City Council

Regular Meeting

~ Draft ~

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

Anthony I. Wilson
413-787-6096

Monday, May 16, 2016 | 7:00 PM | Springfield City Hall -- Council Chambers

Possible Public Speak-Out Time 6:30 PM

Call to Order

7:00 PM Meeting called to order on May 16, 2016 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Justin Hurst	At Large Councilor	Present	
Kenneth E. Shea	Ward 6 Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Timothy J. Rooke	At-Large Councilor	Absent	
Bud L. Williams	At-Large Councilor	Present	
Orlando Ramos	Vice President- Ward 8 Councilor	Late	7:12 PM
Marcus J Williams	Ward 5 Councilor	Present	
Adam Gomez	Ward 1 Councilor	Present	
Thomas M. Ashe	At-Large Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Michael A. Fenton	President	Present	

Moment of Silence - Pledge of Allegiance

Reports of Committee

1. Thursday, May 05, 2016

Informational

2. Order (ID # 3515)

April Revenue Vs. Expenditure Report

COMMENTS - Current Meeting:

Patrick Burns, the City's Comptroller, presented the April Revenue and Expenditure report. Mr Burns stated that $4,699,972 is in the free cash account.

ATTACHMENTS:

- April Revenue Vs. Expenditure Report (PDF)

RESULT:	**RECEIVE REPORT**

3. Zoning Ordinance 2016-3

To Change the Zoning of the Property Known as 437 Bay Street (01085-0371) from Residence C to Commercial A.

PETITIONER:	Better Homes, LLC
ADDRESS:	437 Bay Street
CHANGE REQUESTED:	Rec C to Com A

COMMENTS - Current Meeting:

The Council received the report, with Councilor Fenton abstaining. Councilor Twiggs and Councilor Gomez also abstained.

ATTACHMENTS:

- 3183_437_Bay_St_2016_CC (PDF)

RESULT:	**RECEIVED 1ST STEP**	**Next: 5/23/2016 7:00 PM**

Petitions

4. Petition (ID # 3513)

Ludlow Avenue

ATTACHMENTS:

- 5-9-2016 notice of meeting #6236 (PDF)
- dwg #6236 (PDF)

RESULT:	**RECEIVED PASSED**

Grants

5. Order (ID # 3505)

HUD Continuum of Care Grant - No Match - $3,230,835

COMMENTS - Current Meeting:

Gerry Mccafferty, Director of Housing, spoke in favor of the grant. She stated that HUD increased the amount of the grant.

ATTACHMENTS:

- CoC Add'l Funding - Grant Set-Up Form & Award Letter (PDF)

RESULT:	**PASSED BY VOICE VOTE**

6. Order (ID # 3506)

HOME Grant - No Match - $1,098,857

COMMENTS - Current Meeting:

Gerry Mccafferty, Director of Housing, spoke in favor of the grant. She stated that HUD increased the amount of the grant. Councilor Bud Williams asked if the City provided funding for small grants for home repair.

Councilor Marcus Williams asked if HAP is affiliated with the grant.

ATTACHMENTS:

- HOME Grant Add'l Funding - Grant Set-Up Form & Award Letter (PDF)

RESULT:	**PASSED BY VOICE VOTE**

7. Order (ID # 3510)

Community Compact Grant - No Match - $10,000

ATTACHMENTS:

- Community Compact Grant Set-Up Form & Award Letter (PDF)

RESULT:	**PASSED BY VOICE VOTE**

8. Order (ID # 3504)

Homeless Youth Count Grant - No Match - $5,600

COMMENTS - Current Meeting:

Gerry Mccafferty, Director of Housing, spoke in favor of the grant.

ATTACHMENTS:

- Homeless Youth Count Grant Set-Up Form & Award Letter (PDF)

RESULT:	**PASSED BY VOICE VOTE**

Orders

9. Order (ID # 3469)

Bond Authorization - City Hall Repairs - $1,000,000

HISTORY:

05/02/16	**City Council**	**DEFEATED**

COMMENTS - Current Meeting:

Patrick Sullivan, Director of Parks and Building, spoke in favor of the order. He stated that in addition to the liability created from the deteriorating steps, city vaults, which are located under the steps, may be damaged as well.

Councilor Allen spoke against the order and explained that he did not believe in the financial interests of the city, especially when compared to the City's pension liability.

Councilor Ramos spoke against the order.

Councilor Shea spoke in favor of the order.

Councilor Ashe spoke in favor of the order.

Councilor Twiggs spoke in favor of the order.

Councilor Marcus Williams asked about the ADA compliance of the municipal complex.

Councilor Hurst stated that he does not support the order.

Councilor Gomez stated that he does not support the order.

ATTACHMENTS:

- CAFO Cert - City Hall (PDF)

RESULT:	**DEFEATED [6 TO 6]**
MOVER:	Justin Hurst, At Large Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Hurst, Shea, Twiggs, Ashe, Edwards, Walsh
NAYS:	Allen, Williams, Ramos, Williams, Gomez, Fenton
ABSENT:	Timothy J. Rooke

Motion To: Motion to send $1,000,000 bond authorization for City Hall to Committee by Councilor Ramos Seconded by Councilor Allen

RESULT:	**DEFEATED [5 TO 7]**
MOVER:	Orlando Ramos, Vice President- Ward 8 Councilor
SECONDER:	Timothy C. Allen, Ward 7 Councilor
AYES:	Allen, Williams, Ramos, Williams, Gomez
NAYS:	Hurst, Shea, Twiggs, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke

10. Order (ID # 3495)

Free Cash to OPEB Trust - 480,991.00

HISTORY:

05/02/16	**City Council**	**REFERRED TO COMMITEE**

COMMENTS - Current Meeting:

Patrick Burns, the City Comptroller, stated that the item was sent to committee and the committee has not met.

ATTACHMENTS:

- CAFO Certification - OPEB Transfer (DOCX)

RESULT:	**REFERRED TO COMMITEE**	**Next: 6/6/2016 7:00 PM**

11. Order (ID # 3512)

Free Cash to Green Communities Fund - $436,389.92

COMMENTS - Current Meeting:

Patrick Burns spoke in favor of the transfer. He stated that the transfer is meant to cover a deficit from window repairs.

The Councilor unanimously voted to suspend rule 19.

ATTACHMENTS:

- CAFO Certification - Green Communities Transfer (PDF)

RESULT:	**ADOPTED [12 TO 0]**
AYES:	Hurst, Shea, Twiggs, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke

12. Order (ID # 3507)

Free Cash to Dispatch Department - State Grant Deficits - $244,666.26

COMMENTS - Current Meeting:

Mr. Burns spoke in favor of this transfer. He stated that the transfer is meant to cover a deficit in the dispatch department that arose out of expenditures that the state is expected to reimburse.

Councilor Ramos moved to send the item to Committee, councilor Gomez seconded the motion.

ATTACHMENTS:

- Dispatch Grant Deficits - DLS Requirements (PDF)
- CAFO Cert - Dispatch Grant Deficits (PDF)

RESULT:	**REFERRED TO COMMITEE**	**Next: 6/6/2016 7:00 PM**

13. Order (ID # 3511)

Free Cash to Law Department - $167,220.00

COMMENTS - Current Meeting:

Attorney Lisa DeSousa and Maurice Cahillane, attorneys in the City's Law Department, spoke in favor of the transfer.

Councilor Hurst stated that he thinks that the city should resolve some matters before they turn into litigation matters.

Councilor Allen recused himself from the vote.

Attorney Cahillane stated that $100,000 is to pay a judgment in a case that went to the Supreme Judicial Court.

ATTACHMENTS:

- CAFO Certification - Law Transfer (PDF)

RESULT:	**ADOPTED [11 TO 0]**
AYES:	Hurst, Shea, Twiggs, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke
RECUSED:	Timothy C. Allen

Motion To: Motion to Discuss the order transferring $167,220 dollars from free cas to the the law department in executive session to discuss onging litigation and for the body to return by Councilor Ramos seconded by Councilor Bud Williams

RESULT:	**DEFEATED [6 TO 6]**
MOVER:	Orlando Ramos, Vice President- Ward 8 Councilor
SECONDER:	Bud L. Williams, At-Large Councilor
AYES:	Hurst, Williams, Ramos, Gomez, Ashe, Fenton
NAYS:	Shea, Twiggs, Allen, Williams, Edwards, Walsh
ABSENT:	Timothy J. Rooke

14. Order (ID # 3514)

Bill of Prior Year - Facilities- $21,669.98

COMMENTS - Current Meeting:

Patrick Sullivan, Director of Parks and Recreation, spoke in favor of the order.

The Council unanimously voted to suspend rule 19.

ATTACHMENTS:

- CAFO Certification - Facilities BOPY (DOCX)

RESULT:	**ADOPTED [12 TO 0]**
MOVER:	Justin Hurst, At Large Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Hurst, Shea, Twiggs, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke

15. Order (ID # 3490)

Free Cash to Police Department - SPSA Arbitration Award - $5,317.88

HISTORY:

05/02/16	**City Council**	**REFERRED TO COMMITEE**

ATTACHMENTS:

- SPSA Arbitration Award (PDF)
- CAFO Cert - Police SPSA Arbitration Award (PDF)

RESULT:	REFERRED TO COMMITEE	Next: 6/6/2016 7:00 PM

16. Order (ID # 3517)

Authorization to Award School Department Computer Lease Contracts with Terms Up to 4 Years

COMMENTS - Current Meeting:

Paul Foster, representing the School Department, spoke in favor of the order.

Councilor Walsh made a motion to send the matter to committee, seconded by Councilor Edwards.

RESULT:	REFERRED TO COMMITEE	Next: 6/6/2016 7:00 PM

General Business

(17.) (ID # 3456) Amending City Ordinance Chapter 390

Please see attached materials

Please see attached materials

RESULT:	REFERRED TO COMMITTEE	Next: 6/6/2016 7:00 PM

COMMENTS - Current Meeting:
Councilor Bud Williams moved to send the matter to Committee, seconded by Councilor Shea.

ATTACHMENTS:

- Amended City Ordinance 390-6, 8 (RTF)
- MinutesTaxiLiveryCommission081105 (DOCX)
- Memo on Uber (DOC)
- Memo on UberUpdates (DOC)
- Amendment (PDF)

(18.) (ID # 3516) Amending Various Chapters - Engineering Permit Fees

ORD. NO ___________

AN ORDINANCE TO AMEND the Code of the City of Springfield, to change the following fees:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 1. Chapter 338, Streets and Sidewalks, of the Code of the City of Springfield, is hereby amended to read as follows:

§338-35(D)
"Said application shall first be submitted to the Director of Public Works, with a nonrefundable application fee of $125, who shall cause his recommendation of approval

or disapproval to be placed thereon."

§338-35(E)(1)(a.)
Permit application: $75.

§338-35(E)(1)(b.)[1]
General roadway excavation: $45/day.

§338-35(E)(1)(c.)
Nonexcavation: $25/day.

§338-35(E)(1)(d.)
Blanket manhole (public utility): $1,000/year.

§338-35(E)(1)(e.)
Contractor license application fee: $125.

Section 2. Chapter 338, Streets and Sidewalks, of the Code of the City of Springfield, is hereby amended to read as follows:

§338-36(A)

Subject to the provisions of § **338-35**, all excavators are responsible for repairs to pavement for one year or until the City's acceptance of the repair, whichever is later. The following is a schedule of the fees which shall be charged by the City by and through its Department of Public Works for "life cycle pavement fees":

Age of Pavement (years)	Fee (per square foot)
Less than 1	$120 (if allowed)
Less than 5	$65
5 to 10	$35
Over 10	$15

Section 3. Chapter 265, Parking, Valet, of the Code of the City of Springfield, is hereby amended to read as follows

§265-5(E)

The cost for valet space shall be $2.50 per year per foot of curb required to operate the service safely between 6:00 p.m. and 6:00 a.m. in parking areas without parking meters on the days required.

Section 4. Section 172-7 of Chapter 172, Excavations, of the Code of the City of Springfield, is hereby amended to change the fee of fifty dollars ($50) to seventy-five dollars ($75), to read as follows:

§172-7

The fee for a permit granted under the provisions of this chapter shall be $75.

Section 4. Effective date:

This ordinance shall become effective on July 1, 2016.

Approved as to form:

Associate City Solicitor

RESULT:	FIRST STEP	Next: 6/6/2016 7:00 PM

COMMENTS - Current Meeting:
Christopher Cignoli, the DPW director, spoke in favor of the amendment. The amendment includes an increase in fees and a moratorium on utility companies excavating newly paved roads.

Councilor Williams asked what happened to the fund collected from these fees. Mr. Cignoli stated that the money from the fees goes into the general fund.

ATTACHMENTS:

- FY17 Occupancy Permit Fee Increases (PDF)
- CAFO Certification - Engineering Permit Fees (PDF)

Resolutions

19. Resolution (ID # 3509)

Chapter 70 Foundation Budget Review

COMMENTS - Current Meeting:

Councilor Walsh moved to send the item to committee, seconded by Councilor Edwards

RESULT:	REFERRED TO COMMITTEE	Next: 6/6/2016 7:00 PM

20. Resolution (ID # 3518)

Free Oscar Lopez Rivera

COMMENTS - Current Meeting:

Councilor Gomez spoke in favor of the resolution. He explained that Mr. Lopez had been pardoned by President Clinton but Mr. Lopez refused to accept the pardon until his fellow prisoners were free. Councilor Gomez also explained that many people supported the release of Mr. Lopez. Councilor Ramos spoke in support of the resolution. Councilor Twiggs spoke in favor of the resolution. Councilor Ashe spoke in favor of the resolution. Councilor Hurst spoke in favor of the resolution.

RESULT:	PASSED BY VOICE VOTE

21. Resolution (ID # 3520)

Puerto Rico

COMMENTS - Current Meeting:

Councilor Gomez spoke in favor of the resolution. Councilor Bud Williams spoke in favor of the resolution. Councilor Ramos spoke in favor of the resolution, expressed concern over the economic impact of a financial disaster in Puerto Rico. Councilor Marcus Williams spoke in favor of the resolution, stated that it improves the appearance of the city to Puerto Rican Residents. Councilor twiggs spoke in favor of the resolution.

RESULT:	**PASSED BY VOICE VOTE**

Suspension of Rules

General Government

Regular Meeting

~ Minutes ~

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http://www.springfieldcityhall.com

Susan Kacoyannakis
413-787-6170

Thursday, May 5, 2016 | **3:00 PM** | **City Hall -- Room 200**

I. Discussion of Taxi Livery Service

II. Ordinances

1. Ordinance (ID # 3456)

Amending City Ordinance Chapter 390

COMMENTS - Current Meeting:

Committee: General Government

Date: May 5, 2016

Time: 3:00 P M

SUBJECT: Taxi Livery Service Ord. Amending Ch. 390

Councilors in Attendance: Hurst, Allen

Synopsis(include pros/cons):

The General Government Committee met on May 5, 2016 in Room 200 of City Hall to discuss an amendment to the current ordinance to include "drivers" to where it currently states "owners and operators".

Councilor Timothy Allen made a motion to recommend approval of the amendment to the Full Council on Monday, May 16, 2016. Councilor Justin Hurst seconded the motion, Councilors Allen and Hurst were in favor, no one was opposed.

ATTACHMENTS:

- Amended City Ordinance 390-6, 8 (RTF)
- MinutesTaxiLiveryCommission081105 (DOCX)
- Memo on Uber (DOC)
- Memo on UberUpdates (DOC)
- Amendment (PDF)

City Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3515

April Revenue Vs. Expenditure Report (Mayor Sarno)

RESULT:	**RECEIVE REPORT**

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

For the period ended
04/30/16

Revenues and Other Sources:	Revised Budget	Actual	Variance Over/(Under)	%
Real Estate & Personal Property Taxes	$ 177,910,553	$ 166,625,678	$ (11,284,875)	94%
Real Estate & Personal Property Taxes - Tax Liens	-	2,239,661	2,239,661	0%
Motor Vehicle Excise	9,800,000	9,629,342	(170,658)	98%
Penalties, interest and other taxes	5,153,730	3,075,810	(2,077,920)	60%
Charges for Services	13,140,997	8,906,415	(4,234,582)	68%
Intergovernmental	356,522,088	296,564,281	(59,957,807)	83%
MSBA Payments	12,694,418	8,137,530	(4,556,888)	64%
Licenses and Permits	7,084,500	4,167,158	(2,917,342)	59%
Fines and Forfeits	450,180	390,752	(59,428)	87%
Interest earned on Investments	1,346,859	910,822	(436,037)	68%
Miscellaneous	10,730,568	10,208,800	(521,768)	95%
FY 2015 Net School Spending Shortfall (a.)	9,513,484	9,513,484	-	100%
Stabilization Reserves	350,184	350,184	-	100%
Other Financing Sources	292,018	292,018	-	100%
Total Revenues and Other Sources	604,989,579	$ 521,011,936	$ (83,977,643)	86%

Expenditures and Other Uses:	Revised Budget	Actual	Variance Over/(Under)	%
General government	$ 21,294,589	$ 17,220,234	$ 4,074,355	81%
Public safety				
Police	41,251,354	34,902,051	6,349,303	85%
Fire	20,413,297	16,587,607	3,825,691	81%
Centralized Dispatch	1,828,958	1,744,520	84,437	95%
Other	3,603,127	2,976,370	626,758	83%
Health and Welfare	4,830,997	3,518,973	1,312,024	73%
Public works	9,987,467	8,469,993	1,517,473	85%
Education	388,243,766	294,944,453	93,299,313	76%
Culture and recreation	12,133,809	10,494,708	1,639,102	86%
Pension and fringe	55,732,636	50,839,026	4,893,610	91%
State and district assessments	3,299,435	2,518,231	781,204	76%
Debt Service	36,395,462	34,597,548	1,797,914	95%
Pay as you go Capital	1,932,506	639,387	1,293,119	33%
Other Financing Use - Trash Enterprise Supplement	4,042,175	4,042,175	-	100%
Total Expenditures and Other Uses	604,989,579	483,495,276	121,494,303	80%
Excess (deficiency) of revenues and other sources over expenditures and other uses	$ -	$ 37,516,660	$ 37,516,660	

(a.) The FY 2015 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
04/30/16

	Original Budget	Transfers In/(Out)	Revised Budget	Expenditure	Encumbrance	Variance Over/(Under)	%
Expenditures and Other Uses:							
General government	19,657,285	1,637,304	21,294,589	15,600,997	1,619,237	4,074,355	81%
Public safety							
Police	41,251,354	-	41,251,354	34,552,982	349,069	6,349,303	85%
Fire	21,413,297	(1,000,000)	20,413,297	16,454,910	132,696	3,825,691	81%
Centralized Dispatch	1,828,958	-	1,828,958	1,739,695	4,826	84,437	95%
Other	3,725,627	(122,500)	3,603,127	2,829,863	146,506	626,758	83%
Health and Welfare	4,845,997	(15,000)	4,830,997	3,487,003	31,970	1,312,024	73%
Public works	9,987,467	-	9,987,467	8,274,307	195,686	1,517,473	85%
Education	378,568,673	9,675,093	388,243,766	278,962,340	15,982,113	93,299,313	76%
Culture and recreation	12,030,929	102,880	12,133,809	9,726,568	768,139	1,639,102	86%
Pension and fringe	55,932,636	(200,000)	55,732,636	50,839,026	-	4,893,610	91%
State and district assessments	3,299,435	-	3,299,435	2,481,204	37,027	781,204	76%
Debt Service	36,395,462	-	36,395,462	34,597,548	-	1,797,914	95%
Pay as you go Capital	1,932,506	-	1,932,506	528,114	111,273	1,293,119	33%
Other Financing Use - Trash Enterprise Supplement	4,042,175	-	4,042,175	4,042,175	-	-	100%
Total Expenditures and Other Uses	594,911,802	10,077,777	604,989,579	464,116,733	19,378,543	121,494,303	80%

Office of Planning & Economic Development
Analysis for a Zone Change

437 Bay Street
Residence C to Commercial A

General Information

Applicant: Better Homes Properties, LLC

Request: Residence C to Commercial A

Location: 437 Bay Street

Parcel Size: 18,206 s.f.

Purpose: Office building.

Surrounding Land Use and Zoning: The property is located in the Bay neighborhood and is located in an area with primarily residential uses. The surrounding land uses includes:

To the north is Oak Grove Cemetery zoned Residence B.
To the south is an apartment complex zoned Residence C.
To the east are two-family homes zoned Residence B.
To the west is a two-family home zoned Residence C.

Comprehensive/ Neighborhood Plan: The Bay Neighborhood Plan shows no changes to this area.

Site Visit: 3-30-16

Neighborhood Council Notification: Bay Area Neighborhood Council: 3-22-16

Planning Board Hearing Date: 4-6-16

Special Information

Traffic & Parking: N/A

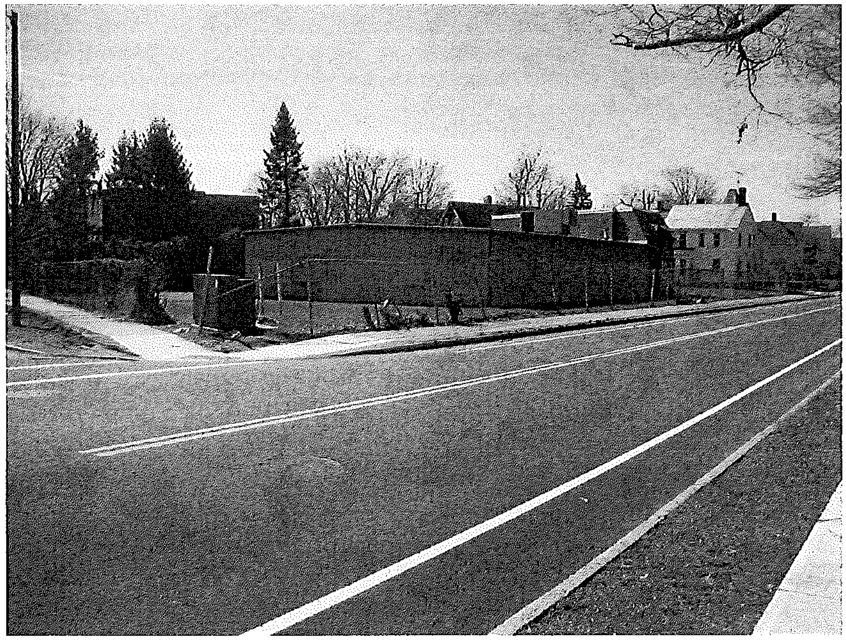
Physical Characteristics: N/A

Other Notes: N/A

Analysis

The petitioner has requested to change the zoning of the property known as 437 Bay Street from Residence C to Commercial A. The site has been vacant for a number of years and was previously used as a church and day care center. The petitioner intends to renovate the existing one-story, commercial building and use it for offices.

After reviewing the proposed request and visiting the site, the staff does not object to the propose request. As noted above, there is an existing one-story, commercial building located on the property which had been used for a church and day care operation. However, the building has been vacant and boarded for a number of years. The petitioner, Better Homes Property, LLC (Home City Housing), has stated that the property will be



renovated and used for offices in conjunction with their real estate management company. Better Homes Property, LLC owns a number of large residential properties throughout Springfield and surrounding communities.

As noted above, the staff does not object to the proposed request. Due to the fact that this property has been used for a church and day care center in the past, the staff believes that the proposed new used will actually have less of an impact to the abutters than the previous uses. As such, the staff does not believe the proposed zoned change will have a negative effect on the direct abutters or on the neighborhood as a whole.

Further, as can be seen by the attached photo, the property is currently in very poor condition and is fenced in with a six (6) foot, chain link that is damaged and overgrown. Conceptual plans have been submitted showing that this fencing will be removed and landscaping will be added. Also, as per the Zoning Ordinance, a five (5) foot landscape buffer will need to be installed along the portion of the property which abuts the residentially zoned property. Parking for this proposed use will be located in the rear of the building.

Lastly, it should be noted that Commercial A only allows for a limited commercial uses and does not allow for any automotive related uses. Also, in addition to the zoned change, a special permit will also need to be granted. During that review, specific site plan related issued can be addressed.

RECOMMENDATION

Approve.

Phil Dromey
Deputy Director of Planning
City of Springfield
70 Tapley Street
Springfield, MA 01104

Re: Zoning Change at 437 Bay Street

Mr. Dromey:

On March 21, 2016, the Bay Area Neighborhood Council (BANC) met with Home City Housing, Inc. (petitioner) who has requested a zoning change from Residence C to Commercial A at 437 Bay Street. The owners discussed their plans for the use of the site which included office space and space for community gatherings.

BANC does not oppose the requested change, if the intended use is for what was discussed at the meeting. BANC however, would like to state for the record that it has expressed to the petitioner its concerns for security for any community gatherings held at this location. Also, the petitioner has assured BANC that the site will not become a source of hazardous waste generation. Any changes to what was proposed at the March 21, 2016 BANC meeting and discussed at that meeting will render the Bay Area Neighborhood Council to oppose those changes until the petitioner meets with BANC to discuss them.

Thank you for your attention in this matter.

Sincerely,

Craig A. Givens

Craig A. Givens, President BANC

Cc: Home City HousingS

HIGHLAND HOUSE, INC.

250 Oak Grove Avenue
Springfield, MA 01109
Tel: (413) 736-8720
Fax: (413) 736-6677
Email: hghlandhse!aol.com

March 24, 2017

Mr. Phil Dromey
Deputy Director of Planning
CITY OF SPRINGFIELD
70 Tapley Street
Springfield, MA 01104

RE: ZONING CHANGE AT 437 BAY STREET

Dear Mr. Dromey:

Highland House sits on property that abuts the above-referenced property. I would like to express my support for this proposed zoning change from Residence C to Commercial A. I understand that the proponents may also require some additional relief if the existing building does not conform to current dimensional requirements and I support the granting of any such relief, if necessary.

These actions would allow the building at that address to be re-used for offices by the new owners. As currently zoned, it is unlikely that the building will find an owner and it would continue to be a serious blight on the neighborhood.

I strongly encourage the Planning Board to approve this request and allow a problem property to become an asset instead.

Thank you for your attention to this matter.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

Christopher M. Carr
Property Manager

CMC/sl
cc: Board of Directors
Thomas Kegelman

HighlandHouse/Gen. Corr./Ltr to Phil Dromey (Spfld Planning Brd) re-Zoning

EQUAL HOUSING OPPORTUNITY

Equal Housing Opportunity/Affirmative Action Employer

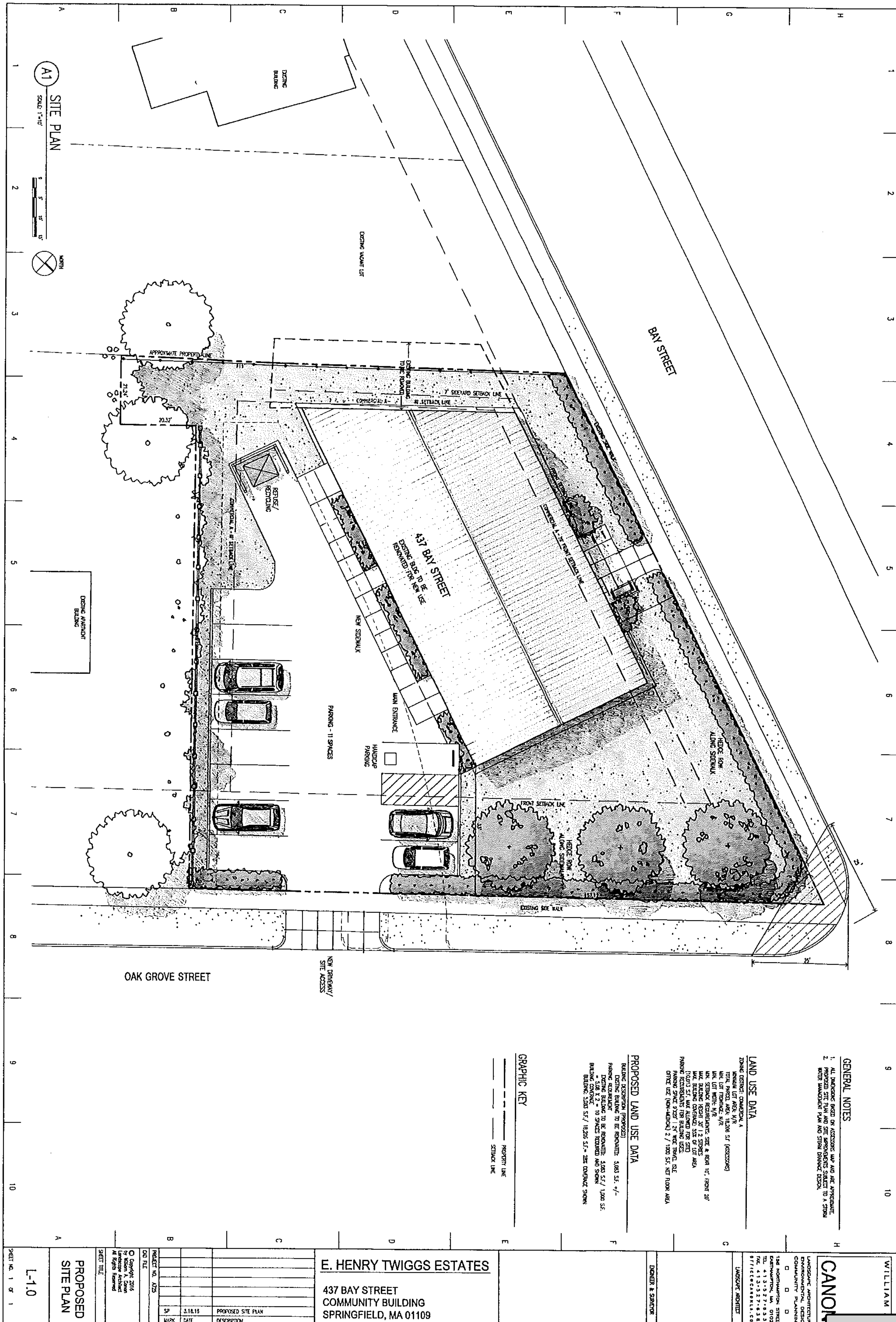
'16 MAR 28 11:55AM

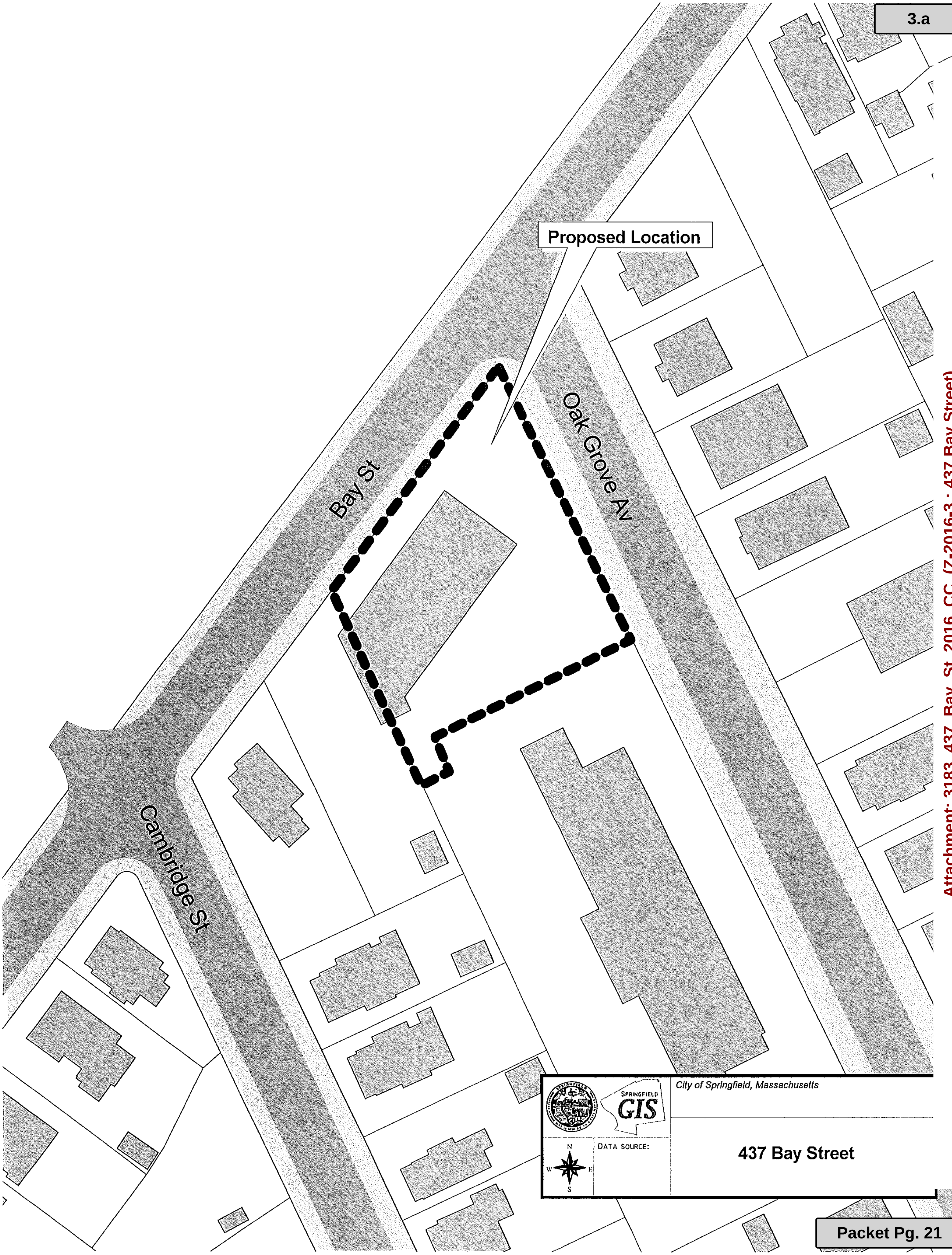
Phil Dromey
Deputy Director of Planning
City of Springfield
70 Tapley Street
Springfield, MA 01104
Re: Zoning Change at 437 Bay Street

Mr. Dromey:

As a longtime resident and current owner of a home at 265 Oak Grove Avenue, immediately across the street from the property which is the subject of the requested zoning change from Residence C to Commercial A. I would like to express my support for this proposed change. I understand that the proponents may also require some additional relief if the existing building does not conform to current dimensional requirements. I also support the granting of any such relief, if necessary. These actions would allow the building at that address to be re-used for offices by the new owners. As currently zoned, it is unlikely that the building will find an owner and it would continue to be a serious blight on the neighborhood. I strongly encourage the Planning Board to approve this request and allow a problem property to become an asset instead.

Thank you for your attention.


SITE PLAN
EXISTING BUILDING
EXISTING VACANT LOT
BAY STREET
437 BAY STREET
EXISTING BLDG TO BE RENOVATED FOR NEW USE
NEW SIDEWALK
MAIN ENTRANCE
HANDICAP PARKING
PARKING - 11 SPACES
REFUSE/ RECYCLING
EXISTING APARTMENT BUILDING
HEDGE ROW ALONG SIDEWALK
FRONT SETBACK LINE
EXISTING SIDE WALK
OAK GROVE STREET
NEW DRIVEWAY/ SITE ACCESS
GENERAL NOTES
LAND USE DATA
PROPOSED LAND USE DATA
GRAPHIC KEY
PROPERTY LINE
SETBACK LINE
E. HENRY TWIGGS ESTATES
437 BAY STREET
COMMUNITY BUILDING
SPRINGFIELD, MA 01109
PROPOSED SITE PLAN
L-1.0
SP
3.18.16
PROPOSED SITE PLAN
MARK
DATE
DESCRIPTION
WILLIAM
CANON


Proposed Location
Bay St
Oak Grove Av
Cambridge St
SPRINGFIELD GIS
City of Springfield, Massachusetts
DATA SOURCE:
437 Bay Street

CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

AN ORDINANCE

AMENDING SECTION 37 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 changing from **Residence B to Commercial A** the zoning on **Plot #3183**, **Section 37** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked **"Section 37 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 April 6, 2016 and April 20, 2016 regarding the above Ordinance amendment.

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

____
Ben Swan Jr., Chairperson

CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

AN ORDINANCE

AMENDING SECTION 37 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 changing from **Residence B to Commercial A** the zoning on **Plot #3183**, **Section 37** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked **"Section 37 Building Zone Map of the City of Springfield."**

REPORT TO CITY COUNCIL
ZONE CHANGE HEARING

PETITION: #3183
SECTION: 37

DATE: April 21, 2016

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: Better Homes Properties, LLC

ADDRESS: 437 Bay Street (01085-0371)

CHANGE REQUESTED: Proposed zone change from Residence B to Commercial A

PETITIONER'S PURPOSE STATEMENT: Office Use

DATE OF PUBLIC HEARING: April 6, 2016 and April 20, 2016

DATE OF FINAL DECISION: April 20, 2016

BOARD MEMBERS PRESENT and COUNT: seven (7): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. Choi and Mr. Cunningham

FINAL MOTION: Aprrove

IN FAVOR: seven (7): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. Choi and Mr. Cunningham

OPPOSED: zero (0)

ABSTAINED: N/A

RECOMMENDATION: APPROVE

Respectfully submitted,

Ben Swan Jr., Chairperson

City Council
36 Court Street
Springfield, MA 01103

ADOPTED

PETITION (ID # 3513)

Meeting: 05/16/16 07:00 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3513

Ludlow Avenue

CITY OF SPRINGFIELD, MASSACHUSETTS

Date: May 9, 2016

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

The Board of Public Works, to which was referred the petition #6236 of Everesource Electric Company dated March 8, 2016, to Install 35 feet pole with guying to support existing wood pole 963/1 on Ludlow Avenue, with said that the existing guy which is low over existing driveway will be replace whit the new guy to be place on the tree belt in the easterly side of Ludlow Avenue, approximately (45') feet southerly from Main Street and the existing pole will be replace for a new 35 feet wood pole, all as substantially shown on a plan attached, referred to numbered #6236, which is incorporated herein by reference and to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with the pole as it may desire for distributing purposes, reports thereon as follows:

By virtue of Chapter 708 of the Acts of 1977 the Board of Public Works held the hearing on the above matter provided for in Section 22 of Chapter 166 of the General Laws. The hearing was held on May 9, 2016 at 5:00 P.M. at the parking lot in front of #9 Ludlow Avenue Springfield, MA. Three (3) members of the Board and one (1) persons interested in the matter were present. Of the latter, one (1) voted in favor of and no-one (0) voted against.

The Board finds the request necessary in order that the electrical utility company can replace the guy that is over the private driveway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

____________________________)
____________________________) BOARD OF PUBLIC WORKS
____________________________)

RESULT:	**RECEIVED PASSED**

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCES
CITY OF SPRINGFIELD
MASSACHUSETTS

DATE: April 25, 2016

TO: Anthony I Wilson, Esquire
City Clerk

FROM: Hector Velez, DPW Engineer
on behalf of BPW

DEPARTMENT: City Clerk

SUBJECT: Board's agenda for:
May 9, 2016

NOTICE OF MEETING

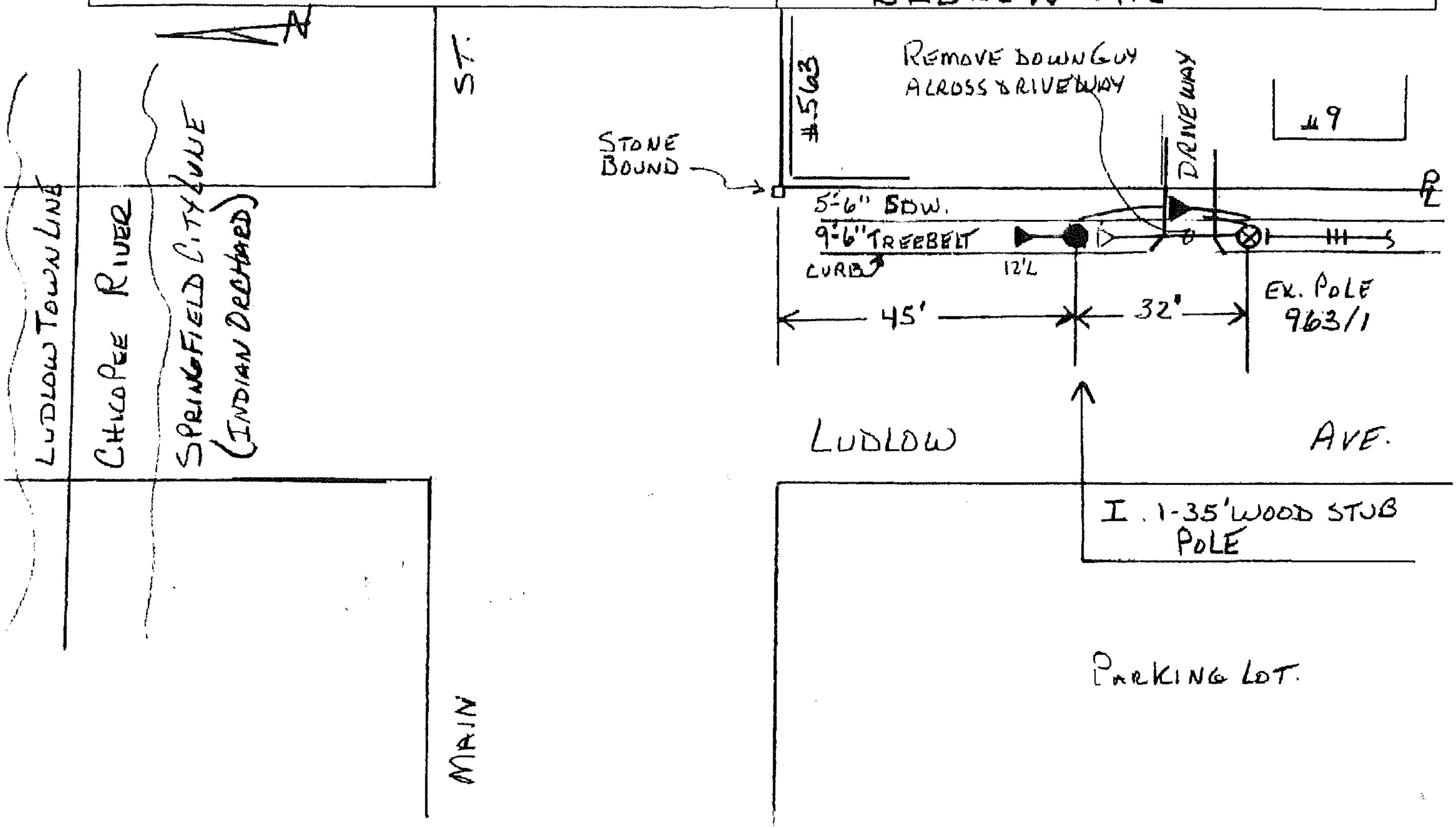
Monday May 9, 2016 – On the Parking lot in front of #9 Ludlow Avenue, Springfield MA at 5:00 P.M

Minutes of Previous Meeting
Communications
Old Business

New Business: Ludlow Ave.
EVERESOURCE

HEARING RE: To Install 35 feet wood pole with guying to support existing wood pole 963/1. This will allow to remove existing down guy which is low over existing driveway.

EVERSOURCE	TOWN SPRINGFIELD (INDIAN ORCHARD
NEW ENGLAND TELEPHONE & TELEGRAPH COMPANY	STREET LUDLOW AVE



PURPOSE AND DESCRIPTION:

INSTALL 35' WOOD STUB POLE WITH GUYING TO SUPPORT EXISTING WOOD POLE 963/1. THIS WILL ALLOW TO REMOVE EXISTING DOWN GUY WHICH IS LOW OVER EXISTING DRIVEWAY. ALL WORK WILL TAKE PLACE IN TREEBELT

LEGEND

PROPOSED JOINT POLE	HANDHOLE	MANHOLE
PROPOSED EVERSOURCE POLE	PAD MOUNT TRANSFORMER	HEXHOLE
EXISTING JOINT POLE	UG. CONDUIT	
EXISTING EVERSOURCE POLE	UG. PRIMARY CABLE	
EXISTING EVERSOURCE POLE TO BE MADE JOINT	UG. SECONDARY CABLE	
EXISTING FOREIGN POLE TO BE MADE JOINT		

MIKE SANTOS 413 787-9354	6S522475	DISTANCES ARE APPROXIMATE N.T.S.	#6236

W.O. # 2643346

City Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3505

HUD Continuum of Care Grant - No Match - $3,230,835 (Mayor Sarno)

WHEREAS, the Office of Housing ("Department") has been awarded an increase of $889,239 to the Continuum of Care (CoC) Grant from the US Department of Housing and Urban Development, bringing the total grant award to $3,230,835; and

WHEREAS, the funds provided are intended to be used to improve the lives of homeless men, women, and children through local planning efforts and through direct housing and service programs; and

WHEREAS, the Department intends to use the grant funds for the purposes as requested by the donor; and

WHEREAS, the Department has accepted the grant funds 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 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 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:

HUD Continuum of Care Grant - $3,230,835

RESULT:	**PASSED BY VOICE VOTE**

SPRINGFIELD. ORGANIZED A TOWN MAY 14.1636. O.S. ** A CITY MAY 25.1852.

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	5/2/2016
Department Requesting Grant Setup	Comm Dev
Department Phone # (Please include extension)	6082
Name and Title of Person to Contact in Case of Questions	Cathy Buono

Was this Grant previously setup for a prior fiscal year?
If yes, please indicate your previous project number: 66516

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
X	Federal – City
	State DOE– School
	State Other – School
	State – City
	Private/Other

Grant Name: Supportive Housing

Total Grant Amount Awarded: $ 889,239.00

Increase Amount

Total Grant Amount = $3,230,835

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

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	US Dept of HUD
Contact Person	Paula Newcomb
Street Address	10 Causeway Street
City, State, Zip Code	Boston, MA
Telephone	617-994-8378
Fax	617-565-5442
E-Mail	pnewcomb@hud.gov

Actual Award Date	5/2/2016
Board Approval Date	
Start Date	various for each grant
Expiration Date	various for each grant
Renewal Action Date (optional)	

If there are any Matching Funds:

Type

Percent

Amount

Comments re: Description/Purpose of Grant

Support of homeless services and housing

Comments re: Conditions/Restrictions of Grant

If this is a Federal Grant, enter CFDA#: 14.235

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: same as 66516

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   5-2-16
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.

HUD NEWS

U.S. Department of Housing and Urban Development – Kristine Foye, Regional Administrator
HUD New England Region, Boston, MA 02222

HUD #16-29
Rhonda Siciliano
(617) 994-8355
www.hud.gov/massachusetts

FOR RELEASE
Monday
May 2, 2016

HUD AWARDS $7.8 MILLION FOR LOCAL HOMELESS PROGRAMS IN MASSACHUSETTS

Funding support to 39 local homeless housing and service programs

BOSTON – Today, U.S. Department of Housing and Urban Development (HUD) Secretary Julián Castro awarded $7.8 million to 39 local homeless housing and service programs across Massachusetts. These *Continuum of Care* (CoC) grants support the Obama Administration's efforts to end homelessness and build upon the $60.1 million in funding HUD awarded throughout Massachusetts through a first round of funding in March. **View a complete list of all the state and local homeless projects awarded funding**.

"We know how to end homelessness and these grants support local programs that are proven to prevent and end homelessness as we've come to know it," said Secretary Castro. "As we continue to make progress toward ending homelessness in this country, HUD is challenging communities to use more cost effective solutions to help those experiencing homelessness."

"The evidence is clear that every dollar we spend on those programs that help find a stable home for our homeless neighbors not only saves money but quite literally saves lives," said Kristine Foye, HUD New England Regional Administrator.

The competition to award FY 2015 CoC grants was the most competitive ever, both locally and nationally. This is consistent with HUD's policy goals as well as Congressional direction to stringently review performance, increase competition for CoCs, and not simply fund renewals in the FY 2015 CoC competition.

HUD strongly encouraged local applicants to prioritize their funding request very carefully, using a mix of performance data and local needs. In addition, applicants were encouraged to submit projects that were based on research-driven approaches and supported the nation's goals to prevent and end homelessness. As a result, local CoCs eliminated a combined $124 million in renewal funding from lower performing projects in order to apply for new housing projects. These new projects will provide permanent supportive housing and rapid re-housing solutions for those experiencing homelessness.

Ultimately, the awards made today, and those awarded in March, will help us achieve the bold goals established in 2010 by President Obama and 19 federal agencies and offices that form the U.S. Interagency Council on Homelessness (USICH) in the nation's first-ever comprehensive strategy to prevent and end homelessness, ***Opening Doors: Federal Strategic Plan to Prevent and End Homelessness***. This means continuing the progress made in reducing the number of people

Fiscal Year 2015 Tier 2 Continuum of Care (CoC) Grant Awards				
State	**Project Name**	**City**	**Grant Type ('R' = Renewal)**	**Amount**
Alaska	Alaska Housing Finance Corporation / 2015 CoC ANC SRA	Anchorage	CoC	$714,913
	Alaska Housing Finance Corporation / 2015 CoC KPH SRA	Anchorage	CoCR	$21,208
	St. Vincent De Paul Society Diocesan Council Southeast Alask / Paul's Place Renewal FY2015	Juneau	CoCR	$31,512
	The Leeshore Center / Supportive Housing Program	Kenai	CoCR	$67,313
			Alaska Total	**$834,946**
Alabama	AIDS Alabama, Inc. / Rapid Re-Housing FY2015	Birmingham	CoC	$491,571
	Hale Empowerment And Revitalization Org. (HERO) / Housing In Hale	Greensboro	CoC	$124,354
	Housing First, Inc. / Disabled Homeless Program PH	Mobile	CoCR	$518,361
	Lighthouse Counseling Center, Inc. / Genesis	Montgomery	CoCR	$144,080
	Pathways Inc. / Pathways New Beginnings	Birmingham	CoCR	$340,196
	Pathways Inc. / Safe Haven Shelter For Women	Birmingham	CoCR	$171,662
	Safeplace, Inc. / Supportive Housing And Services Project	Florence	CoCR	$423,736
	The Cooperative Downtown Ministries, Inc. / Renewal 2015 Nashamah	Birmingham	CoCR	$223,262
	The Salvation Army, A Georgia Corporation / Veterans Transitional Living Program	Tuscaloosa	CoCR	$31,832
			Alabama Total	**$2,469,054**
Arkansas	City Of Fayetteville / Hearth TH	Fayetteville	CoCR	$115,271
	Committee Against Spouse Abuse / Transitional Housing For Victims Of Domestic Violence Expansion Project	Pine Bluff	CoCR	$41,128
	River City Ministry Of Pulaski Co / River City Ministry Jericho Program	North Little Rock	CoCR	$221,463
	The Darnell Brown Community	Texarkana	CoCR	$44,756

	Alliance, Inc. - Rapid Re-Housing For Families (R2F2)			
	City Of Boston Acting By And Through Its PFC By DND / New England Center For Homeless Veterans - Transitional Housing Program	Boston	CoCR	$235,227
	City Of Cambridge, Massachusetts / Cambridge Coordinated Intake Expansion	Cambridge	CoC	$464,951
	City Of Cambridge, Massachusetts / Cambridge Dedicated HMIS Expansion	Cambridge	CoC	$14,770
	City Of Cambridge, Massachusetts / Just-A-Start: Rapid Rehousing Project	Cambridge	CoC	$278,932
	City Of Cambridge, Massachusetts / North Charles: Bridge Program	Cambridge	CoCR	$45,005
	City Of Fall River / CHAOS	Fall River	CoCR	$81,991
	City Of Lowell, Massachusetts / Pathfinder PSH	Lowell	CoCR	$399,735
	City Of New Bedford / Prism	New Bedford	CoCR	$109,030
	City Of Quincy, MA / DEFGH Program	Quincy	CoCR	$754,586
	City Of Quincy, MA / HMIS Brockton	Quincy	CoCR	$113,007
	City Of Quincy, MA / Nicole's Project	Quincy	CoC	$382,033
	City Of Quincy, MA / Zanelli's Project	Quincy	CoC	$304,675
	City Of Springfield / Catholic Charities - RRH 2	Springfield	CoC	$48,472
	City Of Springfield / Catholic Charities - RRH 3	Springfield	CoC	$331,585
	City Of Springfield / Gandara - SHINE Program	Springfield	CoCR	$189,235
	City Of Springfield / Gandara - SHINE RRH	Springfield	CoC	$169,319
	City Of Springfield / Project Permanence	Springfield	CoCR	$150,628
	Commonwealth Of Massachusetts / Scattered Site Transitional Apartment Project	Boston	CoCR	$211,891
	Community Counseling Of Bristol County, Inc. / Bridge House	Taunton	CoCR	$16,542
	Hilltown CDC / 3 County CoC Coordinated Assessment	Chesterfield	CoC	$223,086

$ 889,239.00

State CoC Name Project Name	Program	Awarded Amount
Cape Cod Supported Housing	CoCR	$276,094
Cape Cod Supported Housing Expansion	CoCR	$27,609
Cape Homes III	CoCR	$248,756
Cape Homes IV	CoCR	$70,263
Cape Homes V	CoCR	$113,334
Cape Regional Housing Initiative	CoCR	$271,525
HMIS	CoCR	$67,356
Housing First	CoCR	$350,923
MA-503 CoC Planning Application FY 2015	CoC	$50,329
Pilot Plus	CoCR	$28,567
Spring Street	CoCR	$34,814
Welcome Home 2	CoCR	$26,472
Welcome Home 3	CoCR	$68,061
Welcome Home 4	CoCR	$47,944
MA-503 Total :		**$1,682,047**
MA-504 - Springfield/Hampden County CoC		
Catholic Charities - RRH	CoCR	$49,260
CoC Planning Project	CoC	$103,957
FOH - Worthington House Campus	CoCR	$22,679
FOH Coordinated Assessment	CoC	$250,000
HAP - Rapid Rehousing	CoCR	$145,837
HAP - Turning Point	CoCR	$60,209
HMIS	CoCR	$61,992
HRU - Next Step	CoCR	$292,344
HRU - Next Step 2	CoCR	$104,149
MHA Annie's House PSH	CoCR	$229,792
MHA S+C PRA 12 (Reach 2)	CoCR	$112,824

State CoC Name Project Name	Program	Awarded Amount
MHA S+C SRA 3	CoCR	$30,770
MHA S+C SRA 48	CoCR	$382,719
MHA S+C SRA 5	CoCR	$51,284
Open Pantry - Tranquility House	CoCR	$41,050
RVCC - HIV/AIDS Residential Support	CoCR	$181,442
RVCC - HIV/AIDS S+C TRA 7	CoCR	$71,927
SMOC - Bowdoin Street	CoCR	$21,594
VOC - Scattered Site Family Supportive Housing	CoCR	$127,767
MA-504 Total :		**$2,341,596**
MA-505 - New Bedford CoC		
City of New Bedford HMIS Project	CoCR	$29,524
Family Preservation Program	CoCR	$260,920
Portico	CoCR	$591,092
Step Up	CoCR	$277,130
The CALL	CoC	$46,757
Transition to Stabality	CoCR	$199,896
Welcome Home	CoCR	$170,590
MA-505 Total :		**$1,575,909**
MA-506 - Worcester City & County CoC		
Aurora	CoCR	$201,173
Catharine Street	CoCR	$39,590
Central Massachusetts Housing Options	CoCR	$53,849
CHAIN	CoCR	$209,147
Coordinated Assessment Program	CoC	$246,602
Family Housing for the Disabled	CoCR	$272,603
Foundations Transitional Housing	CoCR	$360,106
Genesis Supportive Housing	CoCR	$146,060

City Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3506

HOME Grant - No Match - $1,098,857 (Mayor Sarno)

WHEREAS, the Office of Community Development ("Department") has been awarded an increase of $4,910 to the "HOME Grant" from the U.S. Office of Housing and Urban Development, bringing the total grant award to $1,098,857; and

WHEREAS, the purpose of the grant program is to provide affordable housing for low- income households; and

WHEREAS, the Department intends to use the grant funds to provide funds to first-time homeowners, tenant-based rental assistance, project based homeownership and rehab owner and rental properties; 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:

2016 HOME Grant Program - $1,098,857

RESULT:	**PASSED BY VOICE VOTE**

SPRINGFIELD
ORGANIZED A TOWN MAY 14. 1636. O.S. ** A CITY MAY 25. 1852.

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	4/19/2016
Department Requesting Grant Setup	Comm Dev
Department Phone # (Please include extension)	6082
Name and Title of Person to Contact in Case of Questions	Cathy Buono

Was this Grant previously setup for a prior fiscal year?
If yes, please indicate your previous project number: 63016

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
X	Federal – City
	State DOE– School
	State Other – School
	State – City
	Private/Other

Grant Name: HOME Entitlement

Total Grant Amount Awarded: $ 1,093,947.00

Amended Amount - $1,098,857.00 increase $4910.00

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

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	US Dept of HUD
Contact Person	Paula Newcomb
Street Address	10 Causeway Street
City, State, Zip Code	Boston, MA 02222
Telephone	617-994-8378
Fax	617-565-5442
E-Mail	pnewcomb@hud.gov

Actual Award Date	2/16/2016
Board Approval Date	
Start Date	7/1/2016
Expiration Date	6/30/2018
Renewal Action Date (optional)	

If there are any Matching Funds:

Type

Percent

Amount

Comments re: Description/Purpose of Grant

HOME Entitlement

Comments re: Conditions/Restrictions of Grant

If this is a Federal Grant, enter CFDA#: 14.239

If applicable enter the State ID # :

What is the required drawdown frequency?

(Ex: Monthly, Quarterly) monthly

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: same as 63016

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 4-19-16
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.

FY16 ALLOCATIONS - MA

KEY	CNSRTKEY	NAME	STA	CDBG16	HOME16	HOPWA16	ESG16
250078		Arlington	MA	$1,033,162	$0	$0	$0
250126		Attleboro	MA	$410,820	$0	$0	$0
250168		Barnstable	MA	$274,347	$0	$0	$0
250282		Boston	MA	$15,958,081	$4,153,113	$2,005,609	$1,449,423
250354		Brockton	MA	$1,332,537	$408,911	$0	$0
250372		Brookline	MA	$1,345,269	$0	$0	$0
250396		Cambridge	MA	$2,475,831	$568,122	$0	$226,064
250486		Chicopee	MA	$1,038,162	$0	$0	$0
250744		Fall River	MA	$2,608,240	$747,565	$0	$234,095
250774	25C101	Fitchburg	MA	$898,104	$363,213	$0	$0
250804		Framingham	MA	$502,731	$0	$0	$0
250858		Gloucester	MA	$608,765	$0	$0	$0
251020		Haverhill	MA	$875,511	$0	$0	$0
251074	25C002	Holyoke	MA	$1,124,880	$737,102	$0	$0
251194		Lawrence	MA	$1,518,368	$682,395	$0	$0
251236		Leominster	MA	$418,548	$0	$0	$0
251284		Lowell	MA	$1,893,676	$553,860	$1,097,475	$174,382
251302		Lynn	MA	$2,320,320	$617,939	$0	$208,122
251314	25C004	Malden	MA	$1,232,559	$1,516,250	$0	$0
251410		Medford	MA	$1,403,910	$0	$0	$0
251614		New Bedford	MA	$2,455,414	$677,281	$0	$224,092
251650	25C003	Newton	MA	$1,742,529	$1,142,934	$0	$159,211
251674		Northampton	MA	$613,742	$0	$0	$0
251884	25C102	Peabody City	MA	$388,863	$1,283,013	$0	$0
251938		Pittsfield	MA	$1,145,951	$0	$0	$0
251962		Plymouth Town	MA	$312,398	$0	$0	$0
251992	25C005	Quincy	MA	$1,687,966	$618,401	$0	$152,259
252028		Revere City	MA	$649,496	$0	$0	$0
252118		Salem	MA	$995,257	$0	$0	$0
252250		Somerville	MA	$2,264,442	$399,540	$0	$203,461
252340		Springfield	MA	$3,492,334	$1,098,857	$453,520	$319,947

Attachment: HOME Grant Add'l Funding - Grant Set-Up Form & Award Letter (3506 : HOME Grant - No

City Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3510

Community Compact Grant - No Match - $10,000 (Mayor Sarno)

WHEREAS, the Office of Community Development ("Department") has been awarded a Community Compact Grant of $10,000 from the Massachusetts Executive Office of Housing and Economic Development; and

WHEREAS, the grant will be used for consulting services to conduct a study and report on local adult education and workforce training services, as well as gaps in those services relative to local labor market needs; 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:

Community Compact Grant - $10,000

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	May 9, 2016
Department Requesting Grant Setup	Comm Dev
Department Phone # (Please include extension)	6082
Name and Title of Person to Contact in Case of Questions	Cathy Buono

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.

	<u>Grant Type:</u>
	State – Highway
	Federal Pass-Through DOE– School
	Federal Direct– School
	Federal – City
	State DOE– School
	State Other – School
X	State – City
	Private/Other

Grant Name: Community Compact

Total Grant Amount Awarded: $ 10,000.00

Is this a Reimbursable Grant? (Y/N) yes
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	Executive Office of Housing and Eco Development
Contact Person	Stephen O'Neil
Street Address	One Ashburton Place
City, State, Zip Code	Boston, MA 02108
Telephone	617-788-3653
Fax	617-788-3605
E-Mail	Stephen.ONeil@state.ma.us

Actual Award Date	4/1/2016
Board Approval Date	
Start Date	4/1/2016
Expiration Date	6/30/2016
Renewal Action Date (optional)	

If there are any Matching Funds:
Type
Percent
Amount

Comments re: Description/Purpose of Grant
Community Compact Program Funding

Comments re: Conditions/Restrictions of Grant

If this is a Federal Grant, enter CFDA#:

If applicable enter the State ID # :

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

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:

Object Codes: 530105

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.

Cathy Bruno

Signature

5-9-16

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.

C#20160982

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

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 (and d/b/a):	COMMONWEALTH DEPARTMENT NAME: Executive Office of Housing and Economic Development MMARS Department Code: EED
Legal Address: (W-9, W-4,T&C): 36 COURT ST ROOM 405, SPRINGFIELD, MA 01103	Business Mailing Address: One Ashburton Place, Room 2101, Boston, MA 02108
Contract Manager: Domenic Sarno	Billing Address (if different):
E-Mail: dsarno@springfieldcityhall.com	Contract Manager: Stephen O'Neil
Phone: 413-787-6215 Fax:	E-Mail: stephen.oneil@state.ma.us
Contractor Vendor Code: VC6000192140	Phone: 617-788-3653 Fax: 617-788-3605
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address Id Must be set up for EFT payments.)	MMARS Doc ID(s): 16CommCompactSpringf RFR/Procurement or Other ID Number: FY16 Compacts

X NEW CONTRACT

PROCUREMENT OR EXCEPTION TYPE: (Check one option only)

__ Statewide Contract (OSD or an OSD-designated Department)
__ Collective Purchase (Attach OSD approval, scope, budget)
X Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation)
__ Emergency Contract (Attach justification for emergency, scope, budget)
__ Contract Employee (Attach Employment Status Form, scope, budget)
__ Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)

___ CONTRACT AMENDMENT

Enter Current Contract End Date Prior to Amendment: _____, 20___.
Enter Amendment Amount: $ _______. (or "no change")
AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)

__ Amendment to Scope or Budget (Attach updated scope and budget)
__ Interim Contract (Attach justification for Interim Contract and updated scope/budget)
__ Contract Employee (Attach any updates to scope or budget)
__ 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.
X Commonwealth Terms and Conditions __ 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.
__ 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.)
X Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). $10,000.

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 __% PPD; Payment issued within 15 days __ % PPD; Payment issued within 20 days __ % PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L. c. 29, § 23A); X 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.) **Community Compact Program funding (pursuant to pursuant to Chapter 46 of the Acts of 2015, Section 2, Item 7002-0039) in accordance with the scope and terms described in Attachment A.**

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:
X 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.
__ 2. may be incurred as of _____, 20___, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.
__ 3. were incurred as of ______, 20___, 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 June 30, 2016, 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:	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:
X: Domenic J. Sarno Date: 5/5/16	X: ______________ Date: ________.
(Signature and Date Must Be Handwritten At Time of Signature)	(Signature and Date Must Be Handwritten At Time of Signature)
Print Name: Domenic Sarno	Print Name: Jay Ash or Designee
Print Title: Mayor	Print Title: Secretary of the Executive Office of Housing and Economic Development.

Executive Office of Housing and Economic Development
MMARS ID: 16CommCompactSpringf

Community Compact Grant Agreement

Contractor signature page, continued

FOR THE CONTRACTOR,
CITY OF SPRINGFIELD, MA. :

Kevin Kennedy
Chief Development Officer
Date signed: ___________

Approved as to form:

__________City Solicitor
Date signed: 4-26-16

Approved as to appropriation: na

City Comptroller
Date signed: 4/22/16

Community Compact Program
GRANT AGREEMENT
Attachment A

This Grant Agreement ("Agreement") is made by and between the Commonwealth of Massachusetts, acting through the Executive Office of Housing and Economic Development ("EOHED"), and the City/Town of Springfield ("the Grantee").

PRELIMINARY STATEMENT

The Massachusetts Community Compact Cabinet elevates the Administration's partnerships with cities and towns, and allows the Governor's Office to work more closely with leaders from all municipalities, and champions municipal interests across all executive secretariats and agencies. The Compact promotes and develops, in consultation with cities and towns, mutual standards and best practices for both the state and municipalities. As a result of the Grantee signing a Community Compact, which included a grant commitment, EOHED is executing this grant agreement to work with the Grantee in advancing their community goals.

EOHED agrees to make the funds ("EOHED Grant") available to the Grantee for the Project, subject to the terms and conditions set forth in this Agreement and in compliance with all applicable state laws and regulations governing the disbursement and expenditure of state funds.

The Grantee shall exercise complete management and oversight responsibility of the Project and agrees that the Commonwealth's provision of state funding under this Agreement shall not in any way be construed as assuming responsibility or liability for the completed Project by the Commonwealth.

SECTION 1. PROJECT SCOPE AND BUDGET

1.1 As part of the Community Compact program, EOHED has committed to provide a grant to the Grantee in the amount not to exceed $10,000, authorized under Chapter 46 of the Acts of 2015, Section 2, Item 7002-0039 ["Act"], in support the municipality's work/project related to the HED: Job Creation/Retention Best Practice.

1.2 The scope of the Project to be funded under the EOHED Grant is: To engage a consultant to study and report on local and regional adult education and workforce training services, as well as gaps in those services relative to local labor market needs.

1.3 The timeline of performance under this grant agreement will span from the execution of this grant agreement and end no later than June 30th, 2016.

1.4 Any significant deviation from the scope as outlined in 1.2 shall be approved by EOHED in advance.

SECTION 2. DISBURSEMENT OF EOHED GRANT

2.1 Disbursement of the EOHED Grant under this Agreement shall be made pursuant to Chapter 46 of the Acts of 2015, Section 2, Item 7002-0039; and any other information EOHED may require.

2.1 Disbursement Schedule – For grants up to $10,000: 100% of the grant award will be disbursed within 45 days of execution of the grant agreement. For grants over $10,000: Seventy-five percent (75%) of the grant award will be disbursed to the Grantee within 45 days of execution of the grant contract. The remaining twenty-five percent (25%) of the grant award will be disbursed to the Grantee within 45 days of receipt of the Grantee report, further defined in Section 3.1, certifying substantial project completion and submission of supporting documentation.

2.2 It is understood and agreed that the grant provided under this Agreement shall be used solely to pay for expenses associated with the Project, subject to appropriation. Expenses relating to project administration and management shall be assumed by the Grantee, including, but not limited to: **(i)** salaries and wages of Grantee staff; **(ii)** legal fees; **(iii)** travel, meal and entertainment expenses; **(iv)** overhead and supplies; **(v)** project costs incurred prior to the execution and subsequent to termination of this Agreement; **(vi)** costs of any other service or activity not related to the Project, and **(vii)** sales tax.

2.3 The Grantee shall keep detailed records of all activities associated with the Project including, but not limited to, all disbursements made pursuant to this Agreement. EOHED shall have the right to examine all records kept by the Grantee related to the Project.

SECTION 3. <u>REPORTING</u>

3.1 Once the Project is completed, the Grantee shall furnish to EOHED, in addition to a memo certifying project completion, the following documentation: **(i)** any outstanding vendors' invoices, certified payment vouchers, cancelled checks or other documentation verifying actual expenditures in connection with the Project and **(ii)** a statement from the Grantee certifying to the best of his or her knowledge that the Project was undertaken in conformance with all applicable laws, rules and regulations. Said Grantee report shall be submitted to EOHED no later than July 31, 2016.

SECTION 4. <u>COMPLIANCE WITH ALL APPLICABLE LAWS/REGULATIONS</u>

4.1 The Grantee and its consultants and contractors shall comply with any and all federal, state and local laws, rules and regulations, orders or requirements that apply to the Project.

4.2 This Agreement shall in no way relieve the Grantee from the full force and application of any laws, rules, regulations and orders or requirements.

SECTION 5. <u>INTEREST OF MEMBERS OR EMPLOYEES OF THE GRANTEE</u>

5.1 No officer, servant, agent, or employee of the Grantee has participated or will participate in any decision relating to the development and implementation of the Project that affects directly or indirectly his/her personal interest or the interest of any corporation, partnership or proprietorship with which her/she is directly or indirectly affiliated. Furthermore, no officer, servant, agent or employee of the Grantee shall have any interest directly or indirectly in any contract in connection with the Project or shall in any way violate M.G.L. Chapter 268A.

SECTION 6. <u>AMENDMENTS</u>

6.1 Grantee shall make no amendment to this Agreement or any significant modification to the scope of the Project funded under this Agreement without the prior written approval of EOHED.

##############

City Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3504

Homeless Youth Count Grant - No Match - $5,600 (Mayor Sarno)

WHEREAS, the Office of Community Development ("Department") has been awarded a "Homeless Youth Count Grant" of $5,600 from the Massachusetts Department of Housing and Community Development; and

WHEREAS, the purpose of the grant is to allow the Hampden County Continuum of Care to develop a better understanding of the scope and needs of unaccompanied homeless youth individuals; and

WHEREAS, the Department intends to use the grant funds to conduct a count and survey of unaccompanied homeless youth during this year's Point In Time count; 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:

Homeless Youth Count Grant - $5,600

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	April 29, 2016
Department Requesting Grant Setup	Comm Dev
Department Phone # (Please include extension)	6082
Name and Title of Person to Contact in Case of Questions	Cathy Buono

Was this Grant previously setup for a prior fiscal year?
If yes, please indicate your previous project number: 89295

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

	Grant Type:
	State – Highway
	Federal Pass-Through DOE– School
	Federal Direct– School
	Federal – City
	State DOE– School
	State Other – School
X	State – City
	Private/Other

Grant Name: Homeless Youth Count

Total Grant Amount Awarded: $ 5,600.00

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

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	Commonwealth of MA
Contact Person	Rose Evans
Street Address	100 Cambridge Street
City, State, Zip Code	Boston, MA
Telephone	
Fax	
E-Mail	

Actual Award Date	4/29/2016
Board Approval Date	
Start Date	5/1/2016
Expiration Date	6/30/2016
Renewal Action Date (optional)	

If there are any Matching Funds:

Type
Percent
Amount

Comments re: Description/Purpose of Grant

Support efforts to conduct a count and survey of unaccompanied homeless youth during this year's Point in Time count.

Comments re: Conditions/Restrictions of Grant

If this is a Federal Grant, enter CFDA#:

If applicable enter the State ID # :

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

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: same as prior year and project

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 4-29-16

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.

Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ◆ Aaron Gornstein, Undersecretary

April 29, 2016

Gerry McCafferty
City of Springfield
36 Court Street
Springfield, MA 01902

Dear Ms. McCafferty

The Unaccompanied Homeless Youth Commission was established in 2012 and has been working since to outline a strategy for better understanding the scope and needs of unaccompanied homeless youth. Fortunately this year the state's budget includes resources to enhance the work of the Commission. As a result, I am pleased to inform you that the Department of Housing and Community Development will make a grant of $5,600 available to the Springfield Continuum of Care in order to support efforts to conduct a count and survey of unaccompanied homeless youth during this year's Point In Time count. Expenses are permitted between the dates of 5/1/16 and 6/30/16.

Participation by the Springfield CoC will be important for our statewide goal of conducting the second annual statewide count of unaccompanied homeless youth and obtaining an improved statewide data set that will inform policy and program design. With a clearer understanding of this vulnerable population we will all be better positioned to allocate resources in a more effective and efficient manner, with the ultimate goal of ending homelessness among youth.

Enclosed with this letter is your contract. The budget you submitted with your application has been approved and should guide your expenditures. Invoices may be submitted no later than July 15th, 2016 and should be sent via email to gordon.calkins@state.ma.us or by mail to Gordon Calkins, 100 Cambridge St., Suite 300, Boston, MA 02114. Invoices must be accompanied by supporting documentation, such as receipts.

Additionally, you will be receiving an invitation soon to attend an upcoming conference where all CoCs will have the opportunity to share their approaches to planning and executing this statewide count.

Thank you for your commitment to homeless youth and your partnership in the 2016 MA Youth Count effort.

Sincerely,

Rose Evans

Rose Evans
Deputy Undersecretary
Department of Housing and Community Development

Enclosures

City Council

DEFEATED

Meeting: 05/16/16 07:00 PM
Initiator: Jennifer Whisher
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3469

Bond Authorization - City Hall Repairs - $1,000,000 (Mayor Sarno)

A BOND ORDER TO PAY FOR COSTS ASSOCIATED WITH

REPAIRS TO CITY HALL

WHEREAS, the City of Springfield ("the City") wishes to appropriate $1,000,000 for remodeling City Hall, including, but not limited to, repairing the front steps, drainage, lighting, and repointing and repairing the exterior façade around the City Hall building located at 36 Court Street, Springfield, MA.;

WHEREAS, the City seeks approval to borrow said amount in order to meet the appropriation;

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 appropriation and borrowing, 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.

BE IT ORDERED: That the City hereby appropriates the sum of $1,000,000 to pay costs of remodeling at City Hall, including, but not limited to, repairing the front steps, drainage, lighting, and repointing and repairing the exterior façade of the building, including the payment of any and all other costs incidental or related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore; that the Mayor is authorized to contract for and expend any federal or state aid available for the project, and that the Mayor is authorized to take any other action necessary or convenient to carry out this project; and

FURTHER ORDERED: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

The foregoing order requires a two-thirds vote of all members of the City Council, in accordance with Chapter 44 of the General Laws.

RESULT:	**DEFEATED [6 TO 6]**
MOVER:	Justin Hurst, At Large Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Hurst, Shea, Twiggs, Ashe, Edwards, Walsh
NAYS:	Allen, Williams, Ramos, Williams, Gomez, Fenton
ABSENT:	Timothy J. Rooke

City of Springfield
36 Court Street
Springfield, MA 01103

Division of Administration
and Finance

To: Springfield City Council

From: TJ Plante, Chief Administrative & Financial Officer

Date: 5/2/2016

Re: Order for Council Meeting – 5/2/2016

Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 2, 2016 Council meeting, which authorizes the City to pay $1,000,000 for repairs to City Hall located at 36 Court Street.

Background: The $1,000,000 in capital repairs to the outside of City Hall will include repairing the front steps, improving the drainage and lighting, and repointing and repairing the exterior façade of the building. This project is listed as a priority "A" on the Fiscal Year 2017 Capital Improvement Plan.

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 Council

TABLED

Meeting: 05/16/16 07:00 PM
Initiator: Lindsay B. Hackett
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3495 A

Free Cash to OPEB Trust - 480,991.00 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield, 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 transfer the sum of $480,991.00 From FY15 Unappropriated Free Cash to the Other Post-Employment Benefits (OPEB) Trust to prefund obligations for OPEB.

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 $480,991.00 from FY15 Unappropriated Free Cash to the OPEB Trust Account.

From:

Certified Free Cash - Other Financing Uses

0100-00-000-0000-0000-0000-000000-0000000-701000- **$480,991.00**

To:

OPEB Trust

8265-00-000-0000-0000-0000-000000-0000000-104000- **$480,991.00**

RESULT:	**REFERRED TO COMMITEE**	**Next: 6/6/2016 7:00 PM**

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 2, 2016**

Re: **Order for Council Meeting – May 2, 2016**

Cc: **Mayor Sarno**

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 2, 2016 City Council meeting requesting a transfer of 10% of the City's FY15 Certified Free Cash into the Other Post-Employment Benefits (OPEB) Trust.

Background: Other Post-Employment Benefits (OPEB) are benefits offered to a retiree other than their pension. The major benefit is health insurance, but also includes life and dental insurance. Similar to an employee's pension benefits, OPEB is earned during the employee's active working career, but are not actually paid until retirement.

As of 2014, the City's Unfunded Actuarial Accrued Liability is $873M. Currently, the City funds OPEB on a pay-as-you-go basis. In 2014, City Council approved the creation of an OPEB Trust Fund, and the CAFO appointed an OPEB task force to discuss possible funding strategies.

In order to move forward on the funding strategies discussed by the OPEB task force, we ask that a total of $480,991 would be moved into the OPEB Trust Fund in order to prefund obligations for OPEB. This amount represents 10% of the FY15 Certified Free Cash totaling $4,809,916.

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 Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Jennifer Whisher
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3512

Free Cash to Green Communities Fund - $436,389.92 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield, 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 transfer the sum of $436,389.92 From FY15 Free Cash to the Green Communities Fund for School Improvements.

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 $436,389.92 from FY15 Unappropriated Free Cash to the Green Communities Fund.

From:

Certified Free Cash - Other Financing Uses

0100-00-000-0000-0000-0000-000000-0000000-701000- **$436,389.92**

To:

School Improvement - Green Communities/Other Financing Source

3140-00-000-0000-0000-0000-000000-0000000-700000- **$436,389.92**

RESULT:	**ADOPTED [12 TO 0]**
AYES:	Hurst, Shea, Twiggs, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke

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 11, 2016

Re: Order for Council Meeting – May 16, 2016

Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 16, 2016 Council meeting that requests a transfer of $436,389.92 from FY15 Free Cash to the Green Communities Projects Fund.

Background: The amount of $436,389.92 is needed to cover the final City costs for the Green Communities project. There was an anticipated MSBA reimbursement for the Green Communities; however the reimbursement received was for a different project at the same school. The transfer of Free Cash is needed to extinguish the deficit in the account in FY16 in order to avoid having to raise and appropriate the revenue as part of the tax rate setting process for FY17.

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 Council

TABLED

Meeting: 05/16/16 07:00 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3507

Free Cash to Dispatch Department - State Grant Deficits - $244,666.26 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield, 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 transfer the sum of $244,666.26 From FY15 Unappropriated Free Cash to various revenue accounts in the Dispatch Department's State Grant Fund to pay for deficits that occurred in previous fiscal years and are no longer eligible for reimbursement.

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 $244,666.26 From FY15 Unappropriated Free Cash to the Dispatch Department's State Grant Fund

From:

Certified Free Cash - Other Financing Uses

0100-00-000-0000-0000-0000-000000-0000000-701000-	$244,666.26

To:

Dispatch State Grant Fund - Revenue (State)

2898-00-000-0000-0000-0000-000000-0000000-700000	$132,589.09
2895-00-000-0000-0000-0000-000000-0000000-700000	$20,728.78
2881-00-000-0000-0000-0000-000000-0000000-700000	$91,348.39

RESULT:	**REFERRED TO COMMITEE**	**Next: 6/6/2016 7:00 PM**

DLS
DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

Kevin W. Brown
Acting Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

Bulletin

2016-02B

FY2017 BUDGET ISSUES AND OTHER RELATED MATTERS

TO: City/Town/Regional School District Officials

FROM: Mary Jane Handy, Director of Accounts

DATE: April 2016

SUBJECT: FY2017 Budget Issues and Other Related Matters

This *Bulletin* addresses several issues that cities, towns, regional school and other districts should consider for FY2017 revenue and expenditure budgeting and other related matters.

New information from last year's Bulletin:

PEG access

Since the passage of Chapter 352 of 2014 regarding Cable Television PEG Access funds and the issuance of IGR 16-102 on the matter, the Bureau has received numerous calls and e-mails from communities as to their current accounting treatment of these funds.

In order to facilitate local decisions about the most appropriate accounting treatment for these revenues, the Bureau will extend for one year the date announced in IGR 16-102 for completing any transition from a community's current accounting treatment. Communities will now have until the close of fiscal year 2017 on June 30, 2017 to consider the available accounting options and take the necessary actions to implement it. Accounts treated otherwise at the end of fiscal year 2017 will be closed to the General Fund as part of the June 30, 2017 free cash certification. Any inconsistent statement in Section 1 of IGR 16-101 or other prior written publications or statements is superseded.

911 Reimbursements

The Bureau has been informed by the State 911 Department that reimbursements for all fiscal years prior to FY2014 have been completed. Any community with a deficit in this account for any fiscal year prior to FY2014 must provide for that deficit in the FY2017 tax rate.

Be aware that the contracted amount must be less than the apportioned amount and is the limit of the reimbursement. Also be aware that even the contracted amount may not be reimbursed if non-eligible costs are included. If already paid, these non-eligible costs will have to be provided for.

Municipal Modernization

Legislative hearings are continuing for *The Act to Modernize Municipal Finance and Government* filed by the Governor in December of 2015. Although none of the bill's provisions has yet to pass, the Division of Local Services (DLS) expects to notify and to explain all new provisions to local officials later this year.

Accountant's Manual

The new Accountant's Manual for the Massachusetts Municipal Auditors' and Accountants' Association is under final review and will be issued in the near future. Watch for additional details in this matter.

Gateway

The Tax Rate module of Gateway, the application that allows authorized local officials to enter, analyze, sign and submit local government data to the Division, has been improved and is currently being tested for FY2017 submissions. Improvements for overall efficiency have been suggested by many users and will be incorporated into this update.

BOA Field Rep Assignments

The Bureau of Accounts has recently promoted two field representatives to supervisors, hired three new field representatives and hired one additional staff member. You should expect our field representatives to contact your community or regional school district in the near future. Here is the new listing of field representatives and their assignments.

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 11, 2016

Re: Order for Council Meeting – 05/16/2016

Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 16, 2016 Council meeting. This order is needed to transfer the sum of $244,666.26 from certified free cash to various revenue accounts in the Dispatch Department's State Grant Fund. This transfer will be used to cover deficits caused by grant expenditures that are no longer eligible for reimbursement.

Background: As a result of a notice issued by the Massachusetts Department of Revenue, all outstanding expenditures from State 911 grants prior to FY14 are no longer reimbursable. Municipalities with grant deficits prior to FY14 must provide for these deficits in the FY17 tax rate. The City of Springfield has $244,666.26 in non-reimbursable expenditures from various grants that were awarded to between FY09 and FY12.

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 Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Jennifer Whisher
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3511

Free Cash to Law Department - $167,220.00 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield, 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 transfer the sum of $167,220.00 from FY15 Free Cash to the Law Department Settlement Account for pending settlements awarded against the City and the Legal Services Account for expert fees and depositions.

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 $167,220.00 From FY15 Free Cash to the Law Department Settlement Account and Legal Services Account.

From:

Certified Free Cash - Other Financing Uses

0100-00-000-0000-0000-0000-000000-0000000-701000 **$167,220.00**

To:

Law Department - Settlement Claims

0100-10-151-0000-0000-0010-000000-0000000-576400 **$154,896.00**

Law Department - Legal Services

0100-10-151-0000-0000-0010-000000-0000000-530900 **$12,324.00**

RESULT:	**ADOPTED [11 TO 0]**
AYES:	Hurst, Shea, Twiggs, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke
RECUSED:	Timothy C. Allen

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 11, 2016

Re: Order for Council Meeting – May 16, 2016

Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 16, 2016 Council meeting that requests a transfer of $167,220.00 from FY15 Free Cash to the Law Department Settlement Claims line item and the Legal Services line item.

Background: Because of active litigation, approximately $167,220.00 will be required to pay anticipated judgments and legal services. This transfer will increase the line items for Settlement Claims and the Legal Services and fully fund the expected amounts.

A total of $154,896.00 will be transferred to the Law Settlements Account for a recently settled Civil Service Case ($105,216.48) and for anticipated settlements awarded against the City ($49,679.52).

The additional funds ($12,324.00) will be used to pay for expert witnesses and depositions in ongoing cases.

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 Council

ADOPTED

Meeting: 05/16/16 07:00 PM
Initiator: Melanie Acobe
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3514

Bill of Prior Year - Facilities- $21,669.98 (Mayor Sarno)

WHEREAS, to meet expenses incurred by the City of Springfield, pursuant to Mass. Gen. Laws ch. 44 Section 64 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 for the Facilities Department to pay bills from a previous fiscal year totaling $21,669.98; and

WHEREAS, the Facilities Department will make payment for unpaid bills of a previous fiscal year from their FY16 General Fund Operating Budgets; and

WHEREAS, the Chief Administrative and Financial Officer has provided a written certification 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 payments, 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; and

NOW THEREFORE BE IT ORDERED, that the City Council approves the payment of the bills listed on the attached Facilities Department BOPY from the FY16 General Fund Departmental Operating Budgets for the expenses incurred in a previous fiscal year.

RESULT:	**ADOPTED [12 TO 0]**
MOVER:	Justin Hurst, At Large Councilor
SECONDER:	Kenneth E. Shea, Ward 6 Councilor
AYES:	Hurst, Shea, Twiggs, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	Timothy J. Rooke

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 16, 2016

Re: Order for Council Meeting – (May 16, 2016)

Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 16, 2016 Council meeting, which will pay prior years' invoices totaling $21,669.98. Pursuant to Mass. General Laws Ch. 44 Section 64 and Chapter 468 of the Acts of 2008, a two-thirds vote by the City Council is required to approve payment of all invoices from previous fiscal years.

Background: This is a request to allow the Facilities Department to pay a previous year's bill from the current year (FY16) budget. Listed below are the department invoices, due dates, reason and amounts.

Department	Invoice #	Vendor	Date	Reason	Amount
Facilites	S15163186	Direct Energy	5/18/2015	FY15 Services Rendered	$ 21,669.98
TOTAL					**$ 21,669.98**

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 Council

TABLED

Meeting: 05/16/16 07:00 PM
Initiator: Christopher Fraser
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3490

Free Cash to Police Department - SPSA Arbitration Award - $5,317.88 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield, 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 transfer the sum of $5,317.88 From FY15 Unappropriated Free Cash to the Police Department's Extra Detail Overtime Account to pay for salaries owed due to an arbitration award in favor of the Springfield Police Supervisors Association.

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 $5,317.88 From FY16 Unappropriated Free Cash to the Police Department's Extra Detail Overtime Account.

From:

Certified Free Cash - Other Financing Uses

0100-00-000-0000-0000-0000-000000-0000000-701000- **$5,317.88**

To:

Police Extra Detail - Overtime

2440-20-210-0000-0000-0000-000000-0000000-506000- **$5,317.88**

RESULT:	**REFERRED TO COMMITEE**	**Next: 6/6/2016 7:00 PM**

In the Matter of Arbitration Between: CITY OF SPRINGFIELD MASSACHUSETTS And SPRINGFIELD POLICE SUPERVISORS ASSOCIATION	MARCIA L. GREENBAUM ARBITRATOR Grievance: Article 8.09 Payment of Supervisors from the 10% administrative fees collected for outside details DATE OF AWARD: February 29, 2016

As the parties chose to submit the grievance to the arbitrator through briefs and documentary exhibits, there was no arbitration hearing in this matter. The Association was represented by Michael R. Keefe, Esq., Attorney of Angoff, Goldman, Manning & Hynes, P.C. The City was represented by Maite Aponte Parsi, Third Associate Labor Counsel, Human Resources and Labor Relations, City of Springfield.

BACKGROUND:

For many years the City has had its police supervisors perform paid details, and it has collected monies plus a 10% administrative fee from the entity or person for whom the service was provided. That entity could be another City department, an outside person, group, corporation or organization. What the City did with the monies it collected and how it paid these supervisors is spelled out in Article 8, which has provided as follows since at least 2009 with respect to how supervisors were to be paid for details:

ARTICLE 8 - OUTSIDE DETAILS

> 8.01 The provisions of this Article shall govern the assignment of outside paid police details to employees covered by this agreement when such work is to be paid for by another City department, an outside individual, group, corporation or organization. The City, under the provisions of General Laws, Chapter 44, Section 53C, hereby establishes an administrative fee of ten (10%) percent. Rule 29 of Section 4 of the Department's Rules and Regulations will be literally applied so that twenty-four hour limitation as to outside work will include court time, non-department employment but will not include departmental overtime.
>
> *   *   *   *
>
> 8.09... b) Funding of these payments will be derived from the ten (10%) percent administrative fee so that it is not an appropriation from the general fund. The fee is the continuing revenue source for payment purposes. (Jt. Ex. #1, July 1, 2009 to June 30, 2012 CBA.)

Thus, the City not only collected the administrative fee, but also used it, rather than the general fund, to pay supervisors for paid details. The Union states that the "obvious purpose behind the provision is to ensure that, even if contracting entities are untimely in [making] their compensation payments, funds are nevertheless available to timely pay members for their work." (SPSA Brief, p. 2.)

On May 30, 2014, the parties reached a Memorandum of Agreement, in which they agreed to two successor contracts as follows:

Contract #1: July 1, 2012 - June 30, 2013

Contract #2: July 1, 2013 - June 30, 2016. (Jt. Ex. #2.)

They continued the language in Article 8 unchanged. The parties stipulated that "The City Council voted to approve and fully fund the Agreement in all relevant years."

Pursuant to this Agreement, when payment for outside details was received by the City along with the 10% administrative fees, the payment and fees were divided into separate accounts. The administrative fees were deposited in its revolving fund, not the general fund. That was the case until some time in early 2013, when the City's finance department changed the practice, began to deposit the administrative fees to the general fund, and to cease paying the supervisors from the revolving fund. According to the Union, the City was "now using the Department's general overtime account" to pay the supervisors for detail work. (SPSA Brief, p. 2.) On February 18, 2013, the SPSA filed this grievance:

> Complaint: It has come to the knowledge of the Association that payment of the Supervisors for relevant services performed in Article 8 are paid through the Department general overtime account in violation of Article 8.09(b).
>
> Requested Remedy: The remedy sought is that the Department cease and desist in the payment for relevant services under Article 8 through the Department general overtime account and commence forthwith to pay for the relevant services under Article 18 [sic] from the ten (10%) percent administrative fund. (Jt. Ex. #3.)

The Agreement provides:

ARTICLE 19 - GRIEVANCE PROCEDURE

> 19.01 Only grievances or disputes which may arise between the parties concerning the application or interpretation of this Agreement, shall be grievable hereunder.
>
> Nothing contained herein or under this contract will be construed to compel the Employer to act or perform any actions contrary to the provisions of federal or state law.
>
> Statutes, which the parties lack the authority to contract inconsistent with, will not be the subject matter of the grievance hereunder. Such statutes include retirement matters (M.G.L.A. Chapter 32), Indemnification

(M.G.L.A. Chapter 41, Section 100), and such other subject matters of a similar nature i.e. not specifically listed in 7d of M.G.L.A. of Chapter 150E.

Chapter 150E reads in relevant part in sections 1 and 7(b):

> The following words and phrases as used in this chapter shall have the following meaning unless the context clearly requires otherwise:
>
> * * * *
>
> "Cost items", the provisions of a collective bargaining agreement which require an appropriation by a legislative body.
>
> 7(b) The employer... shall submit to the appropriate legislative body within thirty days after the date on which the agreement is executed by the parties, a request for an appropriation necessary to fund the cost items contained therein; provided, that if the general court is not in session at that time, such request shall be submitted at the next session thereof. If the appropriate legislative body duly rejects the request for an appropriation necessary to fund the cost items, such cost items shall be returned to the parties for further bargaining. The provisions of the preceding two sentences shall not apply to agreements reached by school committees in cities and towns in which the provisions of section thirty-four of chapter seventy-one are operative.

On March 5, 2013, Commissioner of Police William J. Fitchet responded to Lieutenant Norman Charest, SPSA president:

> This matter was altered by the Finance Department with no input from the Commissioner's office. Therefore, I will submit this issue to Labor Relations for consideration. (Jt. Ex. #4.)

Around this time, Lisa Willis, director of business and technology in the police department, wrote this undated and unsigned memo, which does not have a heading indicating to whom it was directed or sent:

> I respectfully regret to let you know that the comprehensive requested information that you are in quest of is virtually impossible to gather for the following reasons:

> * When payment for extra details are received along with the 10% administrative fee by those agencies that are charged, the payment and fee are automatically split into separate accounts. The 10% administrative fee is directed to a general fund revenue account which is shared with other departmental fees.
>
> * The information that this department has access to is held in Munis. Munis revenue accounts are only available for research back to Fiscal Year 2010.
>
> * When Supervisors are paid for their detail, the data is held in Munis. Munis does not accumulate the data as weeks pass. To obtain this information, research would have to be conducted on a week by week basis. Once each payroll week is obtained, the lists of all employees are generated. From that point it would need to be determined who the Supervisors are as they are in a complete list with the Officers.
>
> The following information took almost one hour to complete based on the way that the accounts are set up:
>
> 10% Admin fees for FY 2011 - $228,907
> 10% Admin fees for FY 2012 - $305,268
> 10% Admin fees for FY 2013 - $303,243
>
> The 10% admin fee by law must go to the General Fund. Please reference MGL Chapter 44 Section 53C. The City erroneously prior to the implementation of MUNIS was depositing the Admin Fee in the Revolving Fund. Due to this mistake, the account has been somewhat able to pay for the Supervisors. However, it is no longer able to do so and therefore the funding to support the supervisors needs to be budgeted in the Police Department General Fund Expenditure Budget. I suggest that in September that this Department goes to the City Council and requests appropriation for paying the Supervisors. The Extra Detail account can no longer support these expenditures and the DOR is going to be all over this account when they see how deeply this account is going into the negative. (Jt. Ex. #5.)

Thus, it was decided by persons unnamed here that the administrative fees had to be deposited into the general fund pursuant to Mass. General Laws Chapter 44, Section 53C, which reads:

All money received by a city, town or district as compensation for work performed by one of its employees on an off-duty work detail which is related to such employee's regular employment or for special detail work performed by persons where such detail is not related to regular employment shall be deposited in the treasury and shall be kept in a fund separate from all other monies of such city, town or district and, notwithstanding the provisions of section fifty-three, shall be expended without further appropriation in such manner and at such times as shall, in the discretion of the authority authorizing such off-duty work detail or special detail work, compensate the employee or person for such services; provided, however, that such compensation shall be paid to such employee or person no later than ten working day after receipt by the city, town or district of payment for such services.

When necessary, a city, town or district may appropriate funds to be placed in the special fund authorized by this section to be used for the purpose for which the fund was established. A city, town or district may establish a fee not to exceed ten per cent of the cost of sevices authorized under this section, which shall, except in the case of a city, town, district or the commonwealth, be paid by the persons requesting such private detail. Any such fee received shall be credited as general funds of the city, town or district and shall not be used again without further appropriation. ....

On April 29, 2013, the SPSA requested that the Mass. Board of Conciliation and Arbitration provide mediation services. (Jt. Ex. #6.) A mediator was appointed by the Mass. Department of Labor Relations. (Jt. Ex. #7.) Apparently, the matter was not resolved, as the case was appealed to arbitration. Briefs were filed.

The parties were unable to stipulate to the issues involved.

ASSOCIATION'S PROPOSED ISSUES:

1. Did the City violate the Agreement when it stopped using the administrative fees to fund the payment of compensation to members for outside details?

2. If so, what shall be the remedy?

CITY'S PROPOSED ISSUES:

1. Whether the grievance that the City of Springfield's deposits of the ten percent (10%) administrative fees for outside details by police supervisors into a General Fund is arbitrable? 2. If so, whether the deposit of those fees into the general fund violates the Agreement? 3. If so, what is the remedy?

I find the issues to be:

1. Is the grievance arbitrable?

2. If so, did the City violate the Agreement when it stopped using the administrative fees collected to fund the payment of compensation to the supervisors for outside details?

3. If so, what shall be the remedy?

<u>THE POSITION OF THE CITY</u>:

The City contends that the grievance is not arbitrable for the same reason that it claims that it lacks merit. While the parties' Agreement provides for the monies to pay the supervisors are to come from the administrative fees and not the general fund, the City asserts that the contract language cannot supersede the pertinent statutory provisions of Chapter 44, Sec. 53C concerning the deposit and expenditure of compensation for off-duty or detail work and fees, which provides that while "a city... may establish a fee not to exceed ten percent of the cost of services authorized under this section,... to be paid by the person requesting such private detail," "any such fee received shall be credited as general funds of the city, town or district and shall not be used again without further appropriation."

The City maintains that the statute supersedes the language in the Agreement because the statute is not one of those included in the so-called "Conflicts" statute, M.G.L. c. 150E Sec. 7(d), e.g., City of Somerville v. Commonwealth Employment Relations Bd., 470 Mass. 563, 572 (2015). The Conflicts statute provides that the terms of a collective bargaining agreement will prevail over contrary language in certain enumerated statutes. However, the operative statute in this case, Chapter 44, Sec. 53C, is not listed in M.G.L. c. 150E, Sec. 7(d). Since the Agreement language differs from the statutory provisions, the statute must prevail. Therefore, the City may deposit the administrative fees into the general fund.

As noted, "It is well established that statutes not specifically enumerated in c. 150E, Sec. 7(d) will prevail over contrary terms in collective bargaining agreements." City of Somerville, 470 Mass. 563, (572-573 (2014), citing Commonwealth v. Labor Relations Commission, 404 Mass. 124, 126 (1989). Again, since M.G.L. c. 44, Sec. 53C is not a statute subordinated to collective bargaining agreements, its language must prevail over the contrary terms of the parties' contract. See Ballotte v. City of Worcester, 51 Mass. App. Ct. 728, 732 (2001), and cases cited.

Notwithstanding the Union's protestations to the contrary, use of the general fund in this context to make those payments comports with the language of the Agreement. This is for the obvious reason that the administrative fee is deposited into the general fund. It is not an appropriation from the general fund to use monies collected from administrative fees placed in that fund. Thus, even if this language controlled, there would be no violation. Even if this matter was arbitrable, and the statute did not control, the Union would be unable to prove a violation. Thus, the grievance is defeated by the statutory language.

In conclusion, the City argues that the terms of the collective bargaining agreement cannot override the provisions in Section 53C. The City has acted consistent with legal prerogatives and directives. For these reasons, it concludes that the grievance is neither substantively arbitrable, nor valid on the merits, and it should be dismissed.

THE POSITION OF THE ASSOCIATION:

In response to the City's claim of non-arbitrability of this grievance, the SPSA argues first that the arbitrator should ignore Section 53C, and enforce the contract, which is clear and which has been followed at least since 2009. Second, it contends that even if the arbitrator considers the statute, the grievance should nonetheless be sustained because the contract does not materially conflict with the statute, but rather is fully consistent with it, and also with G.L. c. 150E.

It maintains that the grievance is substantively arbitrable because it is within the scope of the arbitration clause, and because Article 8.09(b) does not materially conflict with G.L. c. 44, Sec. 53C. The broad arbitration clause plainly covers the dispute, and there is no provision expressly excluding it from arbitration. The arbitration clause covers "only grievances or disputes which may arise between the parties concerning the application or interpretation of the Agreement." (Jt. Ex. #1, p. 17.) This is such a matter.

Unlike many contracts, this language does not limit the scope of a grievance to one concerning a "specific provision" of the Agreement. Rather, the language is broad and analogous to the standard, broad clauses that were at issue in the Steelworkers trilogy, and multiple Massachusetts cases. See, e.g., City of Springfield v. Local 648, IAFF, 79 Mass. App. Ct. 905, 905-06 (2011) ("any matters related to the Employee-Employer relationships"); City of Lawrence v. Lawrence Patrolmen's Ass'n., 56 Mass. App. Ct. 704 706-707 (2002) ("any dispute concerning the interpretation or application of this Agreement"); MCOFU v. Sheriff of Bristol County, 55 Mass. App. Ct. 285 (2002) ("a difference.. as to the meaning and application of this Agreement"). It plainly covers this dispute. Moreover, nothing in the Agreement expressly excludes disputes concerning Article 8.09(b) from arbitration.

In addition, there is no material conflict between Article 8.09(b) and G.L. c.44, Sec. 53C, which the arbitrator can and should read harmoniously, and within the context of G.L. c. 150E. The SPSA notes that the Agreement expressly states that none of its provisions should be "construed to compel the Employer to act or perform any actions contrary to the provisions of federal or state law." It also provides that the parties may not arbitrate about statutory provisions whose terms cannot be altered by a collective bargaining agreement. These clauses are not uncontroversial, and counsel the arbitrator to interpret the contract in harmony with external law, if possible. Because Article 8.09 can and should be read harmoniously with G.L. c. 44, Sec. 53C, and also with G.L. c. 150E, the arbitrator should enforce its terms.

When an employer raises a statute, like Section 53C, as a bar to a negotiated agreement or an arbitration award, a conflict analysis is necessary. A "material conflict" exists if the terms of the agreement or award are, or would be "contrary" to the statute. City of Somerville v. Somerville Mun. Emps. Ass'n, 451 Mass. 493, 496-97 (2008); compare id. at 498-500 (conflict), with Chief Justice for Admin. & Mgmt. of the Trial Ct. v. OPEIU, Local 6, 441 Mass. 620, 629-30 (2004) (no conflict).

A close and reasonable reading of Section 53C's unambiguous language demonstrates there is no material conflict with Article 8.09(b). For years, the City complied with Article 8.09(b), and then, it stopped, apparently based on the finance department's misreading of Section 53C. The City has misread the statute. Sec. 53C does not prohibit the parties from agreeing to use the administrative fees to fund the payment of compensation to members for outside details. The first paragraph makes four relevant points: (1) all payments for detail compensation go into the municipal treasury; (2) the payments are kept in a separate fund; (3) they are expendable without further appropriation; and (4) although the monies are expendable at the discretion of the authorizing authority, they must be expended within ten working days of receipt.

The second paragraph makes five relevant points: (1) the separate fund described in the first paragraph is called "the special fund"; (2) the municipality may appropriate funds to be placed in the special fund to be used for the purpose for which the special fund was established--i.e., compensating employees for details; (3) the municipality may establish a fee of up to ten percent of the cost of services (bargained for in Article 8.01); (4) fee monies are classified as general funds; and (5) fee monies are not expendable without further appropriation.

While Sec. 53C classifies compensation monies and fee monies differently, it does not prohibit the arrangement the parties have agreed to here. There are two critical pieces of language. The first is that fee monies, because they are classified as general funds, require further appropriation before they may be expended. The second is that a municipality has the express authority to appropriate funds to be placed in the special fund, with compensation monies, for the purpose of compensating employees for detail work. Thus, there is absolutely no bar to a municipality appropriating fee monies to be placed in the special fund, and used for compensation purposes.

That is exactly what the parties provided for in Article 8.09(b). Considered against the statutory backdrop, it is plain that Article 8.09(b) is nothing more than a "cost item", within the meaning of G.L. c. 150E, Sec. 1. A "cost item" is a "provisio[n] of a collective bargaining agreement which require[s] an appropriation by a legislative body." Under G.L. c. 150E, Sec. 7(b), once a collective bargaining agreement is executed, the employer must submit to the legislative body a request for an appropriation sufficient to fund the full cost items of the agreement. The legislative body either approves or rejects the request. In the latter case, the cost items are returned to the parties for further bargaining.

In Boston Teachers Union, Local 66 v. Boston School Committee, 386 Mass. 197, 208 (1982), the Supreme Judicial Court reasoned that

> [w]hen the power of a municipality to enter into certain types of contracts would be unreasonably restricted by requiring it to appropriate at the inception of the contract the entire amount owed under the contract, including amounts owed in future years, the prohibition on expenditures in excess of appropriations will not be held to invalidate the contract.

This principle, the Association asserts, undergirded the court's conclusion that "an appropriation funding the first year of the contract constitutes an approval by the legislative body **of the entire agreement.**" Id. at 206 (emphasis added). Faced with salary increases occurring over the duration of a multi-year collective bargaining agreement, the court concluded that Chapter 150E "contemplate[s] an initial approval of the contract by the legislative body, followed by appropriations as a matter of course in the succeeding years of the contract." Id.

These seminal principles are directly applicable here, and demand enforcement of the Agreement. The parties have stipulated that the City Council voted to approve and fully fund the Agreement in all relevant years. The Council's prior approval and funding of the Agreement must be interpreted as expressly sanctioning the use of the parties' agreed to funding mechanism in Article 8.09(b). The approval and appropriation process authorized continuing appropriations of fee monies, whenever received, into the special fund during the life of the Agreement. This interpretation of

Article 8.09(b) is consistent with Section 53C and Chapter 150E and gives effect to the precise bargain struck by the parties. The arbitrator should adopt it, and find the grievance arbitrable.

On the merits, the Association asserts that the City violated the Agreement when it stopped using the administrative fees to fund the payment of compensation to members for outside details. The proper way for the arbitrator to dispose of this case is to ignore the external law considerations raised by the City and enforce the Agreement as written.

Notwithstanding changed judicial attitudes in the private sector, in the public sector cases, Massachusetts appellate courts continue to recite the mantra of Alexander v. Gardner-Denver Co., 415 U.S. 36, 57 (1974), that "the specialized competence of arbitrators pertains primarily to the law of the shop, not the law of the land." See, e.g., Sch. Comm. of Marshfield v. Marshfield Educ. Assn., 84 Mass. App. Ct. 743, 753 (2014).

There is no real dispute that, on the merits, the Association must prevail. Article 8.09(b) requires the City to use the administrative fees to fund the payment of outside details. It is undisputed that the City has ceased complying with this clause and instead is using the general overtime account to fund the pay of supervisors on a paid detail. Because the City has blatantly violated the Agreement the arbitrator should sustain the grievance and order an appropriate remedy. The SPSA did not request a specific remedy other than the one set forth in the grievance, which reads:

Requested Remedy: The remedy sought is that the Department cease and desist in the payment for relevant services under Article 8 through the Department general overtime account and commence forthwith to pay for the relevant services under Article 18 [sic] from the ten (10%) percent administrative fund. (Jt. Ex. #3.)

OPINION

At the outset I note that the grievance filed by the SPSA and the issue proposed by it on the merits both focus on whether the City violated the Agreement when it stopped using administrative fees it had collected to fund the compensation of supervisors for outside details, and instead paid them out of the overtime account. The City's proposed issue, on the other hand, does not focus on how the supervisors were paid for outside details, but rather on whether the City's deposits of the ten percent (10%) administrative fees for outside details worked by police supervisors into the general fund is arbitrable and/or violates the Agreement. Given that the grievance complains of ceasing to use the administrative fees to pay the supervisors, I find the issues to be:

1. Is the grievance arbitrable?

2. Did the City violate the Agreement when it stopped using the administrative fees collected to fund the payment of compensation to the supervisors for outside details?

3. If so, what shall be the remedy

Article 19, the grievance procedure, sets forth what is grievable and arbitrable as follows:

> 19.01 Only grievances or disputes which may arise between the parties concerning the application or interpretation of this Agreement, shall be grievable hereunder.

Clearly, this grievance concerns the application and/or interpretation of the Agreement, and therefore it is grievable. There are two caveats. The first reads:

> Nothing contained herein or under this contract will be construed to compel the Employer to act or perform any actions contrary to the provisions of federal or state law.

This goes more to any award and/or remedy that might be issued by an arbitrator than it does to the grievability or arbitrability of the matter. Suffice it to say that this is not a bar to arbitrability. The second caveat reads:

> Statutes, which the parties lack the authority to contract inconsistent with, will not be the subject matter of the grievance hereunder. Such statutes include retirement matters (M.G.L.A. Chapter 32), Indemnification (M.G.L.A. Chapter 41, Section 100), and such other subject matters of a similar nature i.e. not specifically listed in 7d of M.G.L.A. of Chapter 150E.

As the City points out in its brief, the statute which gave rise to the City's ability to create a special fund, Chapter 44, Section 53C, is not listed in Section 7(d) of Chapter 150E. Surely, this is something the City knew at the time it agreed to Section 8.09(b). It is noteworthy that while the City cites City of Somerville v. Commonwealth Employment Relations Bd., 470 Mass. 563, 572 (2015), that case involved a unilateral reduction in the percentage contribution to retired employees' group health insurance premiums without engaging in collective bargaining over the matter. Thus, that contract did not cover these matters. Here, the Agreement does cover the matter of the payment of supervisors for details worked. While there may have been no obligation to bargain over where the funds to pay them would come from, as this may not be a mandatory subject of bargaining, the fact is that the parties did negotiate the matter, and did include a provision to cover the subject in their 2009 contract.

It is undisputed that when the City signed that contract with the language contained in Article 8.09(b), it made a promise and created an obligation to fund the contract for its three-year term. When the City renewed the contract with certain enumerated changes, none of which effected Article 8.09(b), it agreed to continue to fund the contract and abide by its terms for additional years. One of those terms was Article 8.09(b), which did not change. At the time, the statutory language, which enabled the City to create a special fund, was in effect, as it had been during the 2009 contract when the language was agreed to, and it did not change in the interim. The parties continued to implement it.

Yet, at that time neither the City, nor its various departments and committees, ever raised any claim during the term of the 2009 contract or during the negotiation for its renewal that the contractual arrangement was contrary to law. Thus, it must be assumed that both parties (and their subsidiaries, such as the finance committee), were aware of the statutory language and did not find the contract clause to be contrary to the law. Instead, the City apparently shared a view with the Union that there was no material conflict. One might ask: what changed?

Not having had an evidentiary hearing in this matter, it is not known who read the contract clause as contrary to law or why, other than that the finance committee decided that the two were not compatible. Thus, the police department found itself in the position of no longer being able to deposit administrative fees collected from those using the paid detail service into the special fund and/or pay supervisors from that fund.

Usually when a party to a collective bargaining agreement unilaterally changes its application of a contract provision during the term of the contract, it does so because some official adjudicatory body, such as a court of competent jurisdiction or a labor relations board or commission, or similar adjudicatory governmental body has declared a contract clause invalid because it is contrary to law and essentially unenforceable.

However, that does not appear to be the case here, where it seems that an individual or a committee interpreted the law and deemed the contract clause contrary to law. Whereas, when a court or other adjudicatory body makes such a determination, it first holds a hearing and then decides based on the evidence presented, there is no showing here that there were hearings before the change in the application of Section 8.09(b) was implemented. Thus, there is no written decision to explain why this governmental body changed its position.

As a result, we have two parties who have interpreted and applied the contract language the same way for many years, and now one is unilaterally withdrawing its consent to that interpretation during the term of the contract. If the City agreed to the clause with a view to avoiding a grievance and arbitration on the ground that it was not subject to arbitration because it was contrary to law, then one might say that it did not bargain in good faith as it agreed to the language (Article 8.09), and then seemingly took it away with other language (Article 19.01).

Given that it continued the language from one contract to another unchanged, and continued to deposit the paid detail administrative fees collected to the special fund and to pay the supervisors' details from that fund, I find that rather than having bargained in bad faith, instead, it agreed with the Union's interpretation of the statute, that the contract did not conflict with the statute, but rather was consistent with it, as the Union argues here. Thus, for some time the parties agreed upon the interpretation of the law, and found the contract to be harmonious with it. It was only when the finance committee gave a different meaning that this dispute arose.

In a prior City of Springfield case, City of Springfield v. Local 648, IAFF, 79 Mass. App. Ct. 905, 906 (2011), the Appeals Court stated:

> Where there is a broad arbitration clause, courts apply the presumption of arbitrability "in the sense that '[a]n order to arbitrate the particular grievance should not be denied unless it may be said with positive assurance that the arbitration clause is not susceptible of an interpretation that covers the asserted dispute.'" Local No. 1710, Intl. Assn. of Fire Fighters v. Chicopee, 430 Mass. 417, 421 (1999), quoting from AT&T, supra at 650. Barring "any express provision excluding a particular grievance from arbitration... only the most forceful evidence of a purpose to exclude the claim from arbitration can prevail." AT&T, supra, quoting from Steelworkers v. Warrior & Gulf Navigation Co., 353 U.S. 574, 584-585 (1960).

Finally, I note that in the Somerville case, supra, the court said:

> We defer to the Board's specialized knowledge and expertise. See Worcester v. Labor Relations Comm'n., supra. However, the duty of statutory interpretation

> **rests ultimately with the courts.** See Commerce Ins. Co. v. Commissioner of Ins., 447 Mass. 478, 481 (2006), citing Cleary v. Cardullo's, Inc., 347 Mass. 337, 343-344 (1964). Somerville, supra, 568, emphasis added.

Given the apparent agreement of the parties for a number of years through three contract terms as to how the contract and the law should be interpreted and applied, given the absence of any adjudicatory body finding the language in the statute and the contract clause antithetical to each other, and given a possible interpretation (the parties previously agreed upon) that does not create a conflict between the contract and the statute, I find that the grievance, which claims a violation of Article 8, Section 8.09(b), is arbitrable.

On the merits, I note that the contract language is clear. Article 8.01 provides that "The provisions of this Article shall govern the assignment of outside paid police details to employees covered by this agreement when such work is to be paid for by another City department, an outside individual, group, corporation or organization." Then under the provisions of General Laws, Chapter 44, Section 53C, it provides that the City "hereby establishes an administrative fee of ten (10%) percent." It does not set forth what is to happen to those monies, perhaps, because that was directed by the statute. Article 8.09 goes on to provide how supervisors who perform paid details are to be paid, namely "b) Funding of these payments will be derived from the ten (10%) percent administrative fee so that it is not an appropriation from the general fund. The fee is the continuing revenue source for payment purposes." (Jt. Ex. #1, July 1, 2009 to June 30, 2012 CBA.)

The reason for this was to avoid any delay in paying the supervisors as the statute reads: "...provided, however, that such compensation shall be paid to such employee or person no later than ten working day after receipt by the city, town or district of payment for such services." Thus, the administrative fees collected were earmarked to be used to compensate the supervisors, and not for other purposes.

If those monies are deposited in the general fund, as is now the case, it seems that nothing stops the City from appropriating monies from the general fund, placing them in the special fund in advance of the need to pay them out, and using them to pay the supervisors for their detail work in a timely manner. However, that is not what happened here. Instead, the City paid the supervisors out of the overtime account, which is contrary to the terms of the contract.

Thus, at the time the contracts were ratified and signed the City agreed to pay the supervisors for their detail work from the administrative fees collected. This is not the only clause in the contract where the City agreed to compensate employees with monies before they were received. By agreeing to fund a multi-year contract, the City promised to fund all "cost items" before those monies were officially received and appropriated. This is the way monetary provisions of a contract are funded. Thus, the City had an obligation to appropriate monies equal to the administrative fees that it collected for details, and exclusively use those funds to compensate the supervisors for their detail work within the time specified in the contract. As the City changed its practice and no longer did that, I find that it violated the clear terms of the parties' Agreement.

With respect to a remedy I note that there is no showing that the bargaining unit members lost any compensation because of this change in practice. Accordingly, there is no need to order any back payments. I also note that there is no evidence before me with respect to how much of the so-called revolving or special fund is the result of the deposit of administrative fees received for outside details, or how much was left in the fund when the City stopped depositing administrative fees in that account and began paying for outside details from the overtime account.

Accordingly, any remedy payments should be prospective. To ensure that there is money in the fund to compensate the supervisors from the special fund in a timely manner, I shall order that in each month beginning with January 1, 2016, monies equal to the 10% administrative fees collected shall be appropriated from the general fund, deposited to the special fund and used, beginning March 1, 2016, to pay the supervisors for their detail work pursuant to Article 8.09(b) of the Agreement.

I note that the present contract runs from July 1, 2013 through June 30, 2016. (Jt. Ex. #2.) Thus, within the next couple of months the parties can expect to open negotiations for a successor agreement, and that is the best time for them to deal with this issue and make provisions for the future.

In the Matter of Arbitration Between:

CITY OF SPRINGFIELD MASSACHUSETTS

And

SPRINGFIELD POLICE SUPERVISORS ASSOCIATION

MARCIA L. GREENBAUM
ARBITRATOR

Grievance: Article 8.09
Payment of Supervisors from the 10% administrative fees collected for outside details

DATE OF AWARD: February 29, 2016

1. The grievance is arbitrable.

2. The City violated the Agreement when it stopped using the administrative fees collected for detail service to fund the payment of compensation to the supervisors for outside details.

3. The remedy shall be: The grievance is hereby granted.

The City shall cease and desist from paying supervisors for paid details from the overtime account.

Monies equal to the 10% administrative fees collected since January 1, 2016, shall be appropriated from the general fund to the special fund and, beginning March 1, 2016, used to pay the supervisors for their detail work pursuant to Article 8.09(b) of the Agreement.

Marcia L. Greenbaum

Marcia L. Greenbaum, Arbitrator
February 29, 2016

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: April 27, 2016

Re: Order for Council Meeting – 05/02/2016

Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 02, 2016 Council meeting. This order is needed to transfer the sum of $5,317.88 from certified free cash to a revolving account in the Police Department as ordered by an arbitrator as a result of a grievance filed by the Springfield Police Supervisors Association. The funds deposited into this account, including future administrative fees for details worked by the Police Supervisors, will then be used for paying Police Supervisors when working outside details.

Background: As a result of a grievance filed by the police supervisors union, an arbitrator ruled that the City is responsible for allocating 6% of revenue generated from the Police Department's extra detail administrative fee out of the general fund to a separate account used exclusively for extra detail revenues & expenditures. This figure is calculated based on the percentage of extra detail shifts worked by police supervisors compared to the total amount.

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 Council

TABLED

Meeting: 05/16/16 07:00 PM
Initiator: Kathy Breck
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3517

Authorization to Award School Department Computer Lease Contracts with Terms Up to 4 Years (Mayor Sarno)

WHEREAS, Massachusetts General Laws chapter 30B, section 12(b) provides that the Chief Procurement Officer may not award a contract for more than three(3) years without a majority vote of the governmental body; and

WHEREAS, In December, 2013, the Springfield School Committee adopted computer replacement policies that ensure the replacement of laptop computers every four (4) years and desktop computers every five (5) years; and

WHEREAS, the School Department is seeking the City Council's approval to annually award new 4-year contracts to lease or lease-to-purchase computers, including tablet, laptop, and desktop computers, for both staff and student use; and

WHEREAS, each lease or lease-to-purchase contract will call for the School Department to make fixed annual, quarterly, or monthly payments for four (4) years, with the equipment either returned to the lease holder (lease), or owned by the School Department (lease-to-purchase), at the end of the 4-year term;

WHEREAS, the annual awarding of new 4-year contracts supports the School Department’s plan to replace one-quarter of all staff and student computers annually, requiring new lease or lease-to-purchase contracts with a 4-year term to be executed each year;

WHEREAS, entering a 4-year lease or lease-to-purchase contract spreads the cost of equipment out over its useful life, allows the purchase of a greater number of computers each year, provides budget stability by scheduling annual costs over four (4) years, supports the sustainability of school technology initiatives by committing to technology investments over time, and, in the case of a lease-to-purchase agreement, enables the School Department to retain the technology at the end of the lease term at minimum or no additional cost; and

NOW THEREFORE BE IT ORDERED, pursuant to Mass. Gen. Laws ch. 30B, section 12(b), that the City Council approves an annual award of computer lease and lease-to-purchase contracts for the School Department for a term of up to four (4) years.

RESULT:	**REFERRED TO COMMITEE**	**Next: 6/6/2016 7:00 PM**

City Council
36 Court Street
Springfield, MA 01103

TABLED

ORDINANCE (ID # 3456)

Meeting: 05/16/16 07:00 PM
Department: Law
Category: Local Law
Prepared By: Thomas Moore
Initiator: Thomas Moore
Sponsors: At-Large Councilor Timothy J. Rooke
DOC ID: 3456

Amending City Ordinance Chapter 390

Please see attached materials

Please see attached materials

HISTORY:

04/04/16 **City Council** **REFERRED TO COMMITTEE**
Next: 05/02/16

05/05/16 **General Government**

RESULT:	**REFERRED TO COMMITTEE**	**Next: 6/6/2016 7:00 PM**

AMENDING ARTICLE II CHAPTER 390 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, ENTITLED TAXICAB AND LIVERY VEHICLES, BY AMENDING THE ARTICLE TO CHANGE ITS TITLE AND TO ADD DEFNITIONS THERETO

ORD. NO: ______

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 1. Article II is hereby amended by adding "Transportation Network Companies" to the Title (e.g., "Article II. Taxicabs, Livery Vehicles, and Transportation Network Companies").

Section 2. Section 390-6 of Chapter 390, Taxicab and Livery Vehicles, of the Code of the City of Springfield, is hereby amended by adding "whose only business involves servicing said contracts" to Definitions - Livery Vehicle, to read as follows:

"LIVERY VEHICLE

A limousine or other vehicle, primarily garaged or primarily engaged for hire in the City of Springfield, which is designed to carry passengers under prearranged contract for an agreed-upon hourly fare, or a motor vehicle on a schedule along a regular route without the use of a taximeter. "For hire" shall mean a vehicle hired to carry passenger(s) by either a prearranged contract for an agreed-upon hourly fare, an oral agreement for an agreed-upon hourly fare, or a direct-pay agreement with a taximeter. "Livery vehicle" shall not mean a charter, business courtesy, employee shuttle, or customer shuttle of a business that is not primarily engaged in transportation services. "Livery vehicle" shall also not mean any van or wheelchair van vehicle used by any contracted or licensed provider, licensed hospital, or its affiliates, of the Executive Office of Health and Human Services (EOHHS), including but not limited to the Department of Public Health, Human Service Transportation, and the Disability Determination Services; whose only business involves servicing said contracts**,** provided, however, that any contracted or licensed provider, licensed hospital, and its affiliates shall share all relevant vehicle safety information on an annual basis, upon-request of the Taxi and Livery Commission."

Section 3. Section 390-8 of Chapter 390, Taxicab and Livery Vehicles, of the Code of the City of Springfield, is hereby amended by deleting the existing language in its entirety, and replacing it with the following:

"All livery vehicle owners and operators must obtain written approval from the City of Springfield Taxi and Livery Commission prior to operating a livery business within the City. All livery plated vehicles must have a livery license issued by the Registry of Motor Vehicles after obtaining written approval from the City of Springfield Taxi and Livery Commission. All taxicab and livery vehicle owners and operators shall abide by the City of Springfield Taxi and Livery Commission's Ordinances and Rules and Regulations. All owners and drivers of taxicabs and livery vehicles shall be subject to such further rules, orders and regulations as may from time to time be promulgated by further ordinances or rules or orders of the Commission relating to the licensing and regulation of taxicabs and livery vehicles."

Section 4. Section 390-6 of Chapter 90, Taxicab and Livery Vehicles, of the Code of the City of Springfield, is hereby amended by adding a new paragraph to Definitions -

"TRANSPORTATION NETWORK COMPANY:

A corporation, partnership, sole proprietorship or other entity, operating in the Commonwealth that uses a digital network to connect riders to drivers for the purposes of pre-arranging and providing transportation.

All Transportation Network Company owners, operators and drivers must obtain written approval from the City of Springfield Taxi and Livery Commission prior to operating a Transportation Network Company within the City.

In addition, all Transportation Network Company owners, operators and drivers shall abide by the City of Springfield Taxi and Livery Commission's Ordinances and Rules and Regulations.

In the event that the Commonwealth of Massachusetts enacts laws and regulations establishing Department of Public Utilities oversight of Transportation Network Companies statewide, the Commonwealth of Massachusetts enacted laws and regulations will control the regulation of Transportation Network Companies."

Approved as to Form:

____

Associate City Solicitor

Springfield Taxi and Livery

Meeting minutes

Location: City Hall, Room 220, 36 Court Street, Springfield, MA 01103

Date: August 11, 2015

Time: 4:15 p.m.

Attendees: Mr. Gil Perron

Officer Stephen Tyburski

Officer Rafael Vega

Atty. Maria Puppolo

Atty. Alesia Days

Marie Rivera

The Taxi and Livery Commission meeting commenced at 4:15 p.m.

APPROVAL OF MINUTES:

1. The Commission unanimously approved the minutes from the May 12, 2015 Taxi and Livery Commission meeting.

2. The Commission unanimously approved Commissioner Gil Perron to serve as the Chairperson of the Taxi and Livery Commission.

NEW BUSINESS:

1. Mr. David Serrano came before the Commission to contest his denial of his taxi operator application. He has an open assault and battery charge pending. According to the rules and regulations of the Taxi and Livery Commission, the following applicants are ineligible to be approved for a taxi or livery license:

Applicants who have any prior convictions for driving under the influence; for leaving the scene of property damage, or personal injury accidents; for drug distribution, any crimes of violence specifically, assault and battery by means of a dangerous weapon or sexual assault cases.

The Commission unanimously voted to deny Mr. Serrano's application.

2. Mr. Richard Barnett appeared before the Commission. He failed to appear at the March 10, 2015 Taxi and Livery Commission hearing and his taxi operator license was revoked at that time because he was involved in an automobile accident/leaving the scene of property damage. The date of the accident was March 1, 2015. There was some discussion as to whether Mr. Barnett received notice of his license revocation. Since he has a pending open case, which is scheduled to be heard in Springfield District Court on September 25, 2015, his should not qualify to possess a taxi license. However, his license was renewed by Ms. Lisa Placanica in error in late July 2015.

The Commission unanimously agreed to suspend Mr. Richard Barnett's taxi operator license due to his pending criminal case.

3. Review of New Applications:

a. Kenneth White's taxi application came before the Taxi and Livery Commission. The Commissioners reviewed his application for a taxi license and noticed that he possesses a conviction for a December 2014 Driving While Intoxicated (DWI) offense in Connecticut.

The Commission unanimously voted to further inquire of Mr. White's Connecticut conviction and to table his application until the next scheduled Taxi and Livery Commission meeting which will be held on September 8, 2015.

OLD BUSINESS:

1. The Commission reviewed the proposed changes to the Livery Ordinance that Attorney Puppolo prepared. Officer Vega suggested that the 4th sentence be changed to read:

All livery companies must have a business license issued by the City of Springfield Taxi and Livery Commission before obtaining a livery plate issued by the Registry of Motor Vehicles.

The Commission unanimously voted in favor of the proposed modification of the sentence above and the entire proposed language to the Livery Ordinance was unanimously approved by the Commission.

2. Attorney Peter Slepchuk also presented his proposed changes to the Livery Ordinance and his suggestions for a new ordinance to regulate the Transportation Network Companies (TNCs). Attorney Slepchuk argued in support of adding language to our existing livery ordinance to preclude livery companies that are currently exempt under the medical exclusion to transport non-medical passengers. He also debated his concerns about the lack of regulations for TNCs and the alleged inaction of the state to adopt state-wide regulations. His proposal emphasizes requiring the TNC owners and operators to obtain written approval from the City of Springfield Taxi and Livery Commission prior to operating a TNC within the City. The owner of Ace Taxi Company, Yasir Omar, as well as the owner of Yellow Cab Taxi Company spoke in favor of Attorney Slepchuk' s proposal.

The Commission voted whether to approve Attorney Slepchuk's proposal. Commissioners Tyburski, Puppolo, and Vega voted against the proposal. Commissioner Perron voted in favor of the proposal. Attorney Slepchuk's proposal was denied.

ADMINISTRATIVE ISSUES:

1. Marie Rivera was introduced to the Commissioners as the new legal assistant for the Taxi and Livery Commission.

2. The new complaint forms were introduced. These forms should be submitted to the Licensing Office at City Hall, Room 204. They will also eventually be available online.

The next scheduled Taxi and Livery Commission meeting is scheduled for September 8, 2015 at 4:15 p.m. at City Hall, Room 220.

MEETING ADJOURNED at 5:27 p.m.

Respectfully Submitted,

Attorney Maria Puppolo

Maria T. Puppolo
Assistant City Solicitor

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THE CITY OF SPRINGFIELD, MASSACHUSETTS

December 29, 2014

Memo: Update on State Regulations of Transportation Network Companies and The Livery Ordinance for the City of Springfield

Overview and Introduction:

Companies such as Uber and Lyft (hereinafter referred to as "transportation network companies" or "TNCs") are redefining the way taxis and livery services are utilized worldwide. Simply, by downloading the appropriate app on a smartphone, one can book rides in town cars and other vehicles. The smartphone apps connect people who need rides with drivers. The drivers the company contracts with use their personal vehicles to transport passengers. Users pay electronically through the app, and no tips or cash are exchanged. Such transportation methods are more convenient and less costly than the traditional taxi and livery services. Certainly, many people argue that ridesharing companies are innovative and provide consumers with more transportation options. However, transportation network companies have come under close scrutiny over their hiring practices, lack of public safety measures[1] and insurance requirements for their employees.

[1] http://www.bostonglobe.com/metro/2014/12/17/uber-driver-accused-rape-kidnapping-customer/KYnOQczKFqggfbnri2FpGL/story.htm

In order to respond to the increasing demand for the regulation of transportation network companies, several states have enacted legislature to regulate this industry. A growing number of states, including California[2], Colorado[3], Michigan[4] and the District of Columbia[5] have been at the forefront in codifying safety standards. The state regulations each require background checks on Uber drivers; a zero tolerance policy for prospective driver partners who have been convicted of a crime of violence, sexual abuse, burglary or robbery within the last 7 years or those who are a match on the national sex offender registry database or who have been convicted within the last 3 years of driving with a suspended or revoked license. Furthermore, valid inspections on all driver partners' vehicles, and additional safety inspections will be conducted annually. The DC regulations also require vehicles to be not more than 10 model years old at entry into service, and not more than 12 years of age while in service.[6] The state regulations also require ridesharing drivers to have distinctions identifying them as Uber drivers that are created by Uber displayed on the exterior of their motor vehicles. All drivers must also carry primary liability insurance whenever a driver partner has the app on and primary liability insurance of up to $1M from the moment a driver partner accepts a trip until its completion. In addition, all trip requests have to be done through the Uber app. No street hails are acceptable. Uber drivers also are required to have access to wheelchair accessible vehicles for persons with a disability. Uber drivers should have a clear display of how the fare is calculated as well as an option for an estimated fare. [7]

[2] http://techcrunch.com/2013/09/19/cpuc-ridesharing-regulations/
[3] http://www.naic.org/documents/cipr_events_140819_colorado_sb.pdf
[4] http://legislature.mi.gov/documents/2013-2014/billintroduced/House/pdf/2014-HIB-5951.pdf
[5] http://lims.dccouncil.us/Download/31519/B20-0753-CommitteeReport1.pdf
[6] Id.
[7] http://blog.uber.com/InnovationAct

[8] http://www.boston.com/business/innovation/2014/12/10/patrick-eyeing-state-regulations-uber-lyft-massachusetts/QYhXAbNVhuqtBxbndcLRuM/story.html

To date, the Commonwealth of Massachusetts is actively working on regulating TNCs. Although there are no general laws passed as of yet, Massachusetts has been actively reviewing the feasibility of regulating transportation network companies.[8] Governor Deval Patrick along with Governor-Elect Charlie Baker have proposed new regulations that would subject the transportation network companies to state oversight. The draft regulations would give enforcement authority to the Department of Public Utilities (hereinafter "DPU") who would require drivers to be 21 years old and possess a valid driver's license and proof of personal motor vehicle insurance. The drivers would also be subject to criminal background checks, and prohibited from driving if they have committed certain crimes or have a history of traffic violations. Moreover, the TNCs would be required to have liability insurance. Ridesharing vehicles would also be prohibited from picking up passengers on the sidewalk that have not scheduled a ride through the app. The state is also investigating the issue of data privacy for those individuals who use the ridesharing apps.[9]

As municipalities await the adoption of state regulations, issues arise as to whether a city or town on its own can regulate ridesharing companies through the adoption of a local ordinance. Thus, one issue presented here is whether the City of Springfield can regulate TNCs under Home Rule Legislation, pursuant to M.G.L. Chapter 43B, § 13.[10]

<u>Legal Analysis:</u>

Home Rule Legislation permits a municipality by ordinance or bylaw to "exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the

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[9] http://www.boston.com/business/innovation/2014/12/10/patrick-eyeing-state-regulations-uber-lyft-massachusetts/QYhXAbNVhuqtBxbndcLRuM/story.html
[10] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43B; Amendment Article 89 of the MA Constitution

constitution or laws enacted by the general court in conformity with powers reserved to the general court by section eight" of the Home Rule Amendment.[11] At this time, the MA legislature has not yet adopted any laws relative to the regulation of TNCs. Therefore, unlike in Easthampton Savings Bank, where the plaintiffs identified three statutes that were in conflict with the local ordinances, there are no such conflicting MA laws pertaining to TNCs.

Furthermore, under the home rule preemption standards addressed by the courts, in assessing whether a local ordinance or bylaw is inconsistent with a State statute, the "question is not whether the Legislature intended to grant authority to municipalities to act…, but rather whether the legislature intended to deny (a municipality) the right to legislate on the subject in question." [12] In general, municipalities are given considerable latitude in exercising the home rule amendment. When reviewing whether the general court seeks to preclude a municipality from acting under this rule, one of the distinguishing criteria is legislative intent. [13] It is more difficult to assess legislative intent when the legislature is silent on the issue of local regulation.[14] Since the issue of regulating TNCs in the Commonwealth is a novel concept and actively being addressed, we can expect that the Legislature will further explore this issue in depth during the January 2015 legislative session.

The Commonwealth is, however, moving swiftly in a positive direction with respect to the regulation of TNCs. In fact, the Commonwealth held a public hearing on December 31, 2014 at the State House to garner input from stakeholders who will be directly affected by any proposed regulations.[15] The proposed regulations were also debated at the December 31, 2014 hearing. Specifically, Governor Patrick's proposal would require ride-sharing companies to conduct national

[11] Easthampton Savings Bank v. City of Springfield, SJC-11612
[12] Easthampton Savings Bank v. City of Springfield, SJC-11612 quoting Wendell v. Attorney Gen., 394 Mass. 518, 524 (1985).
[13] St. George Greek Orthodox Cathedral of W. Mass. v. Fire Dep't of Springfield, 462 Mass. 120, 126 (2012)
[14] Id.
[15] http://www.bostonglobe.com/metro/2014/12/31/uber/66u7etaf576l4CxWtVRfsK/story.html

background checks and bar drivers with convictions within 10 years for various crimes, sexual abuse convictions, and major traffic violations. The proposed rules coincide with what Uber and Lyft, the two premier ridesharing companies, say they are already doing. The main difference is that they currently do a background check for convictions in the past seven years. Under the state proposal, the DPU would regulate a new category of vehicles called “transportation network companies.”[16] Also at the December 31, 2014 hearing, a spokeswoman for Lyft, thanked the transportation department for recognizing ride-share companies as an alternative and said that she looked forward to a “fruitful discussion” on the regulations, and said she hoped the definition of “transportation network companies” could be further defined.[17] In fact, Boston has made strides with communicating with ridesharing companies and Uber has listened by pledging to adopt new rider-safety features.[18] Such features include a “safe ride checklist” that pops up for local users when they book a ride through the rideshare service’s app. It asks users to confirm the car’s license plate number and to check the name and appearance of the driver before entering the vehicle. [19]

As mentioned, the DPU would require the companies to maintain liability insurance and perform background checks on the drivers. Several taxi drivers, insurance lobbyists and Boston Police Officers attended the heated debate on Beacon Hill. Under the proposed regulations, ridesharing companies would continue to use pricing strategies that fluctuate with demand. Critics of the proposed regulations stated that representatives from the taxi, livery, limousine and insurance industries have been shunned from the drafting of these proposed regulations. Also, a representative from the Property Casualty Insurers Association of America attended the December 31, 2014 hearing, stated that there is no insurance coverage available for drivers engaged in

[16] http://www.bostonglobe.com/metro/2014/12/31/uber/66u7etaf576l4CxWtVRfsK/story.html
[17] http://www.bostonglobe.com/metro/2014/12/31/uber/66u7etaf576l4CxWtVRfsK/story.html
[18] http://www.bostonherald.com/business/business_markets/2014/12/uber_to_roll_out_new_rider_safety_features
[19] Id.

transportation network activities.[20] Massachusetts statute specifically excludes motor vehicle liability coverage from being provided by a surplus lines insurance company, which is the type of insurance that TNCs generally use.[21]

Despite the protests at the December 31, 2014 hearing, Cyndi Roy Gonzalez, the MassDOT spokeswoman, said officials expect to file the changes on January 2, 2015. MA is indeed acting swiftly on these regulations. In fact, on January 3, 2015 Uber announced that Massachusetts has a regulatory framework that will allow Uber and other ridesharing companies to lawfully exist in the State.[22] These regulations will allow the DPU more oversight over ridesharing companies. The proposed regulations are comprehensive and define TNCs and the regulatory authority of the DPU.[23] Under the regulations, the DPU will handle ridesharing companies and Uber and other companies will now have to obtain and maintain liability insurance. Drivers will also need to have background checks done. These regulations will take effect on January 16, 2015, but will not be official until lawmakers pass legislation naming DPU in charge of ridesharing companies. Until then, ridesharing companies will be allowed to continue to operate under a temporary notice from the DPU.[24]

With respect to the need for home rule legislation, at this time the state is making great progress in regulating TNCs. It is still early and the Legislature has yet to pass said regulations. However, there are no indications either pro or con to substantiate that the Legislature with preempt the field. The state appears to be setting in place regulations that mirror those of what the City of Springfield is hoping to achieve. Also, from an enforcement perspective, once the state regulations are enacted,

[20] Id.
[21] MGL Chapter 175, section 1 et al
[22] http://www.golocalworcester.com/news/ma-approves-regulations-for-uber-and-other-ride-sharing-companies
[23] http://www.scribd.com/doc/251515761/TNC-Amendments
[24] http://www.golocalworcester.com/news/ma-approves-regulations-for-uber-and-other-ride-sharing-companies

there will be a uniform enforcement agency to oversee the TNCs in the Commonwealth. As mentioned, the Governor's proposal requires the DPU to oversee the TNCs.

The option the City was contemplating was whether home rule legislation would be necessary to address and regulate the TNCs. However, the state is making significant progress is this area and hopefully the legislatures will pass the regulations as they convene in January 2015. Several issues would need to be addressed if the City were to seek home rule legislation. One issue is what local authoritative agency will oversee and enforce the TNC regulations? It may be difficult, for example, for the Springfield Police Department or the Taxi and Livery Commission to regulate the TNCs as the individuals who contract with the ridesharing companies drive their personal vehicles and are not required to have either a taxi or livery plate. At least the state regulations would require the DPU to oversee the TNCs and provide tighten regulations. At a December 8, 2014 Taxi and Livery Commission meeting, two taxi company owners who attended the meeting wanted to know whether TNCs could be required to have livery plates on their vehicles. Livery plates are issued by the Registry of Motor Vehicles (hereinafter "RMV").[25] According to the definition of a livery, any vehicle designed to carry fewer than 15 people used for the transportation of passengers for hire must display a livery plate, unless it falls within one of the specific exceptions. These exceptions are: (1) any vehicle that meets the definition of Livery Vehicle, including vehicles used in the transportation of school children. Such vehicles shall display a PUPIL registration number plate; (2) any vehicle that meets the definition of a livery vehicle but is used solely for a short term rental agreement, of not more than seven consecutive days, and 30 days in the aggregate in any calendar year; and (3) any vehicle that meets the definition of a Livery Vehicle but is used exclusively to provide transportation in connection with a program of the Commonwealth of Massachusetts

[25] 540 CMR 2.00

Department of Mental Retardation and/or Department of Mental Health must display either a Livery registration number plate or a Passenger registration number plate.[26]

One could argue that the City should require TNCs to have livery plates on their vehicles. However, based on the above analysis and as more stakeholders are invited to attend hearings within the City to express their respective positions about ridesharing companies, the City will receive opposition from representatives from the TNCs who have insisted that their business model is unique- in that it provides alternative transportation and none of their contracted drivers are required to have either a taxi or a livery plate. Those who contract to do business with Uber or Lyft use their own personal vehicles. As mentioned above, the proposed state regulations do not require ridesharing driver's vehicles to have livery plates. Should the City of Springfield adopt an ordinance requiring livery plates on all ridesharing vehicles, then it would be in conflict with the proposed state regulations and could be challenged in a court of law under the law of preemption.

Springfield is not the only City to attempt to control TNCs. Cambridge had begun the process of drafting regulations for smartphone technology for taxicabs and limousines.[27] Cambridge had defined a rideshare as:

> The traveling of two or more persons by any mode of private passenger vehicle, including, but not limited to, carpooling, vanpooling, bus pooling, to any location incidental to another purpose of the driver, without charge, fee, or payment, for which a gratuity is neither accepted, collected, encouraged, promoted and/or requested, and for which the primary purpose of the driver cannot be profit or revenue based. Gratuity herein shall not include reimbursement for fuel usage and/or tolls. Currency or any other form of electronic payment or other consideration collected in excess of reimbursement for fuel usage and/or tolls shall be considered for-hire transportation, and such applicable licenses are required. Rideshare transportation that satisfies the definition herein is exempt from licensure by the Hackney Division of the Cambridge License Commission. However, if any trip purported through a rideshare is made with a for-

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[26] Id.

[27]https://s3.amazonaws.com/uploads.hipchat.com/17604/301692/YscpK5j42cnnoXs/Proposed%20Cambridge%20Smartphone%20Technology%20Regs.PDF

> profit motive, such transportation will be considered for-hire transportation and such applicable licenses are required. Rideshare services that satisfy the definition herein exclude any and all for-hire transportation requirements as defined within this Code.[28]

By way of background, Cambridge sought to preclude ridesharing companies from operating in its City. In August 2013, the Massachusetts Division of Standards initially ordered Uber to cease operations, contending that its system of determining fares based on GPS-location technology was untested. This same agency then reversed its decision.[29] In response, the City of Cambridge then filed a lawsuit in Middlesex Superior Court, contending that the state ruling allowing Uber to continue operating was "unsupported by substantial evidence, arbitrary and capricious" and "an abuse of discretion." The court disagreed. "The City has not demonstrated that the [division's ruling] is in excess of the Division's statutory authority, is based on an error of law, is arbitrary and capricious [or] is unsupported by substantial evidence," wrote Judge Bruce Henry in his June 17, 2013 decision.[30]

To date, no municipality in the Commonwealth has passed a local ordinance establishing TNCs. As mentioned above, Cambridge had begun the process of drafting language, but nothing has been passed. According to Cambridge City Councilor Marc McGovern, the ordinance" is still with their licensing commission. Councilor McGovern informed me that nothing has been sent to the Council yet."[31]

Another issue that the Taxi and Livery owners and drivers in Springfield have voiced is whether the livery ordinance can be amended. The City of Springfield Taxi and Livery Commission held a meeting on December 8, 2014 at which time a few taxi and livery owners stated that the current

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28 Id.
29 http://www.boston.com/business/innovation/blogs/inside-the-hive/2013/06/25/drive-cambridge-loses-lawsuit-keep-uber-off-the-roads/k4wRr243CwSoRG1kAjDKSI/blog.html?p1=related_article_page
30 Id.
31 Email discussion on January 2, 2015.

livery ordinance is not strict enough and that "gypsy" liveries were becoming a problem in the City. Currently, livery owners and drivers must adhere to an application procedure[32] before becoming a *bona fide* company doing business with the City.

The City of Springfield defines a livery as:

> "Livery Vehicle" means a limousine or other vehicle, primarily garaged or primarily engaged for hire in the City of Springfield, which is designed to carry passengers under pre-arranged contract for an agreed upon hourly fare, or a motor vehicle on a schedule along a regular route without the use of a taximeter. "For Hire" shall mean a vehicle hired to carry passenger(s) by either a pre-arranged contract for an agreed upon hourly fare, an oral agreement for an agreed upon hourly fare, or a direct pay agreement with a taximeter. "Livery Vehicle" shall also not mean any van or wheelchair van vehicle used by any contracted or licensed provider, licensed hospital, or its affiliates, of the Executive Office of Health and Human Services (EOHHS), including but not limited to the Department of Public Health, Human Service Transportation, and the Disability Determination Services, provided, however, that any contracted or licensed provider, licensed hospital, and its affiliates, shall share all relevant vehicle safety information on an annual basis, upon request of the Taxi & Livery Commission.[33]

As mentioned above, in Massachusetts, livery vehicles and the issuance of livery plates fall under the domain of the RMV. There are several municipalities that have enacted tighter livery ordinance and that the City of Springfield may review as a guideline for further discussion. The issue of whether the City should tighten its livery ordinance is a separate issue from the ridesharing companies and would require the approval of the Mayor and City Council. Such cities as Melrose and Fitchburg have passed ordinances with stricter livery vehicle regulations.[34] Again, further discussions should be held involving those stakeholders directly affected by said ordinance.

[32] http://www3.springfield-ma.gov/police/taxi_lic.0.html
[33] http://ecode360.com/14667508
[34] http://www.fitchburgma.gov/government/Boards-and-Commissions/License-Commission/Taxi-Regs-Rev-January-2014.pdf; http://www.ecode360.com/documents/ME1773/source/530177.pdf#search=livery

Recommendations:

Concerning the issue of whether the City of Springfield should seek home rule legislation to address the TNCs, my concern is that it may be too premature to proceed with this option. The state is making great strides in regulating ridesharing companies. Regulations will go into effect on January 16, 2015. Governor Baker and the MA legislature will be reviewing the proposals during the Legislative Session commencing in January 2015. Presumably, the Legislature will approve the state proposed regulations. In my opinion, the City should wait until the state legislature passes the proposed regulations. Once this happens, the City can contemplate drafting a TNC ordinance that is in conformity with the state regulations. The City does not want to act prematurely by drafting an ordinance regulating TNCs that would be inconsistent with the proposed regulations and risk a potential lawsuit.

In my opinion, before the City drafts said ordinance concerned stakeholders should be invited to address their concerns regarding the regulation of the ridesharing industry. The City of Boston, for example, recently implemented a Taxi Advisory Committee of over twenty individuals comprised of industry and government stakeholders charged with the task of reviewing rules and policies pertaining to transportation-for-hire services and TNCs. The most recent meeting was held on January 8, 2015 and Juan Lopez, a Research and Policy Analyst for the City of Boston, informed me that these meetings are ongoing and last several hours.[35] Boston is meeting with the stakeholders and getting a better understanding of their needs. After speaking with several other municipalities, I have learned that they too have established similar Committees, such as the City Council Committee on Transportation, whose goal is to hold hearings on establishing an ordinance to regulate TNCs by inviting appropriate stakeholders to voice their concerns. Such discussions will

[35] Based on phone discussions with Mr. Lopez on January 9, 2015.

hopefully be fruitful in appeasing both taxi drivers and those in the TNC business by educating them on the state's new proposed regulations, the new mode of transportation services in the Commonwealth and the City's interest in ensuring conformity with the regulations and the safety of all ridesharing users.

As far as the issue of tightening the City's livery ordinance, this topic should be further discussed with more input from those stakeholders who have a vested interest in the regulation of liveries.

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THE CITY OF SPRINGFIELD, MASSACHUSETTS

August 12, 2015

Memo: Update on State Regulations of Transportation Network Companies

The Commonwealth is in the process of regulating Transportation Network Companies (TNCs). This memo seeks to summarize the current status of the Commonwealth's plans to implement state-wide TNC regulations. As of today, the Commonwealth has three pending bills in review pertaining to Transportation Network Companies (TNCs); House Bill 3351[1] proposed by Governor Baker; House Bill 931[2] proposed by State Representative William Pignatelli and House Bill 3702[3] proposed by State Rep Moran and State Senator Forry. The State plans on holding hearings on these house bills on September 15, 2015.

Governor Baker is a proponent of TNCs. His regulations, as enumerated in House Bill 3351, were filed on April 27, 2015 and are entitled "An Act Establishing Department of Public Utilities Oversight of Transportation Network Companies." Governor Baker's legislation would empower the Department of Public Utilities (DPU) to provide comprehensive regulation of TNCs,

[1] https://malegislature.gov/Bills/189/House/H3351

[2] https://malegislature.gov/Bills/189/House/H931

[3] https://malegislature.gov/Bills/189/House/H3702

such as Uber, Lyft and Sidecar. His bill would require the DPU to regulate TNCs and ensure that drivers are 21 years of age, subject to comprehensive background checks, carry adequate insurance ($1,000,000 per occurrence), drive vehicles that have been properly inspected, provide transparent pricing to customers, and display recognizable external markers on vehicles. The DPU may also issue fines for violations. The legislation also provides for the creation of a local advisory council to advise the DPU on an ongoing basis.

House Bill 931 was filed by State Representative William Pignatelli on January 15, 2015. This bill proposes insurance regulations for transportation service companies that use digital networks or software application services to connect passengers to services provided by transportation network company drivers. Rep. William Pignatelli's proposed legislation is similar to Baker's bill but sidesteps local control and allows the state to regulate drivers and collect hundreds of thousands of dollars in licensing fees. His proposal would amend MGL Chapter 25, Section 12F[4] by adding the following sentence:

> Further, said division, subject to such supervision and control, shall perform such functions in relation to the administration and enforcement of chapter 90J imposed upon the department by said chapter.

State Rep. Pignatelli is proposing adding an entire new chapter, Chapter 90J[5], to the MGL. The entire proposal consists of 18 sections. Rep. Pignatelli is a proponent of stringent insurance requirements for TNC drivers, as enumerated in Section 8 of his proposal. I am summarizing some of the main sections pertaining to insurance. In essence, the proposal states that TNC drivers maintain automobile liability insurance of at least $1,000,000 for death, personal injury and property damage and that the insurer must be authorized to do business in the state. Section 9 states that the TNC shall disclose in writing to TNC drivers

[4] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter25/Section12F

[5] https://malegislature.gov/Bills/189/House/H931

the following: the insurance coverage and limits of liability that the TNC provides while the driver uses a personal vehicle in connection with a TNC's digital network and that the TNC driver's own insurance policy may not provide coverage while the TNC driver uses a vehicle in connection with a TNC's digital network. Also, insurers have no duty to defend or indemnify any person or organization for liability for a loss that is properly excluded pursuant to the terms of the insurance policy. Insurers have the right to exclude coverage and the duty to indemnify and defend may apply to any coverage included in an automobile liability insurance policy including: liability coverage for bodily injury and property damage; uninsured and underinsured motorist coverage; medical payments coverage; personal injury protection; comprehensive physical damage coverage; and collision physical damage coverage.

Another bill relative to ride sharing companies that will be considered in September 2015 is House Bill 3702, which was filed by State Representative Michael Moran and Senator Linda Forry on July 20, 2015, and pertains to passenger safety. The bill would bring the transportation network companies into compliance with the same regulations that apply to every other form of transportation in our state. The proposed legislation seeks to prevent dangerous drivers from getting behind the wheel by requiring common-sense checks and balances, including a mandatory sex offender registry check and a fingerprint sample for all prospective drivers. The goal of this legislation is to ensure that safe drivers partner with ride sharing companies. Prospective drivers would be required to pass multistate registry checks that are already in place for bus, taxi, and livery drivers. The bill also aims to protect Massachusetts jobs by requiring that the vehicles used by these companies be registered in Massachusetts to ensure that Massachusetts jobs go to Massachusetts drivers.

House Bill 3702 would also require that Uber and Lyft disclose the formulas behind their alleged surge pricing and make it standardized so that consumers always know what they are getting. Currently, Uber is not required to provide vehicles that are compliant for people with disabilities. This legislation would also increase transportation choices for the disabled.

As of today, no city or town in the Commonwealth has passed an ordinance to regulate TNCs. Most recently, the Town of Braintree held a hearing on August 4, 2015 as to whether to adopt their local TNC ordinance. The town concluded that their proposed Transportation Network Company "ordinance contained problematic and potentially discriminatory language, in addition to undercutting an ongoing statewide initiative at the State House to regulate ridesharing companies," [6]

On August 11, 2015, the City of Springfield Taxi and Livery Commission held a meeting to vote on a TNC ordinance proposal submitted by Attorney Peter Slepchuk who represents Yellow Cab Company. After considering both sides of the issue, all of the Taxi and Livery Commissioners (except Commissioner Gil Perron) voted against Attorney Slepchuk's proposal.

In conclusion, the Commonwealth is actively seeking to regulate ride sharing companies. The next hearing is scheduled in September 2015. My advice is to wait until the state holds its hearing and to revisit this topic once we obtain more information from the state.

[6] http://patch.com/massachusetts/braintree/license-commissioners-talk-uber-lyft-regulations-tuesday-

Amendment

AMENDMENT TO PROPOSED AMENDMENT AMENDING ARTICLE II CHAPTER 390 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986 AS AMENDED, ENTITLED TAXICAB AND LIVERY VEHICLES, **BY CHANGING THE DEFINITION OF TRANSPORTATION NETWORK COMPANY AS SET FORTH BELOW**

ORD. NO: ________

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 4, paragraphs 2 and 3 be amended where it states "owners and operators" to state "owners, operators and drivers."

Approved as to Form:

____
Associate City Solicitor

P-19Amendment

City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 3516)

Meeting: 05/16/16 07:00 PM
Department: Finance
Category: Local Law
Prepared By: Mitchell Doty
Initiator: Mitchell Doty
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3516

Amending Various Chapters - Engineering Permit Fees

ORD. NO ___________

AN ORDINANCE TO AMEND the Code of the City of Springfield, to change the following fees:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 1. Chapter 338, Streets and Sidewalks, of the Code of the City of Springfield, is hereby amended to read as follows:

§338-35(D)
"Said application shall first be submitted to the Director of Public Works, with a nonrefundable application fee of $125, who shall cause his recommendation of approval or disapproval to be placed thereon."

§338-35(E)(1)(a.)
Permit application: $75.

§338-35(E)(1)(b.)[1]
General roadway excavation: $45/day.

§338-35(E)(1)(c.)
Nonexcavation: $25/day.

§338-35(E)(1)(d.)
Blanket manhole (public utility): $1,000/year.

§338-35(E)(1)(e.)
Contractor license application fee: $125.

Section 2. Chapter 338, Streets and Sidewalks, of the Code of the City of Springfield, is hereby amended to read as follows:

§338-36(A)
Subject to the provisions of § **338-35**, all excavators are responsible for repairs to pavement for one year or until the City's acceptance of the repair, whichever is later. The following is a schedule of the fees which shall be charged by the City by and through its Department of Public Works for "life cycle pavement fees":

Age of Pavement (years)	Fee (per square foot)
Less than 1	$120 (if allowed)
Less than 5	$65

5 to 10	$35
Over 10	$15

Section 3. Chapter 265, Parking, Valet, of the Code of the City of Springfield, is hereby amended to read as follows

§265-5(E)

The cost for valet space shall be $2.50 per year per foot of curb required to operate the service safely between 6:00 p.m. and 6:00 a.m. in parking areas without parking meters on the days required.

Section 4. Section 172-7 of Chapter 172, Excavations, of the Code of the City of Springfield, is hereby amended to change the fee of fifty dollars ($50) to seventy-five dollars ($75), to read as follows:

§172-7

The fee for a permit granted under the provisions of this chapter shall be $75.

Section 4. Effective date:

This ordinance shall become effective on July 1, 2016.

Approved as to form:

____

Associate City Solicitor

RESULT:	**FIRST STEP**	**Next: 6/6/2016 7:00 PM**

2106 Proposed increase to DPW Occupancy and Excavation Fees

OCCUPANCY PERMITS

	Item	Existing Cost	Proposed Cost Increase
Daily Permit	Permit Application Fee	$50 per application	**$75 per application**
	Daily Occupancy Fee	$15 per day	**$25**
Yearly Permit	Public Utility	$750 per year	**$1000**
	Awning/ Canopy/ Sign	$50 per year	**$75**
	Parking / Delivery/ Emergency Services	$50 per year	**$75**
	Permanent Monitoring Well	$25 per year	**$40**
	General Obstruction (Yearly)	$50 per year	**$75**
	Public Services	No Charge	**No Charge**
	Marvin Street Residential Parking	$100 per year	**$100 per year**
	Valet Parking	$2 per LF plus meter fees	**$2.50 per LF plus meter fees**

EXCAVATION PERMITS

	Item	Cost	Proposed Cost Increase
DPW Contractor License	Application Fee to become DPW Licensed Contractor	$100 per application	**$125 per application**
Daily Permit	Permit Application Fee	$50 per application	**$75**
	Daily Inspection Fee	$35 per day	**$45**
Yearly Permit	Private Property Trenching	$50 per year	**$75**
Life Cycle Fee	Pavement less than 1 year old No Excavation Allowed without DPW Director / Designee Approval	$100 per sf if allowed	**$120 per sf (if allowed)**
	Pavement greater than 1 year old but less than 5 years old	$50 per sf	**$65**
	Pavement greater than 5 years old but less than 10 years old	$20 per sf	**$30**
	Pavement more than 10 years old	$10 per sf	**$15**

City of Springfield
36 Court Street
Springfield, MA 01103

Division of Administration and Finance

To: **Springfield City Council**

From: **Timothy J. Plante, Acting Chief Administrative & Financial Officer**

Date: **May 11, 2016**

Re: **Order for Council Meeting – 05/16/2016**

Cc: **Mayor Sarno**

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the May 16, 2016 Council meeting which to increase various permit fees charged for occupancy and excavation by the Department of Public Works.

Background: Excavation and occupancy permit fees have not been increased in a number of years, putting Springfield's fee structure behind that of surrounding communities. The Department of Public Works is proposing to increase the following demand fees, which will result in an additional $100,000 to the general fund for FY17. I have reviewed this order and as CAFO concur that this is in the best interest of the City. The ordinances to be changed are listed below, and a schedule of proposed fee increases is attached.

Chapters to be amended:

- §338-35, (D)
- §338-35, (E)(1)(a)
- §338-35, (E)(1)(b)[1]
- §338-35, (E)(1)(c)
- §338-35, (E)(1)(d)
- §338-35, (E)(1)(e)
- §338-36, (A)
- §118-1, (C)(3)
- §265-5, (E)
- §172-7

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 Council
36 Court Street
Springfield, MA 01103

TABLED

RESOLUTION (ID # 3509)

Meeting: 05/16/16 07:00 PM
Department: City Council
Category: General
Prepared By: Karla Bourassa
Initiator: Kateri B. Walsh
Sponsors:
DOC ID: 3509

Chapter 70 Foundation Budget Review

Whereas: The Joint House and Senate Chapter 70 Foundation Budget Review Commission spent a year studying the funding of public schools in the commonwealth and found that funding was inadequate, and

Whereas: This committee made recommendations that would improve the adequacy of funding, and

Whereas: In the absence of actions on these recommendations, the children in the commonwealth public schools would be seriously short changed

Now therefore be it resolved that the Springfield School Committee calls on the House and Senate to fully fund the recommendations of their own Chapter 70 Foundation Budget Review Commission.

RESULT:	**REFERRED TO COMMITTEE**	**Next: 6/6/2016 7:00 PM**

City Council
36 Court Street
Springfield, MA 01103

ADOPTED

RESOLUTION (ID # 3518)

Meeting: 05/16/16 07:00 PM
Department: City Council
Category: General
Prepared By: Susan Kacoyannakis
Initiator: Adam Gomez
Sponsors: Ward 1 Councilor Adam Gomez
DOC ID: 3518

Free Oscar Lopez Rivera

CITY OF SPRINGFIELD
In the City Council May 16, 2016

WHEREAS, Oscar López Rivera, at 72 years old, is the longest-held political prisoner in the history of Puerto Rico, 35 years behind bars, and

WHEREAS, in 1981, as a member of the Puerto Rican Armed Forces of National Liberation (FALN), he was arrested and convicted of seditious conspiracy to use force against the lawful authority of the U.S. over Puerto Rico, along with Puerto Rican men and women, neither he nor any of his co-defendants were convicted of harming or killing anyone, and

WHEREAS, he was kept in solitary confinement for 12 out of 33 years of imprisonment, 13 constituting a gross human rights violation, and

WHEREAS, he was born in San Sebastian, Puerto Rico in 1943 and is a decorated 16 veteran of the Vietnam War, and

WHEREAS, in 1999, as a result of an international campaign for their release, President Clinton commuted the sentences of most of these men and women and had offered to commute Oscar López Rivera's sentence after he served another 10 years in prison, but he wanted to stand in solidarity with those not included in the commutation so he declined, and

WHEREAS, all those released are living productive, law-abiding lives and Oscar López Rivera is the only one of his co-defendants still behind bars, and

WHEREAS, U.S labor organizations representing millions of workers (AFL-CIO, 27 AFSCME, LCLAA, and the Puerto Rico AFL-CIO) have passed resolutions calling on President Obama to grant his immediate and unconditional release, and

WHEREAS, the UN Decolonization Committee has passed a resolution every year for the past 15 years urging his release during its annual hearings, and

WHEREAS, in Puerto Rico, several former governors, including Rafael Hernández Colón, Sila Maria Calderón, Pedro Rosselló, Aníbal Acevedo Vilá, and the current governor Alejandro García Padilla, have all petitioned President Obama for the immediate release of Oscar López Rivers, as have Puerto Rico's Resident Commissioner to the U.S. Congress Pedro Pierluisi and the Mayor of San Juan, Carmen Yulín Cruz, the Puerto Rico Senate and House of Representatives have also passed resolutions in favor of Oscar

López Rivera's release,

NOW, THEREFORE, BE IT RESOLVED that the Springfield City Council urges President Obama to exercise his Constitutional power to grant the immediate and unconditional release of Oscar López Rivera.

RESULT:	**PASSED BY VOICE VOTE**

City Council
36 Court Street
Springfield, MA 01103

Meeting: 05/16/16 07:00 PM
Department: City Council
Category: General
Prepared By: Susan Kacoyannakis
Initiator: Adam Gomez
Sponsors: Ward 1 Councilor Gomez, Vice President- Ward 8 Councilor Ramos

ADOPTED

RESOLUTION (ID # 3520)

DOC ID: 3520

Puerto Rico

CITY OF SPRINGFIELD
In the City Council May 16, 2016

WHEREAS, The Commonwealth of Puerto Rico is struggling with a weak economy, declining population and crushing debt obligations, and

WHEREAS, The unemployment rate in Puerto Rico has remained consistently high and currently stands at an estimated 11.6%, and

WHEREAS, According to the U.S. Census, the poverty rate in Puerto Rico is about 45% or nearly twice that of Mississippi, the poorest state in the Union, and

WHEREAS, Puerto Rico's financial plight is also distressing to the many Springfield and surrounding community residents who have called the island their home, or have family and friends who live there, and

WHEREAS, Due to economic pressures the Puerto Rican population has declined, in contrast to the U.S. population which has increased, and

WHEREAS, Puerto Rico is neither an independent nation, nor a U.S. state, but rather a Commonwealth of the United States, and

WHEREAS, Puerto Rico may not manipulate its currency to satisfy debt obligations; and cannot claim bankruptcy under current U.S. bankruptcy laws, and

WHEREAS, The Puerto Rico Chapter 9 Uniformity Act of 2015 would amend Title 11 of the United States Code to treat Puerto Rico as a state for the purposes of adjusting the debts of municipalities, and

WHEREAS, Access to bankruptcy for the Commonwealth would provide an orderly, established, process for both debtors and creditors that balances public and private interests

NOW, THEREFORE, BE IT RESOLVED that the Springfield City Council calls upon the United States Congress to pass, and President Barack Obama to sign into law H.R. 870, also known as, the Puerto Rico Chapter 9 Uniformity Act of 2015; and to engage in the political process to resolve the future relationship of Puerto Rico and the United States of America.

RESULT:	**PASSED BY VOICE VOTE**