marked vehicles, so people know what to expect. Exceptions should be made for non-uniformed officers involved in SWAT raids or in other planned enforcement actions or uses of force.
2. Officers should be required, wherever practicable, to notify people that they are being recorded (similar to existing law for dashcams in some states such as Washington). One possibility departments might consider is for officers to wear an easily visible pin or sticker saying "lapel camera in operation" or words to that effect. Cameras might also have blinking red lights when they record, as is standard on most other cameras.

- 3. It is especially important that the cameras not be used to surreptitiously gather intelligence information based on First Amendment protected speech, associations, or religion. (If the preceeding policies are adopted, this highly problematic use would not be possible.)

Recording in the home

Because of the uniquely intrusive nature of police recordings made inside private homes, officers should be required to provide clear notice of a camera when entering a home, except in circumstances such as an emergency or a raid. And departments should adopt a policy under which officers ask residents whether they wish for a camera to be turned off before they enter a home in non-exigent circumstances. (Citizen requests for cameras to be turned off must themselves be recorded to document such requests.) Cameras should never be turned off in SWAT raids and similar police actions.

Retention

Data should be retained no longer than necessary for the purpose for which it was collected. For the vast majority of police encounters with the public, there is no reason to preserve video evidence, and those recordings therefore should be deleted relatively quickly.

- Retention periods should be measured in weeks not years, and video should be deleted after that period unless a recording has been flagged. Once a recording has been flagged, it would then switch to a longer retention schedule (such as the three-year period currently in effect in Washington State).
- These policies should be posted online on the department's website, so that people who have encounters with police know how long they have to file a complaint or request access to footage.
- Flagging should occur automatically for any incident:
 - involving a use of force;
 - that leads to detention or arrest; or
 - where either a formal or informal complaint has been registered.
- Any subject of a recording should be able to flag a recording, even if not filing a complaint or opening an investigation.
- The police department (including internal investigations and supervisors) and third parties should also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable suspicion that the video contains evidence of a crime. We do not want the police or gadflies to be able to routinely flag all recordings in order to circumvent the retention limit.

- If any useful evidence is obtained during an authorized use of a recording (see below), the recording would then be retained in the same manner as any other evidence gathered during an investigation.
- Back-end systems to manage video data must be configured to retain the data, delete it after the retention period expires, prevent deletion by individual officers, and provide an unimpeachable audit trail to protect chain of custody, just as with any evidence.

Use of Recordings

The ACLU supports the use of cop cams for the purpose of police accountability and oversight. It's vital that this technology not become a backdoor for any kind of systematic surveillance or tracking of the public. Since the records will be made, police departments need to be subject to strong rules around how they are used. The use of recordings should be allowed only in internal and external investigations of misconduct, and where the police have reasonable suspicion that a recording contains evidence of a crime. Otherwise, there is no reason that stored footage should even be reviewed by a human being before its retention period ends and it is permanently deleted. Nor should such footage be subject to face recognition searches or other analytics.

Subject Access

People recorded by cop cams should have access to, and the right to make copies of, those recordings, for however long the government maintains copies of them. That should also apply to disclosure to a third party if the subject consents, or to criminal defense lawyers seeking relevant evidence.

Public Disclosure

When should the public have access to cop cam videos held by the authorities? Public disclosure of government records can be a tricky issue pitting two important values against each other: the need for government oversight and openness, and privacy. Those values must be carefully balanced by policymakers. One way to do that is to attempt to minimize invasiveness when possible:

- Public disclosure of any recording should be allowed with the consent of the subjects, as discussed above.
- Redaction of video records should be used when feasible — blurring or blacking out of portions of video and/or distortion of audio to obscure the identity of subjects. If recordings are redacted, they should be discloseable.
- Unredacted, unflagged recordings should not be publicly disclosed without consent of the subject. These are recordings where there is no indication of police misconduct or evidence of a crime, so the public oversight value is low. States

may need to examine how such a policy interacts with their state open records laws.

- Flagged recordings are those for which there is the highest likelihood of misconduct, and thus the ones where public oversight is most needed. Redaction of disclosed recordings is preferred, but when that is not feasible, unredacted flagged recordings should be publicly discloseable, because in such cases the need for oversight generally outweighs the privacy interests at stake.

Good technological controls

It is important that close attention be paid to the systems that handle the video data generated by these cameras.

- Systems should be architected to ensure that segments of video cannot be destroyed. A recent case in Maryland illustrates the problem: surveillance video of an incident in which officers were accused of beating a student disappeared (the incident was also filmed by a bystander). An officer or department that has engaged in abuse or other wrongdoing will have a strong incentive to destroy evidence of that wrongdoing, so technology systems should be designed to prevent any tampering with such video.
- In addition, all access to video records should be automatically recorded with immutable audit logs.
- Systems should ensure that data retention and destruction schedules are properly maintained.
- It is also important for systems be architected to ensure that video is only accessed when permitted according to the policies we've described above, and that rogue copies cannot be made. Officers should not be able to, for example, pass around video of a drunk city council member, or video generated by an officer responding to a call in a topless bar, or video of a citizen providing information on a local street gang.
- If video is held by a cloud service or other third party, it should be encrypted end-to-end so that the service provider cannot access the video.

It is vital that public confidence in the integrity of body camera privacy protections be maintained. We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will become public or reach the wrong party. Confidence can only be created if good policies are put in place and backed up by good technology.

As the devices are adopted by police forces around the nation, studies should be done to measure their impact. Only very limited studies have been done so far. Are domestic

violence victims hesitating to call the police for help by the prospect of having a camera-wearing police officer in their home, or are they otherwise affected? Are privacy abuses of the technology happening, and if so what kind and how often?

Although fitting police forces with cameras will generate an enormous amount of video footage and raises many tricky issues, if the recording, retention, access, use, and technology policies that we outline above are followed, very little of that footage will ever be viewed or retained, and at the same time those cameras will provide an important protection against police abuse. We will be monitoring the impact of cameras closely, and if good policies and practices do not become standard, or the technology has negative side effects we have failed to anticipate, we will have to reevaluate our position on police body cameras.

Use of body cameras in different contexts

Body cameras are not justified for use by government officials who do not have the authority to conduct searches and make arrests, such as parking enforcement officers, building inspectors, teachers, or other non-law enforcement personnel. Police officers have the authority, in specific circumstances, to shoot to kill, to use brutal force, and to arrest people—and all too often, abuse those powers. The strong oversight function that body cameras promise to play with regards to police officers makes that deployment of the technology a unique one. For other officials, the use of body cameras does not strike the right balance between the oversight function of these cameras and their potential intrusiveness.