



City Council

Regular Meeting

~ Final ~

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

Gladys Oyola-Lopez
413-787-6096

Monday, May 10, 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 May 10, 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	
Gumercendo Gomez	Councilman	Remote	
Timothy C. Allen	Ward 7 Councilor	Remote	
Sean Curran	Councilman	Remote	
Tracye Whitfield	Vice President	Remote	
Orlando Ramos	Ward 8 Councilor	Remote	
Malo Brown	Councilman	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	Remote	

Moment of Silence - Pledge of Allegiance

Public Participation

City Council President Marcus Williams is 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 to the hearings.

Reports of Committee

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

Councilor Allen gave a report of the Finance Committee. He stated there is a scheduled meeting with the Water & Sewer Commission to discuss the rate hike for this year on May 21 at 11:30AM.

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

Petitions

1. Petition (ID # 6155)

Eversource Gas- Cabinet Installations

HISTORY:

05/03/21 City Council REFER TO COMMITTEE
Next: 05/10/21

COMMENTS - Current Meeting:

The item remained in committee.

RESULT:	REFER TO COMMITTEE	Next: 5/17/2021 7:00 PM
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2. Petition (ID # 6180)

Eversource-Chapin Terr.

HISTORY:

05/03/21 City Council CONTINUE
Next: 05/10/21

COMMENTS - Current Meeting:

Councilor Fenton explained he gained some additional information on the petition and spoke with community members. His recommendation is to pass the petition.

All Councilors being in favor, the petition was passed.

ATTACHMENTS:

- Order City Council Chapin Terr. (PDF)
- Springfield City Council Chapin Terrace (PDF)
- CMA-Chapin terr. Report (PDF)

RESULT:	RECEIVED PASSED
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3. Petition (ID # 6158)

Comcast- Springfield St,

HISTORY:

05/03/21 City Council CONTINUE
Next: 05/10/21

COMMENTS - Current Meeting:

Councilor Fenton explained he gained some additional information on the petition and spoke with community members. His recommendation is to pass the petition.

All Councilors being in favor, the petition was passed.

ATTACHMENTS:

- 232 Springfield St-Springfield MA-Letter (PDF)
- 232 Springfield St-Springfield MA (PDF)

RESULT: RECEIVED PASSED

4. Petition (ID # 6185)

Eversource- Carew Street #6315

COMMENTS - Current Meeting:

Chris Cignoli, DPW Director, addressed the Council. He explained the petition is for Eversource to install a new conduit to provide electric service.

All Councilors being in favor, the petition was passed.

ATTACHMENTS:

- Carew St. #6315 Report (PDF)
- #6315 Carew Petition (PDF)
- DWG 1of2 (PDF)
- DWG 2of2 (PDF)

RESULT: RECEIVED PASSED

5. Petition (ID # 6201)

Eversource Gas- Central St.

COMMENTS - Current Meeting:

Chris Cignoli, DPW Director, explained this is for Eversource installation of a medium pressure gas main along Central and Maple Streets.

All Councilors being in favor, the petition was passed.

ATTACHMENTS:

- 19-66454 Pro Drawing REV0 (PDF)
- Central St - Springfield City Council Letter (PDF)
- CMA-Central St. Report (1) (PDF)

RESULT: RECEIVED PASSED

6. Petition (ID # 6214)

Eversource Gas- Sumner Ave.

COMMENTS - Current Meeting:

Chris Cignoli, DPW Director, explained the petition is for replacement of a low pressure gas main pipe that connects to the 8991 Sumner Avenue building.

Councilor Lederman asked if this is new infrastructure.

Mr. Cignoli stated this is replacement piping for the building next to the old Friendly's Restaurant.

Councilor Davila asked if there is a timetable.

Mr. Cignoli stated it will probably be done within the next month or so.

All Councilors being in favor, the petition was passed.

ATTACHMENTS:

- 21-0826612-00 Pro Drawing REV0 (PDF)
- Springfield City Council Letter, 89-91 Sumner Ave (PDF)
- CMA-Sumner St. Report (PDF)

RESULT:	RECEIVED PASSED
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Grants

7. Order (ID # 6184)

HHS American Rescue Plan Act Grant - No Match Required - \$1,011,875.00

COMMENTS - Current Meeting:

Commissioner Helen Caulton Harris addressed the Council, She explained she is excited about the grant and has been given to all health centers across the nation. The health center in Springfield deals primarily with homeless individuals. The grant will be used for mobile healthcare by reducing traditional barriers. The target population is the homeless. Friends of the Homeless have purchased the Fifth Alarm and there is a site there now and may be used to expand services.

Councilor Lederman asked about a COVID-19 aspect.

Commissioner Caulton stated the money has been given due to COVID-19 but they have been encouraged to use the money broadly.

Councilor Gomez asked about veterans being served on a previous grant. He would like to see how many veterans there are being served and the VA is responsible for the costs, not the City.

Commissioner Caulton stated there are times when veterans are serviced as they are on site at certain locations. She will be certain he gets the information.

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

ATTACHMENTS:

- HHS American Rescue Plan Act Grant Set-Up (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Tracye Whitfield, Vice President
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

8. Order (ID # 6219)

East Forest Park Library Donation - \$150,000.00

COMMENTS - Current Meeting:

Patrick Markey, the President of the Library Foundation, addressed the Council. He explained the Foundation is a private foundation that receives donations for the Springfield Libraries. The Foundation agreed to assist in raising money (\$2million) to pay off a bond. \$1 million has been paid off and the current donation is going toward that bond payoff.

Councilor Walsh asked for an update on when libraries may be open again.

Mr. Markey explained East Forest Park was going great with renovations until COVID-19 hit.

Molly Fogarty, Library Director, addressed the Council. She explained there were meetings with Commissioner Caulton and Mr. Patrick Sullivan, Parks & Facilities Director, and they are looking at opening after August 1st with the senior centers.

Councilor Fenton thanked Mr. Markey for assisting with a lawsuit involving a business on Cadwell Drive and his assistance with the libraries.

Councilor Fenton made a motion to accept the grant, seconded by Councilor Walsh. All being the favor, with Councilor Brown being absent, the motion passed unanimously.

ATTACHMENTS:

- East Forest Park Library Donation (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	Kateri B. Walsh, At-Large Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

9. Order (ID # 6187)

Increase in Funding - Police CIT/HOPE Grant - No Match Required - \$20,000

COMMENTS - Current Meeting:

Items 9 and 10 were taken together.

Councilor Lederman made a motion to accept the grant, seconded by Councilor Gomez. All being the favor, with Councilor Brown being absent, the motion passed.

ATTACHMENTS:

- CIT INCREASE (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Jesse Lederman, At-Large Councilor
SECONDER:	Gumersindo Gomez, Councilman
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

10. Order (ID # 6173)

Springfield City Library Donation - \$13,130.00

COMMENTS - Current Meeting:

Items 9 and 10 were taken together.

Councilor Lederman made a motion to accept the grant, seconded by Councilor Gomez. All being the favor, with Councilor Brown being absent, the motion passed.

ATTACHMENTS:

- Library Donations (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Jesse Lederman, At-Large Councilor
SECONDER:	Gumersindo Gomez, Councilman
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

Orders**11. Order (ID # 6220)**

Confirmation of John Ramirez to the License Commission

COMMENTS - Current Meeting:

Councilor Walsh made a motion to continue the item, seconded by Councilor Fenton.

ATTACHMENTS:

- John Ramirez License Commission Appointment Letter (PDF)

RESULT:	LAY ON TABLE	Next: 6/7/2021 7:00 PM
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12. Order (ID # 6186)

Budget Transfer W/In a Department - \$200,000

FINANCIAL IMPACT:

Budget Transfer W/In a Department - \$200,000

COMMENTS - Current Meeting:

Chris Cignoli, DPW Director, addressed the Council. He explained the transfer is from the Enterprise Fund to the OTPS account. Last August there were severe storms and short labor, so temporary labor was required to balance out the bill for that. The additional money will be used for vehicle supplies.

Motion to approve was made by Councilor Edwards seconded by Councilor Walsh. All being the favor, with Councilor Brown being absent, the motion passed.

ATTACHMENTS:

- CAFO Cert - DPW Enterprise Fund Transfer(PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Melvin A. Edwards, Ward 3 Councilor
SECONDER:	Kateri B. Walsh, At-Large Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

13. Order (ID # 6217)

Budget Transfer W/In a Department - \$120,000.00

FINANCIAL IMPACT:

Budget Transfer W/In a Department - \$120,000.00

COMMENTS - Current Meeting:

Mr. Patrick Sullivan, Parks and Facilities Director, stated the transfer is needed for annual park clean-up throughout the City.

Councilor Whitfield made motion to approve the order, seconded by Councilor Allen. All being the favor, with Councilor Brown being absent, the motion passed.

ATTACHMENTS:

- FY21 CAFO Cert PERS to OTPS Transfer Parks 5.10.21 (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Tracye Whitfield, Vice President
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

14. Order (ID # 6216)

Budget Transfer W/In a Department - \$111,556.00

FINANCIAL IMPACT:

Budget Transfer W/In a Department - \$111,556.00

COMMENTS - Current Meeting:

Pat Sullivan, Director of Parks and Facilities, addressed the Council. He stated the transfer is required for snow removal for missed buildings and landscape services.

Councilor Ramos stated there a couple of transfers for Parks Department. He asked how much is due to shortfall due to Mayor funding the location for the shooting range that was never approved by the Council.

Mr. Sullivan stated that none of the transfers are related to that. The first is for beatification and the second is for snow removal and the last is for the Carriage House at the Barney Estate as it is a revolving account.

Councilor Ramos asked how it is being funded.

Mr. Sullivan stated that there was a transfer earlier in the year.

Councilor Ramos stated the wishes of the Council were ignored by the Mayor and the Mayor stated there would be a shortfall at the end of the fiscal year. He asked if these transfers are related to the abovementioned shortfall.

Mr. Sullivan stated the transfer are not related to the formerly proposed budget item regarding the shooting range. He is glad it was not funded as Pearl Street conditions are not safe. He was out and a solution was found.

Councilor Edwards made a motion to approve the order, seconded by Councilor Walsh. All being in favor, with Councilor Brown being absent, the motion passed.

ATTACHMENTS:

- FY21 CAFO Cert PERS to OTPS Transfer Facilities 5.10.21 (PDF)

RESULT:	ADOPTED [12 TO 0]
MOVER:	Melvin A. Edwards, Ward 3 Councilor
SECONDER:	Kateri B. Walsh, At-Large Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Walsh, Davila, Fenton, Hurst, Williams
ABSENT:	Malo Brown

15. Order (ID # 6218)

Budget Transfer Across Departments - \$91,505.12

FINANCIAL IMPACT:

Budget Transfer Across Departments - \$91,505.12

COMMENTS - Current Meeting:

Patrick Sullivan addressed the Council. He explained to avoid layoffs and with no events at the Barney Estate, they are using this transfer for the revolving account.

Councilor Walsh made a motion to approve the order, seconded by Councilor Edwards. All being the favor, with Councilor Brown being absent, the motion passed.

ATTACHMENTS:

- FY21 CAFO Cert Free Cash to PERS Transfer Parks 5.10.21 (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kateri B. Walsh, At-Large Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Edwards, Lederman, Gomez, Allen, Curran, Whitfield, Ramos, Brown, Walsh, Davila, Fenton, Hurst, Williams

16. Order (ID # 6129)

Bills of Prior Year - Various Departments- \$2,107.27

COMMENTS - Current Meeting:

TJ Plante, CAFO, addressed the Council. This is for DPW and Elections to pay bills from the pervious fiscal year.

Councilor Allen made a motion to approve the order, seconded by Councilor Walsh. All being the favor, the motion passed unanimously.

Councilor Davila made a motion to suspend rule 19 for items 11-16, seconded by Councilor Lederman.

ATTACHMENTS:

- CAFO Certification - BOPYS (PDF)
- BOPYS 5-10-21 (PDF)

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

17. Order (ID # 6189)

Order Approving Contract Over 3 Years for Lease Purchase Financing of School Department Computers

COMMENTS - Current Meeting:

Paul Foster, IT at SPS, addressed the Council. He stated this is an annual request for a four year lease to refresh 24% of Staff devices and 25% of student devices.

Councilor Lederman made a motion to approve the order, seconded by Councilor Walsh. All being the favor, the motion passed unanimously.

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

18. Order (ID # 6200)

Statement of Interest - Balliet Elementary School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of new windows and exterior doors at Balliet Elementary.

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

19. Order (ID # 6202)

Statement of Interest - Edward P. Boland School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of new roofing system at Edward P. Boland School.

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

20. Order (ID # 6203)

Statement of Interest - Central High School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the replacement and upgrade to the heating system and to place the school onto an automated web-based energy management system at Central High School.

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

21. Order (ID # 6204)

Statement of Interest - High School of Commerce

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of a new roofing system at the High School of Commerce.

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

22. Order (ID # 6205)

Statement of Interest - Glenwood School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the renovation and installation of a new roofing system at the High School of Commerce.

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

23. Order (ID # 6206)

Statement of Interest - Alfred M. Glickman Elementary School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of new windows and exterior doors at Alfred Glickman Elementary School.

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

24. Order (ID # 6207)

Statement of Interest - Indian Orchard Elementary

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the renovation and installation of a new roofing system at Indian Orchard Elementary School.

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

25. Order (ID # 6208)

Statement of Interest - Milton Bradley School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the replacement and upgrade to the heating system and to place the school onto an automated web-based energy management system at Milton Bradley School.

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

26. Order (ID # 6209)

Statement of Interest - Mary O. Pottenger School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of new windows and exterior doors at Mary O. Pottenger School.

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

27. Order (ID # 6210)

Statement of Interest - Rebecca Johnson School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of a new roofing system at Rebecca Johnson School.

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

28. Order (ID # 6211)

Statement of Interest - Sumner Avenue School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the installation of a new roofing system at Sumner Avenue School.

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

29. Order (ID # 6212)

Statement of Interest - German Gerena Community School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the replacement and installation of the Heating, Ventilation and Air Conditioning (HVAC) systems for the entire educational complex and for the associated exterior envelope repairs required by the new HVAC systems; and the review and build out of all pod classrooms at Gerena Community School.

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

30. Order (ID # 6213)

Statement of Interest - Washington School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the replacement of an obsolete building at the Washington School.

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

31. Order (ID # 6215)

Statement of Interest - White Street School

COMMENTS - Current Meeting:

Items 18-31 were taken together.

Patrick Sullivan, Director of Parks and Facilities, explained the request is for the replacement of an obsolete building at the Washington School.

Councilor Allen made a motion to approve orders #18-31, seconded by Councilor Allen. All being in favor, the motion passed unanimously.

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

Ordinances

(32.) **ORD-2021-7 Amended City Ordinance Chapter 73 Sec 40 Paid Legal Holidays**

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 eliminating the existing Chapter 73 Section 40 A of Article VI in its entirety, and replacing it with the following, to take effect on June 17, 2021:

Chapter 73

ARTICLE VI Holidays, Other Types of Leave

§ 73-40 Paid Legal Holidays

A. All City employees, except building tradesmen in any departments whose rate of pay is determined according to the wages being paid to non-municipal union building tradesmen in private industry in the City and members of the Police and Fire Departments for whom provision is made by other laws, shall be entitled to a holiday with pay on each of the 12 legal holidays enumerated in this section.

New Year's Day
Martin Luther King's Birthday
Washington's Birthday
Patriots' Day
Memorial Day
Juneteenth Independence Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Christmas Day

Approved as to Form

Associate City Solicitor

RESULT: LAY ONTABLE

Next: 6/7/2021 7:00 PM

COMMENTS - Current Meeting:

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

Unfinished Business

33. Order (ID # 6136)

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

Please see attached

HISTORY:

04/05/21 City Council REFERRED TO COMMITTEE
Next: 05/03/21

05/03/21 City Council REFERRED TO COMMITTEE
Next: 05/10/21

COMMENTS - Current Meeting:

The item remained in Committee.

Councilor Walsh made a motion to remain in committee, second by Councilor Davila. All being in favor, the motion passed unanimously.

ATTACHMENTS:

- Order Approving SPA Towing Amendments(DOC)

RESULT: REFERRED TO COMMITTEE

Next: 6/7/2021 7:00 PM

(34.) (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: COMMITTEE

Next: 6/7/2021 7:00 PM

COMMENTS - Current Meeting:
The item remained in Committee.

Councilor Fenton made a motion to remain in committee, second by Councilor Whitfield. All being in favor, the motion passed unanimously.

(35.) ORD-2021-6 Wage Theft Ordinance-Amending Chapter 82-Article VI

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 VI within Chapter 82:

Chapter 82
Article VI: WAGE THEFT ORDINANCE

§82-54 Municipal Construction Contracts

Whenever the City of Springfield is procuring construction services subject to the provisions of M.G.L. Chapter 149, Chapter 149A or Chapter 30, §39M, with estimated labor costs over Fifty Thousand Dollars and 00/100 (\$50,000.000) or where otherwise advertised competitive bidding is required or authorized, the following shall be incorporated into the procurement documents and made part of the specifications and associated contracts. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.

- A. All bidders or proposers, contractors, and subcontractors and trade contractors, including subcontractors that are not subject to M.G.L. Chapter 149, §44F, (the "contractor") under the bidder for projects subject to M.G.L. Chapter 149, §44A(2), M.G.L. Chapter 30, §39M and, proposers under M.G.L. c Chapter 149A, shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to a Request

for Proposal or in any event prior to entering into a contract or subcontract at any tier, that they comply with the following conditions for bidding, contracting or subcontracting and, for the duration of the project, shall comply with the following requirements and obligations:

1. Contractors shall not have been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five (5) years.
2. Contractors shall not have been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, wage and hour laws, earned sick time, prompt payment laws, or prevailing wage laws. Notwithstanding the foregoing, this provision will not apply to any settlement agreement.
3. Contractors shall maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with M.G.L. Chapter 152 and provide documentary proof of such coverage included with any awarded contractor's City contract, signed and executed with the City of Springfield Office of Procurement, to be maintained as a public record.
4. In accordance with all applicable federal, state and local laws, rules, regulations and ordinances, contractors shall properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of prevailing wages and overtime, workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. (M.G.L. Chapter 149, §148B on employee classification).
5. Contractors shall comply with M.G.L. Chapter 151, §1A and M.G.L. Chapter 149, § 148 with respect to the payment of wages;
6. Contractors must make arrangements to ensure that each employee of every contractor and subcontractor of any tier entering or leaving the

project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; name of employee's employer and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign-in/out logs shall be provided to the City of Springfield Office of Compliance on a weekly basis with the certified payrolls and upon request shall be a public record.

7. Contractors, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the City of Springfield Office of Procurement, and the City of Springfield's Public Construction Monitoring Committee a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the City of Springfield.
 8. Contractors must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority.
- B. A proposal or bid submitted by any general bidder or by any trade contractor or subcontractor under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of M.G.L. Chapter 149, §44F shall be awarded to a subcontractor of any tier that does not comply with the foregoing conditions.
- C. All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts where advertised competitive bidding is required on projects subject to M.G.L. c.149, §44A(2), c. 149A, or c.30, §39M shall comply with each of the obligations set forth in paragraph A above for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath

and in writing on a weekly basis that they are in compliance with such obligations.

- D. Any proposer, bidder, trade contractor or subcontractor under the bidder or proposer that fails to comply with any one of obligations set forth in Subsection A above for any period of time shall be, at the sole discretion of the City of Springfield, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City of Springfield as per City Contract terms.
- E. In addition to the sanctions outlined in Subsection D above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c.149, §44F. Any contractor or subcontractor that has been determined by the City of Springfield Office of Compliance or by any court or agency to have violated any of the obligations set forth in Subsections A and C above may be barred from performing any work on any future projects for six (6) months for a first violation, three (3) years for a second violation and permanently for a third violation.

§82-55 Severability

If any provision of this Ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this Ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall be not affected thereby.

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

COMMENTS - Current Meeting:

Councilor Lederman made a motion to take the item out of committee, seconded by Councilor Edwards. All being in favor the item was taken out of committee.

Councilor Lederman stated the item is for protecting against wage theft. He thanked his sponsor Councilors Davila, Williams, Edwards and Ramos. He went on to explained it has a 5

year look back period for bidding with further protections for employees on the job. He thanked Attorneys Theocles and Moore.

Councilor Lederman made a motion to amend the ordinance as attached, seconded by Councilor Edwards.

Councilor Fenton made a motion to amend Section A(2) by stating the following: Notwithstanding the foregoing, this provision will not apply to any settlement agreement. The motion was seconded by Councilor Gomez. All being in favor, the motion passed unanimously.

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

Councilor Edwards made a motion to take 2nd and 3rd steps on the ordinance, seconded by Councilor Whitfield. All being in favor, the motion passed unanimously.

ATTACHMENTS:

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