



City Council

Regular Meeting

~ Final ~

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

Tasheena Davis
4137876589

Monday, April 5, 2021

7:00 PM

Virtual Meeting (Zoom)

Possible Public Speak-Out Time 6:30 PM

Call to Order

7:00 PM Meeting called to order on April 5, 2021 at Virtual Meeting (Zoom) , Virtual Meeting, N/A, NA.

Attendee Name	Title	Status	Arrived
Melvin A. Edwards	Ward 3 Councilor	Remote	
Jesse Lederman	At-Large Councilor	Remote	
Gumercindo Gomez	Ward 1 Councilor	Remote	
Timothy C. Allen	Ward 7 Councilor	Remote	
Sean Curran	At-Large Councilor	Remote	
Tracye Whitfield	Vice President At-Large Councilor	Remote	
Orlando Ramos	Ward 8 Councilor	Remote	
Malo Brown	Ward 4 Councilor	Remote	
Kateri B. Walsh	At-Large Councilor	Remote	
Victor Davila	Ward 6 Councilor	Remote	
Michael A. Fenton	Ward 2 Councilor	Remote	
Justin Hurst	At-Large Councilor	Remote	
Marcus J Williams	President-Ward 5 Councilor	Remote	

Moment of Silence - Pledge of Allegiance

Reports of Committee

Councilor Whitfield gave a report of the Finance Committee.

Councilor Edwards gave a report of the General Government Committee.

Councilor Walsh gave a report of the Maintenance and Development Committee.

Councilor Lederman gave a report of the COVID-19 Response Committee.

Councilor Hurst gave a report of the Audit Committee.

Councilor Allen gave a report of the Elder Affairs Committee.

Councilor Ramos gave a report of the Public Safety Committee.

I. Special Permits

City Council president Marcus Williams will also be extending resident participation for hearings meetings. The City Council office will manage a sign-up sheet for both proponents and opponents who wish to participate in providing live testimony via Zoom (that can be accessed through the City's webpage) that includes special permit and/or zone change requests. For any hearings item, there will be a limit of five residents, with each having two minutes to speak. The City Council will also continue to accept testimony via email, letter or voice recording which will be circulated to all Council members prior the hearings.

1. Petition (ID # 6070)

To Amend and Existing Special Permit (Drive-Up Service Window), Granted June 2007, by Allowing a Change to the Approved Site Plans at the Property Known as 809 Boston Road (01655-0612)(Book#3729&3766/Page#485&424), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

Request:	See Above
Owner:	McDonald's Real Estate Company
By:	Brian Sheedy
Petitioner:	McDonald's Real Estate Company
By:	Brian Sheedy

HISTORY:

03/29/21

City Council

CONTINUE

Next: 04/05/21

James Cranston from Boller Engineering addressed the Council representing McDonalds. They would like to modify the existing drive thru at the Boston Road location. He asked to share his screen.

There was opposition read into the record.

-Erica Headley

Councilor Lederman asked if there were any additional representatives from McDonald's present.

Mr. Cranston stated he is the only one present.

Councilor Lederman stated that an additional representative of the property owner be present at the next hearing. The conditions from the 2007 special permit should be forwarded to the Council as it sounds like they may be in violation of their current special permit conditions.

Councilor Ramos stated that condition #12 and 13 are being violated if the letter is true. He is very concerned. The Council needs to hear from the owner. The abutter should be given the opportunity to hear from the owner.

Councilor Brown stated the owner should be in contact with the neighborhood.

Councilor Davila asked if the owner's have been in contact with the neighborhood.

Mr. Cranston stated they met with the Pine Point Neighborhood Council and they had no objection.

Councilor Fenton stated that on the Wilkes side of the property half a dozen parking spaces are being eliminated. He asked that the owner explore evaluating the lighting to dark sky compliant lighting to avoid light pollution and the fencing is frumpy. He asks the fence be replaced with 8ft. Vinyl white fencing.

Councilor Hurst stated that the property abutter should be present at the hearing. The issues are so significant the property abutter needs to be present.

Councilor Whitfield asked if an 8ft fence is allowed.

Phil Dromey, Deputy Planning Director, stated a special permit would be triggered by this height.

Councilor Gomez is in agreement with all colleagues.

Mr. Cranston stated these are serious concerns and they aren't in contact with the operator but they will go back to the client and will bring these concerns.

Councilor Edwards asked that the letter be sent to the neighborhood council president.

Motion by Councilor Gomez to continue, seconded by Councilor Hurst. All being in favor, the motion was passed.

COMMENTS - Current Meeting:

Mr. Cranston addressed the Council representing Bohler Engineering. He stated a letter was shared regarding an environmental study. Jeremy Zamonski, Director of Operations attended the meeting. He stated the grease trap and sewer issues were addressed through maintenance records showing they have been serviced and reviewed eight times in the year. The employees police the lot for trash and the photos did not show evidence of that.

Jeremy Zimonski, Director of Operations for McDonald's addressed the Council. He explained that they are a family business that maintains several McDonald's throughout Massachusetts and Connecticut. Managers are responsible for maintaining the property.

Councilor Walsh stated that the Council was taken aback by the concerns of the abutter. She asked has anyone reached out to the abutter. She inquired about the quality of life.

Mr. Cranston stated they are present for an open discussion with the abutter. The abutter has not been approached by anyone representing McDonald's.

Erica Headley of 11-13 Etna Court addressed the Council stating she is the abutter to the business that provided prior testimony in the form of a letter. She has additional videos she would like to show. She has been transferred to Corporate several times and no one has contacted her back. Each day there is something going on for example someone at the drive thru blasting music at 4:30am that woke her and her daughter. There is a gap foot under the fence where they blow trash under.

Mr. Cranston stated these are alarming concerns and there may need to be direct discussion offline with the abutter. Nothing is being moved closer to the property, one of the menu boards will be moved further from the property in question. There will be no work done from Etna Court as they have their own access point.

Councilor Brown stated that he cares about the concerns of the abutter. The cleanliness of the area may be impacted if checking once every hour is not enough. Why did the business not reach out to the abutter directly?

Mr. Cranston stated that the information was shared with the client and an open discussion was the plan of action they thought was the best.

Councilor Ramos stated that the same path from last meeting is forming and the lack of communication is concerning. He suggested continuing the hearing.

Councilor Ramos made a motion to continue the hearing, seconded by Councilor Whitfield. All being in favor the motion passed unanimously.

He asked that Code Enforcement review the business and speak with the abutter and report back to the Council.

ATTACHMENTS:

- Boston_Rd_809_Tax_Formal (PDF)
- Boston_Rd_809_2021 (PDF)
- McDonald's-Harmony Environmental Study(PDF)
- McDonald's letter-Headley-03.29.21 (PDF)

RESULT: CONTINUE

Next: 4/26/2021 7:00 PM

2. Petition (ID # 6042)

For a Special Permit for Motor Vehicle Sales and Service at the Property Known as 140 Carando Drive (02347-0008)(Land Court Document #75903), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.1 and 12.3(4).

Request:	See Above
Owner:	DASK Partnership
By:	Seth Croker
Petitioner:	Sterilis Solutions, LLC
By:	Tony Batalha, COO

HISTORY:

03/29/21	City Council	CONTINUE
Next: 04/05/21		

John Furman of VHB addressed the Council.

Attorney Shawn McCormick from Davis Mone addressed the Council with Tony Batalha of Stairless Solutions. He stated it isn't a typical auto dealership. It is for equipping ambulances with proper equipment. They attended the East Springfield Neighborhood Council and the neighbors seemed supportive of the project. There was one suggestion for the number of vehicles stored outside. They are accepting of the condition if included in the special permit conditions.

Mr. Batalha stated his business has produced a system that remediate waste real time at the point of care. The business was subcontracting the work to a company that was leasing the business at 140 Carando Drive. He explained they have decided to preserve the workers

that were already present to continue working while they take over the lease at Carando Drive.

Mr. Furman shared his screen for a presentation. He explained the plan.

Councilor Fentin stated he supports the project along with the neighborhood council.

Councilor Allen asked about the disposal system.

Mr. Batahla stated the system is two prong. Medical waste is remediate and the vehicles will be retrofitted into retired medical vehicles. He explained a great example would be the test site at the Eastfield Mall.

COMMENTS - Current Meeting:

Testimony was read from the East Springfield Neighborhood Council in favor of the petition.

Motion to approve was made by Councilor Whitfield, seconded by Councilor Davila. All being in favor the motion passed unanimously.

Councilor Edwards read the reasons into the record and they were voted on unanimously.

ATTACHMENTS:

- Carando_Dr_140_Tax_Formal (PDF)
- Carando_Dr_140_2021 (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tracye Whitfield, Vice President At-Large Councilor
SECONDER:	Victor Davila, Ward 6 Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

3. Petition (ID # 6056)

For a Special Permit to Operate a Junk Yard at the Properties Known as 255 Liberty Street (07770-0628)(Book#17192/Page#0463) and SS Liberty Street (07770-0627)(Book#16871/Page#0507) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.6.

Request:	See Above
Owner:	Liberty Street Acquisitions, LLC
By:	Morgan Finn
Petitioner:	Pick & Pull
By:	Brian McFadden

HISTORY:

03/29/21	City Council	CONTINUE
Next: 04/05/21		

Raipherr Pelligrino, attorney of Pelligrino, Ryan & Blakesley, spoke representing Pick & Pull. He explained a presentation was sent to the Council this afternoon. He explained it is an opportunity for the City of Springfield. Schnitzer is a fortune 1000 company doing business as Pick & Pull. The property can be accessed from Chestnut and Liberty Streets. He stated Pick & Pull is a green company that provides service to residents and jobs to the community. They properly dispose of vehicle fluids that assists the community by providing car parts at 75% less than retail cost. He explained there are a number of representatives

for the business present at the meeting. They met with the Lower Liberty Heights neighborhood council that voted to support the project. The chair is present to speak. They asked that the hours be adjusted to allow 6am-6pm or 7am-7pm.

Gladys Rivera, secretary of the Lower Liberty Heights Neighborhood Council, addressed the Council in favor of the project. She stated they met with the operations director several times. She stressed there have been junk yards at this site and this project is different. From a community prospective jobs will be created as they will partner with Lower Liberty Heights with an educational component.

Opposition

Letter read into the record

Rod Sitterly of Sitterly & Son Co.

Recording heard from pastor of nearby church.

Councilor Ramos asked if the representatives of the company are introduced to the Council.

Attorney Pelligrino introduced the representatives.

Councilor Ramos asked about the number of jobs being created.

Atty. Pelligrino stated 30 career jobs will be created with potential for job expansion.

Councilor Davila asked Philip Dromey about his report regarding 700 cars.

Philip Dromey, Planning Director, stated the plan stated 700 cars will be on the property.

Councilor Davila asked about a traffic impact study.

Atty. Pelligrino stated no impact study was provided but they have discussed this with the neighborhood council.

Councilor Whitfield stated we want to be sure the jobs created are for a live able wage and not just minimum wage that will stay in the community.

Colin Kelly of Pick & Pull addressed the Council. He stated he doesn't have the information with him presently but will get it to the Council.

Councilor Whitfield asked if they would be interested in hiring non-violent criminal offenders.

Mr. Kelly stated that they are open to conversation.

Councilor Whitfield stated the Sheriff's Office is down the street and would be a great marriage for the community and would help to reduce recidivism.

Councilor Davila asked if one year review would be allowed.

Phil Dromey stated that could be done.

Councilor Lederman made a motion to continue, seconded by Councilor Allen. All being in favor the motion was passed.

COMMENTS - Current Meeting:

Councilor Walsh asked Atty. Pelligrino what he felt about technical training at Putnam to allow Springfield students to participate in the business.

Atty. Pelligrino stated that was a thought and would create a perfect marriage.

Councilor Ramos stated these types of job opportunities do not come into the City very often. He stated this will be a welcome addition to the neighborhood.

Councilor Davila asked Atty. Pelligrino asked about a one year review.

Atty. Pelligrino stated that is problematic and a one year review doesn't allow amortization by the bank. He asked that the hours of condition #9 be from 7am-7pm Monday-Saturday fro production and 8am-7pm for retail.

Councilor Davila stated he is thrilled about the job opportunities but he is concerned with the noise of the business and traffic.

Atty. Pelligrino tested decimal levels with 3 acres away from the nearest residence which does not present an issue. The RMV had 300 cars a day when they were present and the traffic will be alleviated with the RMV gone.

Councilor Whitfield stated that something was received from Rod Sitterly today and she read it into the record. It was expressing opposition.

Councilor Gomez stated the neighbors are excited about the project. He stated he does not here noise in his residence. He does not believe it will be an issue.

Councilor Walsh made a motion to amend condition #9 to allow production 7am-6pm Monday-Sat.

Sales 8am-7pm 7 days a week

#10 remains as is seconded, by Councilor Allen. All being in favor the motion passed unanimously.

The reasons were read by Councilor Edwards and approved unanimously.

ATTACHMENTS:

- Liberty_St_225_Tax_Formal (PDF)
- Liberty_St_255_2021 (PDF)
- Opposition-Sitterly Moving (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kateri B. Walsh, At-Large Councilor
SECONDER:	Gumerindo Gomez, Ward 1 Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

II. Minutes

4. Monday, October 05, 2020

5. Monday, December 07, 2020

6. Monday, December 07, 2020
7. Monday, December 14, 2020

III. Informational

8. Order (ID # 6130)

February Revenue Vs. Expenditure Report

COMMENTS - Current Meeting:

Patrick Burns, City Comptroller, addressed the Council He explained excise and property taxes were due. There were two storms in February that increased expenditures.

ATTACHMENTS:

- February Revenue Vs. Expenditure Report (PDF)

RESULT: RECEIVE REPORT
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IV. Petitions

9. Petition (ID # 6057)

Armory Street Pet 10,292

HISTORY:

02/08/21	City Council	CONTINUE
Next: 03/08/21		
03/08/21	City Council	CONTINUE
Next: 03/15/21		
03/15/21	City Council	CONTINUE
Next: 04/05/21		

Chris Cignoli asked the item be continued to a later date.

Councilor Lederman made a motion to continue, seconded by Councilor Allen. All being in favor, the motion passed unanimously.

COMMENTS - Current Meeting:

Chris Cignoli asked the item to be tabled.

Councilor Lederman asked about advertising fees. He asked if it has been handled so no additional costs be given to the

Councilor Lederman made a motion to continue, seconded by Councilor Edwards. All being in favor the motion passed unanimously.

ATTACHMENTS:

- Armory Street View (PDF)
- google map Armory St. (PDF)
- NOTICE OF MEETING FOR PET.10,292 (PDF)
- Scan 2020-9-30 (PDF)

- GIS (PDF)
- Petition Armory St. 10,292 (PDF)

RESULT: CONTINUE**Next: 6/7/2021 7:00 PM**

V. Grants

10. Order (ID # 6107)

Council on Aging Grant - No Match Required - \$286,608.00

COMMENTS - Current Meeting:

Lindsay Hackett, Deputy CAFO, addressed the Council.

Councilor Allen made a motion to accept the grant, seconded by Councilor Whitfield. All being in favor the motion passed unanimously.

ATTACHMENTS:

- Elders COA Grant Setup (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Tracye Whitfield, Vice President At-Large Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

11. Order (ID # 6131)

Parks Department INSA Donation - \$20,000

COMMENTS - Current Meeting:

Items 11-14 were taken together. All being in favor the grants were accepted.

ATTACHMENTS:

- HCA INSA Riverfont Park Donation (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Tracye Whitfield, Vice President At-Large Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

12. Order (ID # 6125)

FY21 S.A.F.E and Senior SAFE Grant - No Match Required - \$14,599

COMMENTS - Current Meeting:

Items 11-14 were taken together. All being in favor the grants were accepted.

ATTACHMENTS:

- FY21 SAFE & Senior SAFE Grant (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Timothy C. Allen, Ward 7 Councilor
SECONDER: Tracye Whitfield, Vice President At-Large Councilor
AYES: Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

13. Order (ID # 6106)

Springfield City Library Donation - \$11,637.28

COMMENTS - Current Meeting:

Items 11-14 were taken together. All being in favor, the grants were accepted.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Timothy C. Allen, Ward 7 Councilor
SECONDER: Tracye Whitfield, Vice President At-Large Councilor
AYES: Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

14. Order (ID # 6108)

Thomas J. O'Connor Donations - \$6,111.00

COMMENTS - Current Meeting:

Items 11-14 were taken together. All being in favor, the grants were accepted.

ATTACHMENTS:

- TJO donations (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Timothy C. Allen, Ward 7 Councilor
SECONDER: Tracye Whitfield, Vice President At-Large Councilor
AYES: Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

VI. Orders

15. Order (ID # 6124)

Order Authorizing Expenditure of FY22 Chapter 90 Funds (\$3,689,231)

FINANCIAL IMPACT:

The Commonwealth of Massachusetts has authorized Chapter 90 funds totaling \$3,689,231 for Springfield in FY22.

COMMENTS - Current Meeting:

Chris Cignoli, Director of DPW, stated that \$2.7 million is being proposed for paving with \$100,000 for traffic signal improvements and money being used for design contracts. The paving list is not long but some have been on the list for several years and they are wide streets, many of them residential.

Councilor Ramos abstained from the vote.

Motion to approve the order was made by Councilor Gomez, seconded by Councilor Allen. All being in favor, the motion passed unanimously.

ATTACHMENTS:

- FY22 Chapter 90 Grant (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Gumerindo Gomez, Ward 1 Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Brown, Walsh, Davila, Fenton, Hurst, Williams
ABSTAIN:	Orlando Ramos

16. Order (ID # 6136)

Order Approving Amendments to the Towing Management Agreement and Lease Agreement with the Springfield Parking Authority

Please see attached

COMMENTS - Current Meeting:

Tom Moore, Director of Springfield Parking Authority, addressed the Council. He stated the amendment is to extend the towing contract to be in agreement with the general agreement. There will be a procurement process to determine who will serve the City at the best price.

Councilor Ramos asked the term and what the process for vendor selection was previously.

Atty. Moore stated a towing contract is exempt from 30B procurement but Cities are encouraged to still use a process for selection of a towing company. He explained the cost for towing can reach upwards of \$200 just for one day.

Councilor Ramos stated he has heard from constituents regarding towing and the cost is disproportionately impacting specific communities. The tow truck drivers are not treating constituents with respect. The conversation about cost and impact needs to be had prior to approving any agreement. There is institutional racism impacting people of color.

Councilor Brown asked if a log of complaints are being kept.

Atty. Moore stated there is a record of complaints kept by the SPA. Many times people have a negative experience but there are fair amount of complaints made to the vendor and not to the SPA.

Councilor Brown asked about the procurement process. He asked if services is included and not just strictly price.

Atty. Moore stated that the selection process attempts to encourage competition and they have not been very successful. He is hopeful they will get smaller business groups to provide quotes.

Councilor Whitfield stated the Public Health Institute and Pioneer Valley Commission are working on a racial equity assessment to assist the City in procuring businesses that are more diverse.

Councilor Allen made a motion to committee, seconded by Councilor Fenton. All being in favor, the motion passed unanimously.

ATTACHMENTS:

- Order Approving SPA Towing Amendments(DOC)

RESULT:

REFERRED TO COMMITTEE

Next: 5/3/2021 7:00 PM

17. Order (ID # 6135)

Order Approving Memorandum of Understanding Agreement with the Springfield Business Improvement District

Please see attached

COMMENTS - Current Meeting:

Tim Sheehan, Director of Planning & Economic Development, addressed the Council. He explained the MOU is with the Springfield Improvement District and its Director, Chris Russell, is on the call for questions.

ATTACHMENTS:

- doc07883520210319095952 (PDF)

RESULT:

ADOPTED [UNANIMOUS]

AYES:

Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

VII. Ordinances

(18.) (ID # 6139) Amending Chapter 67 by Adding New Article XVIII

PLEASE SEE ATTACHED

PLEASE SEE ATTACHED

RESULT:

FIRST STEP

Next: 5/3/2021 7:00 PM

COMMENTS - Current Meeting:

Councilor Lederman addressed the Council. He explained that Poet Laureate was a position presented by former Councilor Rooke. He stated that Magdalena Gomez is the current Poet Laureate of the City and the ordinance would seek to create a youth poet laureate position that is chosen by the Mayor and the current Poet Laureate.

Councilor Edwards made a motion to take first step, seconded by Councilor Gomez. All being in favor the motion passed unanimously.

ATTACHMENTS:

- Amending City Ordinance Chapter 67 Article XVIII - Youth Poet Laureate (DOCX)

(19.) (ID # 6138) Amending Chapter 82 Adding New Article VI

PLEASE SEE ATTACHED

PLEASE SEE ATTACHED

RESULT: FIRST STEP

Next: 5/3/2021 7:00 PM

COMMENTS - Current Meeting:

Councilor Lederman addressed the Council proposed by Councilor Ramos, Edwards and Williams adding to the TIF and HDIP ordinance. The language being added is to make certain no wage theft is by the contractors selected. Prevailing wage and overtime must be paid and this ensures that all municipal contracts ensure proper pay. Testimony from Carpenters 366 showed support for the amendment.

Councilor Ramos addressed the Council. He explained this began many years ago and has been years in the making. This is a very important issue and many vendors have committed wage theft and were awarded projects within the City.

Councilor Edwards explained this is about fairness and he is in full support.

Councilor Davila asked to be added as a co-sponsor.

Councilor Lederman made a motion to pass first step, seconded by Councilor Edwards. All being in favor, first step passed unanimously.

ATTACHMENTS:

- Amended City Ordinance Chapter 82 Article VI - Wage Theft Ordinance - Revised Draft (DOC)

(20.) (ID # 6137) Amending Chapter 178 by Inserting New Section 178-4I and Amending Chapter 1, Article V Section 1-25

Please see attached

Please see attached

RESULT: REFERRED TO COMMITTEE

Next: 5/3/2021 7:00 PM

COMMENTS - Current Meeting:

Atty. Moore stated this is an amendment regarding gasoline usage by Councilor Ramos.

Councilor Ramos asked that the item be sent to committee for discussion. He stated that the off road vehicles are out of control and this amendment is to protect the public health and safety. There are several municipalities that have already approved this. He stated it makes it illegal to sell gasoline unless the vehicle is on a trailer.

Councilor Ramos made a motion to committee, seconded by Councilor Allen.

ATTACHMENTS:

- Amended City Ordinances 178-4 I and 1-V-1-25 - DRAFT (DOCX)

VIII. Special Acts

21. Special Act (ID # 6140)

An Act Relative to the Filling of Vacancies in the Offices of the City Council in the City of Springfield

PLEASE SEE ATTACHED

COMMENTS - Current Meeting:

Councilor Davila stated that the aim of the act is to give the power back to the people in making decisions about public office. Highlights include it applies to ward seats, the City Clerk notifies the Election Commissioner and if there are 110 days or more, a special election is held. The special act will take effect immediately.

Councilor Ramos stated his abstention.

Councilor Fenton highlighted that he drafted this eight years ago and has been passed both times. The General Court must pass this and the goal is to have this pass.

Councilor Fenton made a motion to committee, seconded by Councilor Allen. All being in favor the motion passed unanimously.

ATTACHMENTS:

- Special Act for City Council Vacancy Succession - 2021 (DOC)
- Memo for Special Act for City Council Vacancy Succession - 2021 (DOC)

RESULT:

REFERRED TO COMMITTEE

Next: 5/3/2021 7:00 PM

IX. Resolutions

22. Resolution (ID # 6122)

Anti-Asian Racism Resolution

COMMENTS - Current Meeting:

Councilor Hurst stated that the resolution is to show support for the Asian community against senseless acts of hate. He is thrilled that all Councilors have been asked to be co-sponsors. He is surprised at the violence even occurring in Massachusetts. He read some of the highlights from the resolution into the record.

Councilor Whitfield stated hate is disgusting and needs to be abolished. She thanked Councilor Hurst for his work on this item.

Councilor Lederman stated that there was a rally that supported the Asian community. He thanked all for being present at the powerful rally and this item needs to be highlighted due to the seriousness of what is occurring in our own community.

Councilor Brown stated that hate begets hate and we must break that cycle. He thanked Councilor Hurst for his efforts against hate.

Councilor Allen thanked Councilor Hurst and that hate against any group is unacceptable and should be abolished in all forms.

Councilor Williams stated that hate is intolerable and he thanked all for organizing the rally.

RESULT: PASSED BY VOICE VOTE

23. Resolution (ID # 6109)

Officer Ruben Borrero

COMMENTS - Current Meeting:

Councilor Davila stated that Officer Borrero is not present and asked the resolution be continued, seconded by Councilor Whitfield. All being

ATTACHMENTS:

- Resolution-Officer Ruben Borrero VD-MW (DOC)

RESULT: CONTINUE

Next: 5/3/2021 7:00 PM

X. Unfinished Business

(24.) ORD-2021-3 All Saints Church-Historic District-41 Oakland Street

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY CHAPTER 49 ENTITLED "HISTORIC DISTRICTS"

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

Chapter 49, Article II of the Revised Ordinances of the City of Springfield, as amended, entitled "Historic Districts" be amended by the addition of the following section:

Subsection "49-23":

49-23 All Saints Church Local Historic District.

A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the All Saints Church Local Historic District as shown on the map labeled Exhibit 27-2Q, entitled "All Saints Church Local Historic District"; said map to be considered part of this chapter.

B. Exemption from controls:

- 1) Temporary structures or signs, subject to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.
- 2) Terraces, walks, driveways, and sidewalks, provided that any such structure is substantially at grade level.
- 3) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

RESULT:	SECOND & THIRD STEPS [UNANIMOUS]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Victor Davila, Ward 6 Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

COMMENTS - Current Meeting:

Steve Hays addressed the Council as owner of the property. He stated the work was designed by Guy Kirkum who designed the Forest Park Library and MassMutual. It was designed to honor the home church in Cheshire, England. This will enhance the community in Forest Park and it will allow for community preservation funds to maintain the property.

Councilor Fenton asked when the solar panels were placed onto the roof. He asked if the Historic Commission is in agreement with this petition.

Mr. Hays stated the Historic Commission has note raised the issue.

Councilor Walsh thanked Mr. Hays for creating the Drama Studio.

Councilor Davila stated this is supported by the Forest Park Civic Association.

Councilor Allen made a motion to pass second and third step, seconded by Councilor Davila.

Councilor Walsh made a motion to invoke Rule 22C, seconded by Councilor Davila. All being in favor the motion passed unanimously.

ATTACHMENTS:

- Final Report-All Saints Church (PDF)
- CPC Support Letter-All Saints Church (PDF)

(25.) (ID # 6150) Gunn Block Local Historic District-477 State Street

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY CHAPTER 49 ENTITLED "HISTORIC DISTRICTS"

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

Chapter 49, Article II of the Revised Ordinances of the City of Springfield, as amended, entitled "Historic Districts" be amended by the addition of the following section:

Subsection “49-24”:

49-24 Gunn Block Local Historic District.

A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Gunn Block Local Historic District as shown on the map labeled Exhibit 27-2R, entitled "Gunn Block Local Historic District"; said map to be considered part of this chapter.

B. Exemption from controls:

- 1) Temporary structures or signs, subject to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.
- 2) Terraces, walks, driveways, and sidewalks, provided that any such structure is substantially at grade level.
- 3) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

RESULT: FIRST STEP

Next: 5/3/2021 7:00 PM

COMMENTS - Current Meeting:
This item was on for first step.

Chris Russell of Develop Springfield addressed the Council. He explained the BID has been managing Develop Springfield for two years. It is the oldest business site in the City being around for 190 years. It is on the National Register of Historic Buildings.

Councilor Allen made a motion to pass first step, seconded by Councilor Lederman. All being in favor, the motion passed unanimously.

ATTACHMENTS:

- GunnBlock_LHD_CPC_support_letter (PDF)
- MHSCNCLetterGunnBlockLHD (PDF)

(26.) ORD-2021-2 Amending Ch 110, Sec 110-14 Puppy Mills

Be it ordained by the City Council of the City of Springfield, in session assembled, that the Code of Ordinances of the City of Springfield, is hereby amended by inserting the following new Section 100-14 within Chapter 110:

Chapter 110

§110-14 Prohibition on the Sale of Dogs, Cats, and Rabbits by Pet Shops

(a) **Purpose and Preamble**

- (1) It is the opinion of the Springfield City Council that most puppies, kittens, and rabbits sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills," "kitten mills," and "rabbit mills," respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than two million puppies per year in the United States; and
- (2) It is the opinion of the Springfield City Council that the documented abuses endemic to puppy, kitten, and rabbit mills include over-breeding, inbreeding, minimal veterinary care, lack of adequate food, water and shelter, lack of socialization, exercise and enrichment, and lack of sanitation; and
- (3) It is the opinion of the Springfield City Council that Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into, because they were taken from their mothers at a very young age, because they were transported in trucks filled with other young puppies, and because they were placed in a pet store cage with or near other puppies who are often sick; and
- (4) It is the opinion of the Springfield City Council that Pet stores often mislead consumers as to where the puppies in the stores came from and make false health and behavior guarantees, and that many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and
- (5) According to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred (100) Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies; and

- (6) It is the opinion of the Springfield City Council that current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the pet store sale of dogs, cats, and rabbits from animal mills pose, and that Federal oversight of the commercial breeding industry is severely lacking; and
- (7) It is the opinion of the Springfield City Council that prohibiting pet stores from selling dogs, cats, and rabbits is likely to decrease the demand for these animals that are bred in mills, and decrease the burden that pet store dogs, cats, and rabbits that end up in animal shelters place on local agencies and taxpayers; and
- (8) It is the opinion of the Springfield City Council that the vast majority of pet stores, both large chains and small, family-owned shops, already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events; and
- (9) It is the intention of the Springfield City Council that this ordinance will not affect a consumer's ability to obtain a dog, cat, or rabbit of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public; and
- (10) The Springfield Council believes it is in the best interest of Springfield to adopt reasonable regulations to reduce costs to Springfield and its residents, protect citizens who may purchase cats, dogs, or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Springfield.

(b) **Definitions.**

- (1) "Pet shop" shall have the meaning provided in section 1 of chapter 129 of the Massachusetts General Laws. A public animal control agency or shelter or an animal rescue group shall not be considered a pet shop for purposes of this Section.
- (2) "Sell" means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.

(3) "Offer for sale" means to advertise or otherwise proffer a dog, cat, or rabbit for acceptance by another person.

(4) "Public animal control agency or shelter" means a facility operated by the City of Springfield or any other locality, for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with the City or any other locality.

(5) "Animal rescue group" means a not-for-profit organization having tax-exempt status under 501(c)(3) of the United States Internal Revenue Code, and registered with the Massachusetts Department of Agricultural Resources, if required, whose mission and practice is, in whole or in significant part, the rescue and placement of animals into permanent homes. The term animal rescue group does not include any person that: breeds dogs, cats, or rabbits or obtains dogs, cats, or rabbits for payment or compensation from a person who breeds or facilitates the sale of dogs, cats, or rabbits that were obtained from such a breeder.

(6) "Animal control officer" shall have the meaning assigned in Section 110-1.

(7) "Person" shall mean an individual, corporation, partnership, association, or any other legal entity.

(8) "Dog" means any member of the species *Canis familiaris*.

(9) "Cat" means any member of the species *Felis catus*.

(10) "Rabbit" means any member of the species *Oryctolagus cuniculus domesticus*.

(c) **Sale of dogs, cats, and rabbits prohibited.**

(1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.

(2) A pet shop may provide space for the display of dogs, cats, or rabbits available for adoption only if such animals are displayed and made available for adoption by either: (A) a public animal control agency or shelter or (B) an animal rescue group, as defined, and all of the following conditions are met:

(i) Subject to Section 110-7, any dog or cat displayed for adoption shall be sterilized and microchipped prior to being displayed, with the microchip registered to the owner;

- (ii) And rabbit displayed for adoption shall be sterilized prior to being displayed;
- (iii) Any dog displayed for adoption shall be at least six months of age;
- (iv) Any dog displayed for adoption shall, prior to being displayed, be vaccinated against rabies, parvovirus, distemper, and hepatitis;
- (v) Any cat displayed for adoption shall, prior to being displayed, be vaccinated against panleukopenia, calicivirus, rhinotracheitis (herpesvirus), and rabies;
- (vi) Each pet shop shall maintain records sufficient to document the source of each dog, cat, or rabbit the pet shop displays, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any animal control officer;
- (vii) Each pet shop displaying dogs, cats, or rabbits shall post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the public animal control agency or shelter or animal rescue group which is displaying each dog, cat, or rabbit in the cage or enclosure;
- (viii) No part of any fees associated with the display or adoption of the animals, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop;
- (ix) The total fees, including but not limited to adoption fees, per animal shall not exceed five hundred dollars (\$500); and
- (x) The host pet shop shall not have any ownership interest in any of the animals displayed for adoption.

(3) No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, or rabbit on or in any street, public grounds, commercial or retail parking lot, flea market, or other market, regardless of whether such access is authorized by the property owner, except for a dog, cat, or rabbit displayed:

- (i) By a public animal control agency, shelter or animal rescue organization; or

(ii) As part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

(d) **Penalties.**

(1) In addition to any other penalty provided by law, any pet shop that makes a sale or offer for sale of a dog, cat, or rabbit in violation of subsection (c) (1) shall be fined three hundred dollars (\$300). Each unlawful sale or offer for sale shall constitute a separate violation.

(2) In addition to any other penalty provided by law, a pet shop that makes a provision of space knowingly and in violation of subsection (c) (2) shall be fined three hundred dollars (\$300). Each unlawful provision of space shall constitute a separate violation.

(3) In addition to any other penalty provided by law, a person who violates subsection (c) (3) shall be fined three hundred dollars (\$300). Each unlawful sale or offer for sale shall constitute a separate violation.

(e) **Effective date.**

The provisions of these section shall be effective ninety (90) days after passage.

Approved as to form

Associate City Solicitor

RESULT:	SECOND & THIRD STEPS [UNANIMOUS]
MOVER:	Melvin A. Edwards, Ward 3 Councilor
SECONDER:	Tracye Whitfield, Vice President At-Large Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

COMMENTS - Current Meeting:

Councilor Edwards took the item out of committee. He stated this will ban the retail sale of dogs, cats and rabbits. There have been many emails, calls and letters in support of the ordinance. There are several people eager to speak for and against the ordinance but the committee has taken time with this ordinance. He asked that Pam Peebles, Director of TJO, address the Council.

Pam Peebles addressed the Council. She stated the vast majority of pet stores do not humanely house the animals they sell. When they are selling hundreds of animals, it is not possible to produce that amount of animals and sell at a profit. A socially acceptable model is necessary.

Councilor Whitfield asked about existing puppy stores being grandfathered in. She asked if that is applicable in this case.

Atty. Moore stated that the concept of being grandfathered is a land use concept and only applies in the aspect of zoning, not in this instance.

An unidentified person on the zoom stated a lawsuit is being prepared.

Councilor Fenton asked Atty. Moore what the basis of a lawsuit would be.

Atty. Moore stated that there may be one in the aspect of interference with business operations however there is February 24th Attorney General decision involving the town of Holliston where a similar ordinance was upheld. He explained the only issue may be with enforcement in the form of removing animals from the business. That portion was not included in the proposed ordinance.

Councilor made a motion to take second and third steps, seconded by Councilor Whitfield. All being in favor the motion passed unanimously.

Councilor Allen made a motion to invoke Rule 22C, seconded by Councilor. All being in favor, the motion passed unanimously.

(27.) (ID # 6061) Amending Chapter 385 by Inserting Article XI Speed Hump Petitions

Be it ordained by the City Council of the City of Springfield, in session assembled, that the Code of Ordinances of the City of Springfield, is hereby amended by inserting the following new Article XI within Chapter 385:

Chapter 385

ARTICLE XI Speed Hump Petitions

§385-53. Speed Hump Petition.

Petition to City Council required: No speed hump shall be installed or established within a public way, except upon petition to the City Council signed by at least two-thirds of the property owners (as listed with the Springfield Board of Assessors) or two-thirds of the registered voters (as listed with the Springfield Election Commission) within the impacted segment of a proposed speed hump street. When there are multiple property owners, the signature of one shall be sufficient to count that property towards the required two-thirds. Said petition shall be referred by the City Clerk to the Fire Department, the Police Department and the Department of Public Works Engineering division for review. Each request must provide

the name of the street for which the speed hump(s) are requested and the boundaries of the intended street segment to be impacted. Each petition will be reviewed by the City Council based upon its own merits and taking into consideration the recommendations of the Police, Fire, and Public Works departments. For purposes of this section "impacted segment" shall mean three hundred (300) feet to either side of the zone proposed by the residents for the location of the hump(s), or to the nearest fully signalized intersection or end of the street in that direction, whichever comes first. All correspondence and communication with residents regarding the petition and process shall be through the City Council and its office.

§385-54. Reports upon petition of property owners.

The Engineering division of the Department of Public Works upon receiving any such petition shall report to the City Council whether, in its judgement, the proposed speed hump location conforms to the Manual On Uniform Traffic Control Devices for Street and Highways (MUTCD) issued by the US Department of Transportation Federal Highway Administration, City of Springfield Ordinances, and good engineering practice. Within thirty (30) days of receipt of said petition, the police department, the fire department and the department of public works shall report to the City Council regarding the proposed speed hump, including potential impacts on the daily and emergency operations of those departments.

§385-55. Location Requirements.

In order to be eligible for speed humps pursuant to this Ordinance, a street must have a Roadway Functional Classification of "Local Road" as shown on the most recent "Roadway Functional Classification " map on file with the City of Springfield Department of Public Works and must have a posted or de facto speed limit of thirty (30) miles per hour or less.

§385-56. Hearing.

- A. Before any order to install or establish a speed hump shall be passed, a written notice of the intention of the City Council to install or establish a speed hump shall be given by publication in a local newspaper of general circulation once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and sent by mail, postage prepaid to all property owners within a three hundred (300) foot radius of the impacted segment of the street under review for speed

hump installation and such notice shall specify the time and place for such hearing before the City Council.

- B. After the hearing has been held, the City Council may proceed to act upon an order for the installation or establishment of a speed hump.

§385-57. Specifications.

Speed humps and related signage and pavement marking will be installed in conformance with the applicable specifications in the most current editions of:

- A. the Manual on Uniform Traffic Control Devices for Streets and Highways ("MUTCD") issued by the U.S. Department of Transportation Federal Highway Administration;
- B. the Massachusetts Project Development and Design Guide issued by the Massachusetts Department of Transportation; and
- C. any applicable standards on file with the Springfield Department of Public Works.

§385-58. Temporary Trial Period.

Residents submitting a petition pursuant to §385-53 may request that a temporary portable rubber speed hump with portable signs on stands and no pavement markings be installed anytime between May 1st and July 15 (to allow for removal by October 15th), before the installation of a permanent speed hump as a temporary trial period. The temporary humps will remain in place for a period of ninety (90) days. If, at the conclusion of the trial period, there are not written objections from more than one quarter ($\frac{1}{4}$) of the property owners or registered voters within the impacted segment of the proposed speed hump, then the permanent speed humps shall be installed as weather and climate conditions permit. Any written objections from property owners must be filed in writing with the City Council.

§385-59. Removal of speed humps.

Speed humps may be ordered removed by majority vote of the City Council only after notice and public hearing in a manner consistent with section 385-56.

Approved as to form:

Associate City Solicitor

RESULT:**REFERRED TO COMMITTEE****Next: 5/3/2021 7:00 PM**

COMMENTS - Current Meeting:

Councilor Fenton made a motion for the item to remain in committee, seconded by Councilor Whitfield. All being in favor the item remained in committee.