



City Council

Regular Meeting

~ Draft ~

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

Gladys Oyola-Lopez
413-787-6096

Monday, October 17, 2022

7:00 PM

Springfield City Hall -- Council Chambers

Call to Order

Attendee Name	Title	Status	Arrived
Maria Perez		Present	
Lavar Click-Bruce	Ward 5 City Councilor	Present	
Sean Curran	At-Large Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Malo Brown	Ward 4 Councilor	Present	
Victor Davila	Ward 6 Councilor	Present	
Justin Hurst	At Large Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Zaida Govan	Ward 8 City Councilor	Present	
Michael A. Fenton	Ward 2 Councilor	Present	
Tracye Whitfield	At Large City Councilor	Present	7:15 PM
Jesse Lederman	President	Present	

Reports of Committee

Councilor Allen reported/ chaired Finance committee meeting on 10/17/22

Councilor Fenton reported General Gov. 10/11/22

Councilor Govan reported the Maintenance and Dev.I 10/4/22

Councilor Davila reported public safety committee on 10/17/22

Councilor Fenton reported Gen Gov. on 10/5/22

Informational

1. Order (ID # 7051)

FY 22 Final Law Department Expense Report

COMMENTS - Current Meeting:

Patrick Burns, city comptroller presented the FY22 final law dept expense report

Atty Desousa present to answer any questions.

ATTACHMENTS:

- Final Fiscal Year 22 Law Department Expense Report (PDF)

RESULT:	ADOPTED [12 TO 0]
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Lederman
ABSENT:	Tracye Whitfield

Zoning Change Referral Vote

No action required

2. Zoning Change (ID # 7046)

To Change the Zoning of the Property Known as SS Central Street (02560-0220) from Residence C to Commercial P.

PETITIONER:	Davenport Advisors, LLC
ADDRESS:	SS Central Street
CHANGE REQUESTED:	Residence C to Commercial P

ATTACHMENTS:

- 3234_SS_Central_St_Formal (PDF)

Petitions

3. Petition (ID # 7008)

EVERSORCE GAS- Newbury St.

HISTORY:

09/19/22 City Council REFER TO COMMITTEE

COMMENTS - Current Meeting:

Matthew Nichols, Eversource, spoke on this item.

ORDER FOR LOCATION OF UNDERGROUND CONDUIT

WHEREAS, The Board of Public Works, to which was referred the petition of Eversource-Gas to retire underground (16 ") inches low pressure gas main steel pipe and install medium pressure PVC (8 ") inches plastic pipe on Newbury Street.

WHEREAS, said petition Newbury Street was referred to the Board of Public Works on April 29, 2022; and

WHEREAS, On May 25, 2022 a Notice of a Public Hearing on Newbury Street, to be held on June 8, 2022, was sent by mail, to all property owners abutting an affected road, various Departments, Utility Companies, etc before the day of the hearing and posted on two public bulletin board a copy of which is attached a hearing of the Board of Public Works was held as scheduled on site with the petitioner and interested parties.

WHEREAS, on June 8, 2022 the Board of Public Works reported thereon that, after careful consideration of petition Newbury Street to install approximately two thousand (2,000') feet of 8" inches conduits underground gas main pipe to introduce medium pressure to the area and retire the aged cast iron main on Newbury Street. Starting from Rimmon Avenue running south easterly direction with 8" inches PVC pipe approximately two thousand (2,000') feet to Morrison Terrace.; all as substantially shown on a plan attached with project name:

Newbury Street

consisting of six (6) sheets, which plan is incorporated herein by reference and is on file in the office of the Engineering Division of the Department of Public Works, Springfield, Massachusetts.

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

NOW THEREFORE, BE IT ORDERED:

1. That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.
2. That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.
3. That care be taken during said construction not to damage any underground services.
4. That the construction site be returned to the same condition as found or better.
5. Said company shall indemnify and save harmless against all damages, costs and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

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

ATTACHMENTS:

- MA-SPR-PIP-22-032 17-49607, Newbury St, Springfield FPO (PDF)
- Newbury St - Springfield City Council Letter (PDF)
- Newbury St. Report (PDF)

RESULT:	APPROVED [12 TO 0]
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Lederman
ABSENT:	Tracye Whitfield

4. Petition (ID # 7048)

Eversource- Sheffield Street

COMMENTS - Current Meeting:

Kevin Roy, Springfield College, spoke on this item.

ATTACHMENTS:

- Springfield College_Sheffield Street Crossings Petition_7.19.22 (PDF)

RESULT: **APPROVED [12 TO 0]**

AYES: Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Lederman

ABSENT: Tracye Whitfield

Orders

5. Order (ID # 7049)

Order Approving Increase in Maximum Base Amount

COMMENTS - Current Meeting:

CAFO, TJ Plante, spoke on this item.

Councilor Allen supports the increase.

Councilor Walsh also supports the increase and asked TJ if he thinks there are concerns that this is not a good thing to do.

TJ stated it is okay but it adds 6.7Mil on city's liability and there are other things the city needs to do with retirement system.

Councilor Davila asked about the annual cost? How much more for each retiree

Pat Burns-Increase translate into \$30 every year

Whitefield-retires per month will only get \$2.50 per month but the city will encore addition dept to city pension- is it a good time to do it this year? (see where the economy falls)

Mr Moylanhan -member of retirement board- spoke in favor of the increase- the board has been doing everything they can to make this better and is just asking for a small increase.

Councilor Govan feels bad the increase is so minimal.

Councilor Perez is in support of the increase.

ATTACHMENTS:

- COLA Base Comparison (PDF)
- COLA Base Increase Projected Cost (PDF)

RESULT: **ADOPTED [12 TO 1]**

AYES: Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Whitfield, Lederman

NAYS: Michael A. Fenton

6. Order (ID # 7056)

Supplemental Budget - Increase in State Aid - \$3,343,062.00

COMMENTS - Current Meeting:

CAFO, Tj Plante, spoke on this item.

Councilor Brown asked what it is going to be used for in the schools?

TJ- money will be going in reserves for contingency

Brown- mentioned how the facilities/locker rooms need to be redone

ATTACHMENTS:

- FY23 Final Cherry Sheet Numbers(PDF)

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

7. Order (ID # 7055)

Prevention in Early Childhood Services Grant- \$300,000.00

COMMENTS - Current Meeting:

Commissioner Helen Caulton Harris spoke on the grant.

ATTACHMENTS:

- HHS Prevention in Early Childhood Services Grant (PDF)

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

8. Order (ID # 7057)

Supplemental Budget - Increase in State Aid - \$1,123,382

COMMENTS - Current Meeting:

TJ Plante, CAFO, spoke on this item.

ATTACHMENTS:

- FY23 Final Cherry Sheet Numbers(PDF)

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

9. Order (ID # 7052)

Cultural Investment Portfolio Grant (CIP) - \$20,000 - No Match Required

COMMENTS - Current Meeting:

CAFO, TJ Plante, spoke on the grant

ATTACHMENTS:

- Library Cultural Investment Portfolio Grant(PDF)

RESULT: **ADOPTED [12 TO 0]**
AYES: Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Edwards, Allen, Govan, Fenton, Whitfield, Lederman
AWAY: Justin Hurst

10. Order (ID # 7050)

Order Approving Increase of Retirement Board Member Annual Stipends to \$4500

COMMENTS - Current Meeting:

CAFO, TJ Plante, spoke and stated we should send to committee

Motion made to send to committee by Councilor Whitfield, Seconded by Councilor Perez.

Ref to Gen Gov

RESULT: **REFERRED TO COMMITTEE** **Next: 12/19/2022 7:00 PM**

11. Order (ID # 7053)

Springfield City Library Donation - \$2,000

COMMENTS - Current Meeting:

CAFO, TJ Plante spoke on the donation

ATTACHMENTS:

- Library Donation (DOCX)

RESULT: **ADOPTED [UNANIMOUS]**
AYES: Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

12. Order (ID # 7054)

Springfield City Library Donation - \$50

COMMENTS - Current Meeting:

CAFO TJ Plante spoke to this donation.

ATTACHMENTS:

- Library Donation (DOCX)

RESULT: **ADOPTED [UNANIMOUS]**
AYES: Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

Suspension of Rule 19

Suspension of Rule 19 for item numbers: 6,7, 8,9,11 & 12

Passed by a unanimous voice vote.

13. Order (ID # 7058)

Order Approving Amendment #12 to the Court Square Urban Plan

COMMENTS - Current Meeting:

Amanda Pham, Executive Director of SRA, spoke in favor of this item.

Tim Brangle & Jeff Bassar (bfc group) presented a powerpoint of the Court Square Urban Renewal Plan.

Director Tim Sheehan spoke in favor of the plan.

Councilor Whitfield thanked the staff. Whitfield asked if the urban renewal plans only focus on downtown? T.Sheehan responded no- A.Pham gave examples of some outside of downtown like Indian Orchard.

Councilor Davila are we taking any of the businesses/land?

T.Sheehan- premature to answer- at this point in time there is no plan on taking any of the properties.

V.Davila brought up the issue with parking and wants to hold a public safety com meeting

Councilor Govan questioned the homeless population and asked if there are any plans to help them.

T.Sheehan is in contact with friends with the homeless.

Councilor Allen made the motion to call the question, seconded by Councilor Edwards.

ATTACHMENTS:

- CS URP A12 Memo_Council 10172022_ FINAL (PDF)

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

Motion To: Motion to Call the Question

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

Special Permits**14. Special Permit (ID # 6940)**

To Amend an Existing Special Permit (Motor Vehicles Sales as an Accessory Use), Granted April 2019, by Allowing a Change in the Petitioner, at the Property Known as 93 (A.K.A. 97) Wilbraham Road (12282-0999) (Book#19101/Page#166), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.3(1).

Request:	See Above
Owner:	Antonio Jamenez
By:	Antonio Jamenez
Petitioner:	Leonardo Jamenez
By:	Leonardo Jamenez

HISTORY:**09/27/22****City Council****CONTINUE VOTE****Next: 10/17/22****COMMENTS - Current Meeting:**

Antonio & Leonardo Jimenez, owners, were present and spoke in favor of the special permit. Councilor Brown, Davila, Perez and Fenton supports this permit.

For more vehicles in the zone, the petitioners will need a zone change.

ATTACHMENTS:

- Wilbraham_Rd_93_Tax_Formal (PDF)
- Wilbraham_Rd_93_2022 (PDF)

RESULT:**ADOPTED [UNANIMOUS]****AYES:**

Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

Motion To: On the Reasons

COMMENTS - Current Meeting:

Councilor Perez read reasons.

RESULT:**ADOPTED [UNANIMOUS]****AYES:**

Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

Ordinances

(15.) ORD-2022-7 An Ordinance Amending Chapter 385 of the Revised Ordinances of the City of Springfield, 1986, as Amended, by Adding Article Xi Thereof ord. No.

AN ORDINANCE AMENDING CHAPTER 385 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING ARTICLE XI THEREOF

ORD. NO. ____

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

Chapter 385, VEHICLES AND TRAFFIC, of the Code of the City of Springfield, is hereby amended by adding Article XI thereto to state as follows:

ARTICLE XI

§385-53. Speed Hump Petition.

Petition to the Board of Public Works and subject to City Council final approval required: No speed hump shall be installed or established within a public way, except upon petition to the Board of Public Works signed by at least two-thirds of the property owners (as listed with the Springfield Board of Assessors) or two-thirds of the registered voters (as listed with the

Springfield Election Commission) within the “impacted segment” of a proposed speed hump street. As part of the petition process, the petitioner must submit appropriate mapping showing the exact location of the proposed speed hump location with the support of the property owner(s) who are immediately contiguous with the proposed location. The petition will also require signatures from property owners / registered voters from at least two parallel streets in either direction of the street where the request is being made. The signatures from the other streets must make up at least 1/4 of the total signatures generated. When there are multiple property owners, the signature of one shall be sufficient to count that property towards the required two-thirds. Said petition shall be referred by the City Clerk to the Fire Department, the Police Department and the Department of Public Works Engineering division for review, and if approved then forwarded to the Board of Public Works for necessary hearing / viewing. Each request must provide the name of the street for which the speed hump(s) are requested and the boundaries of the intended street segment to be impacted. Each petition will be reviewed by the Board of Public Works based upon its own merits and taking into consideration the recommendations of the Police, Fire, and Public Works departments. For purposes of this section "impacted segment" shall mean 300 feet to either side of the zone proposed by the residents for the location of the hump(s), or to the nearest fully signalized intersection or end of the street in that direction, whichever comes first. The “impacted segment” may be extended and / or reduced, at the direction of the DPW / Engineering Division, Police , Fire, etc as part of the preliminary review of the petition, based upon general traffic flows, traffic patterns in a particular neighborhood. Full justification of the modified “impacted segment” will be provided by the DPW / Engineering Division. All correspondence and communication with residents regarding the petition and process shall be through the Board of Public Works. The application to the Board of Public Works must also include a letter of support from the appropriate Neighborhood Council.

As part of the review of a petition submitted to the Board of Public Works, upon consultation with Police and Fire Department and the Engineering Division of the Department of Public Works, the Director of the Department of Public Works may reject an application if, in his opinion, the location, road layout, roadway grade, etc. is not appropriate for installation. If the application is rejected, the Director must provide the applicant with justification for denial in writing within 21 days of the petition being received.

The petition that is submitted to the Board of Public Works must have a single person as the point of contact and this person will be considered the “applicant”.

§385-54 Reports upon petition of property owners.

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

§385-55 Location Requirements.

In order to be eligible for speed humps pursuant to this Ordinance, a street must have a Roadway Functional Classification of “Local Road” as shown on the most recent “Roadway Functional Classification ” map on file with the DPW and must have a posted or de facto speed limit of 25 miles per hour or less.

§385-56 Hearing.

- A. Before any order to install or establish a speed hump shall be passed, a written notice of the intention of the Board of Public Works to hold a viewing to install or establish a speed hump shall be posted a minimum of 15 days in advance of the viewing date, and registered letters shall be sent to all property owners within a 300-foot radius of the impacted segment of the street under review for speed hump installation and such notice shall specify the time and place for such hearing before the City Council. It will be the “applicants” responsibility to be financially responsible for the payment of any and all mailing of registered letters to abutters. The applicant shall, upon a request from the DPW, provide evidence of notices being sent via registered mail.
- B. After the hearing has been held, the Board of Public Works will refer the petition to the City Council for their review and action.

§385-57 Specifications.

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

- A. the Manual on Uniform Traffic Control Devices for Streets and Highways (“MUTCD”) issued by the U.S. Department of Transportation Federal Highway Administration;
- B. the Massachusetts Project Development and Design Guide issued by the Massachusetts Department of Transportation; and
- any applicable standards on file with the Springfield Department of Public Works.
- C. Speed Humps will be placed in a manner so as not to impede drainage flow in the street. This will mean that the speed hump will not go all the way to the curb. Please be advised that it will be the immediate property abutters responsibility to clear snow from the gutters adjacent to the speed hump, after any and all snowstorms to ensure proper drainage flows. Also please be advised that due to the geometric configuration of the speed humps, plowing for snow storms in the area of the speed humps will be away from the curb to protect the plowing equipment.
- D. Speed Humps will not be placed within 10 feet of any residential or commercial driveway.
- E. Based upon the installation requirements of the speed hump, there will be a no parking of a minimum of 18 feet in each direction of the speed hump on both sides of the street. The locations will be posted as “No Parking Any Time”.
- F. Speed Humps will not be installed on any street that is determined to be critical access paths for police, fire, ambulance or any other public safety vehicles.

§385-58 Temporary Trial Period.

Residents submitting a petition pursuant to §385-58 may request that a temporary portable rubber speed hump with portable signs on stands and no pavement markings be installed

anytime between May 1st and July 15 (to allow for removal by October 15th), before the installation of a permanent speed hump as a temporary trial period. The temporary humps will remain in place for a period of ninety (90) days. If, at the conclusion of the trial period, there are not written objections from more than one quarter (¼) of the property owners or registered voters within the impacted segment of the proposed speed hump, then the permanent speed humps shall be installed as weather and climate conditions permit. Any written objections from property owners must be filed in writing with the City Council.

Approved as to form:

Associate City Solicitor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael A. Fenton, Ward 2 Councilor
SECONDER:	Jesse Lederman, President
AYES:	Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman

COMMENTS - Current Meeting:
2nd & 3rd step.

Ordinance adopted.

INVOKE RULE 22C

Motion made by Councilor Whitfield. Seconded by Councilor Govan.

(16.) ORD-2022-5 An Ordinance Amending Chapter 178 of the Code of the City of Springfield, as Amended, By Inserting a New Section 178-18, Combustible Waste and Refuse

An Ordinance Amending Chapter 178 of the Code of the City of Springfield, as Amended, By Inserting a New Section 178-18, Combustible Waste and Refuse

Be it Ordained by the City Council, in Session Assembled, that the Following Amendment to the Code of the City of Springfield, as Amended, be Enacted:

1. CHAPTER 178- FIRE PREVENTION of the Code of the City of Springfield, as Amended, is Hereby Further Amended to Include a New Section 178-18, as Follows:

“Chapter 178, § 178-18, Combustible Waste and Refuse

In Accordance with 527 CMR 1.0, Section 1.05, Chapter 1, Section 1.12.8.5, Every Dumpster that is Six (6) Cubic Yards or Greater Shall Have a Permit. it Shall be the Responsibility of the Dumpster Hauler To: (I) Supply the Springfield Fire Department with an Annual List of the Current Dumpsters in Use Throughout the City, and the Locations Thereof, on or Before January 1St of Each Year; and (Ii) to Pay the Required Permit Fee of

\$50.00 Per Dumpster (Annual Fee). During the Calendar Year, on a Quarterly Basis, the Dumpster Hauler Shall Submit a Written Report to the Springfield Fire Department of All New Contracts for Dumpsters Within the City, and the Locations Thereof, and Shall Pay the Required Annual Permit Fee of \$50.00 for Each New Dumpster Contract, with Each Quarterly Report. See Code of the City of Springfield, Chapter 100, Article I, Section 100-7 Fire Department Fees, Section (U)."

2. Upon passage, the effective date for the Amendment shall be _____, 2022.

Ordinance amendment requested by the Springfield Fire Department, Fire Prevention. Change would required dumpster haulers to pay annual permit fees. Draft approved by the Law Department.

RESULT: REFERRED TO COMMITTEE

COMMENTS - Current Meeting:

Motion to send to committee made by Councilor Fenton, seconded by Councilor Edwards.

Referred to General Government committee.

Under Suspension

17. Order (ID # 6907)

Order of Taking of Land 65 Sumner Avenue

HISTORY:

07/18/22

City Council

CONTINUE VOTE

07/25/22

City Council

REFERRED TO COMMITTEE

Next: 09/19/22

COMMENTS - Current Meeting:

CAFO, TJ Plante spoke on this item.

Councilor Davila stated they met with the forest park association and voted in support. Allows school buses to pick up & drop off the kids and 80 more parking spots in the city. Davila supports this project.

Councilor Fenton supports the order. Fenton suggested to adopt this tonight under suspension and make sure the Law Dept is OK with it.

RESULT: ADOPTED [UNANIMOUS]

AYES: Perez, Click-Bruce, Curran, Walsh, Brown, Davila, Hurst, Edwards, Allen, Govan, Fenton, Whitfield, Lederman