



# *The Commonwealth of Massachusetts*

## *Springfield Finance Control Board*

*436 Dwight St.*

*Springfield, MA 01103*

ALAN LÉBOVIDGE  
CHAIRMAN

### MEETING AGENDA

**December 18, 2006**  
Room 220, City Hall  
10:00 AM

- 
- I. Adjournment to Executive Session
  - II. Approval of Minutes
  - III. Update on SEA Contract
  - IV. Approval of New Tax Rate
  - V. York Street Jail Activity & Use Limitation (AUL)
  - VI. Approval of Bond Orders - as tabled from 11/27/06
  - VII. Authorization for Executive Director to Approve Bond Sales
  - VIII. Establishment of Stabilization Reserve Fund for ESCO
  - IX. Appropriation for Arbitrage Review
  - X. Approval of Pasco Road Taking and Appropriation
  - XI. Establishment of FY-08 Trash Fee
  - XII. Appropriations Order Decrease for \$2.625 million
  - XIII. Authorization to Borrow \$2.625 Million
  - IV. Appropriations Order Increase for \$2.625 Million
  - X. New Business

**Finance Control Board  
Springfield, Massachusetts  
December 18, 2006**

The twentieth-sixth meeting of the Finance Control Board (ST.2004, C.169) was held on Monday, December 18, 2006 at 10:00 A.M. in Room 220, City Hall. Present were Mayor Charles V. Ryan, Chairperson Alan LeBovidge and Member Michael J. Jacobson. Member Thomas F. Gloster III was absent at beginning of meeting and City Council President Jose F. Tosado was absent due to a family vacation.

I. The meeting was open by Chairman LeBovidge and a motion was made by Mayor Ryan to go into executive session for purpose of discussing pending litigation regarding taxpayer trash fee suit by the following roll call vote: Yes, Three (3); Member Jacobson, Mayor Ryan and Chairman LeBovidge; No, None (0); Absent, Two (2), Member Gloster and City President Tosado. The Chairperson LeBovidge stated in open session that after the Executive Session the Board would be returning to open session.

II. Member Thomas F. Gloster, III joined the Board in the Executive Session and was marked present for the open session. Member Jacobson amended the minutes to add "no" after "took" in last sentence in section two (II). The Board voted to approve the minutes of the November 27, 2006 meeting as amended. On motion by Mayor Ryan and seconded by Member Gloster minutes approved as amended by a unanimous voice vote. Board Chairperson LeBovidge announced that the Board would be going back into Executive Session at the end of the meeting and would not be returning to open session.

III. Executive Director Philip Puccia and School Superintendent Dr. Joseph Burke made a verbal report to the Board relative to the SEA contract. Dr. Burke made a presentation on the financial and non financial details of the contract. Dr. Burke stated that the highlights of the SEA contract are as follows: (1) create new leadership teachers positions; (2) improve recruitment and retention of teacher in the fields of math, science, languages and special education; (3) create a new wage schedule for critical shortage areas of education; (4) each teacher would have a preparation period, online lesson plan, test coordinator for each school, and level 3 and level 4 teachers positions for each school; 7 hours school days which amounted to an additional 45 hours per year for elementary and middle schools and 90 hours per year for high schools instructions; more control to the superintendent to make decision regarding teachers, schools and learning environment and long term cost predictability. That the new contract reduced the number of steps rate increases and allows the Superintendent to move the strong teachers with more talent to under performing schools. Dr. Burke stated that Level 3 teachers could make between \$60,000 and \$67,000 per year, Level 4 teacher between \$65,000 and \$72,000 per year and an assistant principal could make between \$69,000 and \$76,000 per year. Member Gloster asked how the teachers are responding to the changes. Dr. Burke that teacher are responding well to the new changes but of the 130 teachers who applied for the head teacher position only 80 were chosen and that he hopes to have more teachers qualify in the next application period. The Board took no action but received the report.

IV. Executive Director Philip Puccia and David Panagore made a presentation to the Board relative to Executive Order #12-18-02 authorizing the execution and recordation of a "Notice of Activity and Use Limitation" for the former York Street Jail property pursuant to Mass. General Laws, Chapter 21E, Section 6. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #11-18-02 (Execution and Recordation of a "Notice of Activity and Use Limitation"), by a unanimous voice vote.

V. Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #11-27-04, (Authorizing Certain Bond Issuances; in the amount of \$38,500,000.00) authorizing bonding to finance various city projects including but not limited to demolition; roads and sidewalks; closing and capping Bondi Island Landfill; purchase of financial software; acquisition of land for new fire station; remodeling and repairs to fire station facilities; remodeling and repairs to library facilities; remodeling and repairs to police station facilities; architectural and engineering services in connection with all projects; construction or remodeling or repairs of park and recreation facilities; the design, construction of Putnam High School; and the acquisition of land for parking or other municipal purposes and any costs incidental or related to all projects. The Board approved an amendment adding "architectural and engineering services in connection with constructing fire station facilities thereon" after the words "eminent domain or otherwise and in subparagraph (e)." Item #11-27-04 was tabled at the November 27, 2006 meeting. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #11-27-04 (Authorizing Certain Bond Issuances), by a unanimous voice vote.

Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #11-27-05 (Authorizing Certain Bond Issuances; in the amount of \$15,500,000.00), authorizing bonding to finance the costs of energy conservation and alternative energy improvements and equipment and energy audits for various municipal buildings and to procure energy management services for such energy improvements and equipment and energy audits and to enter into agreements pursuant to G.L. c. 25A, § 11C, or any other enabling authority. The borrowing is pursuant to G.L. c. 44, §§ 7(3B) and 7(26) and to authorize the Board to expend federal and state aid; file applications with Municipal Finance Oversight Board to qualify any or all the bonds under Chapter 44A of the General Laws and to take all other actions necessary and proper to carry out the project. Item #11-27-05 was tabled at the November 27, 2006 meeting. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #11-27-05 (Authorizing Certain Bond Issuances), by a unanimous voice vote.

Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-03, (Authorizing Certain Bond Issuances; Refunding Bonds) authorizing the Board to approve the issuances of all bonds under the State Qualified Municipal Purpose Loan of 2007 of the City of Springfield in an amount not to exceed in principal \$130,000,000.00 for refunding bonds and in a principal amount of \$54,000,000.00 for all other bonds. The Board approved an amendment adding "or the Mayor" after the Executive Director of the Board as an authorizing official. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-03 (Authorizing Certain Bond Issuances), by a unanimous voice vote.

Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-04 (Executive Order and Appropriations; Establishing a Stabilization Reserve Fund), thereby saving the City an estimated \$1,161,583.00 in interest costs over the life of the bond and appropriate \$675,000.00 from local receipts for the purpose of paying debt service costs on energy improvement bonds. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-04 (Executive Order and Appropriations; Establishing a Stabilization Reserve Fund), by a unanimous voice vote.

VI. Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-05 (Appropriations Order) to raise and appropriate an amount not to exceed \$2,000,000.00 for the purposes of conducting an arbitrage review and paying any fines or rebates to the IRS resulting there from. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-04 (Appropriations Order), by a unanimous voice vote.

VII. Executive Director Philip Puccia and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #12-18-07 for appropriating the amount of \$625,000.00 for the taking of 2 parcels of land at 419 Pasco Road and East Side Pasco Road totaling 4.27 acres for park and playground purposes. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-07 (Appropriating Funds for Eminent Domain Taking), by a unanimous voice vote.

VIII. Executive Director Philip Puccia and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #12-18-06 for the taking orders of 2 parcels of land at 419 Pasco Road and East Side Pasco Road totaling 4.27 acres for park and playground purposes. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-06 (Order of Takings), by a unanimous voice vote.

IX. Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-09 (Authorizing Borrowing from Fiscal Recovery Fund) to replace anticipated revenue lost from the Trash Fee as a result of preliminary injunction issued by the Hampden County Superior Court. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-09 (Authorizing Borrowing from Fiscal Recovery Fund), by a unanimous voice vote.

X. Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-08 (Budget Appropriations Order) reducing the amount appropriated to General Fund (Estimated Revenue – Trash Fee) in amount of \$2,625,000.00 to General Funding Financing (DPW Solid Waste). The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-08 (Budget Appropriations Order), by a unanimous voice vote.

XI. Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-11 (Budget Appropriations Order) appropriating \$2,625,000.00 from Chapter 169, State Loan Fund to General Funding Financing (DPW Solid Waste). The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-11 (Budget Appropriations Order), by a unanimous voice vote.



XII. Executive Director Philip Puccia and Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-18-11 (Implementing a Trash Fee for Non-Bulky Item Solid Waste Collection and Disposal, amending Executive Order #8-11-04) setting forth the terms and conditions for implementing a trash fee for non-bulky items effective July 1, 2007. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #12-18-11 (Implementing a Trash Fee for Non-Bulky Item Solid Waste Collection and Disposal, amending Executive Order #8-11-04), by a unanimous voice vote.

XIII. Executive Director Philip Puccia and Stephen O'Malley, Chairman of the Board of Assessors made a presentation to the Board relative to Executive Order #12-18-01 (Approving a Residential Factor for Fiscal Year 2007) Board Chairman rescued himself because he is Commissioner of the Department of Revenue and did not participate in the setting of the residential tax factor. Mr. O'Malley stated that tax level limit had grown in the amount of \$7,062,623.00 including \$3,600,232.00 in new growth and \$3,462,391.00 in 2½ levy increase. Mr. O'Malley stated that the Levy amount for FY 2006 was \$138,488,062.00 and in FY 2007 the limit is \$145,550,685.00. Property values for residential parcels had increases on an average of 15.18% and commercial/industrial/personal property by 2.79%. The average single family value went from \$131,200.00 to \$146,300.00 with the average tax bill going from \$2,230.00 to \$2,347.00 or approximately \$117.00 increase. The Board voted to adopt a residential factor of 0.819332 in order to determine the percentages of the local tax levy to be borne by each class of real property, as defined in M.G.L. c. 59, § 2A, and personal property for FY 2007 and a previous vote of the Springfield City Council setting the residential factor at 0.819332 on December 13, 2006. Motion by Mayor Ryan and seconded by Gloster, passed by voice vote 3-0, with Chairman LeBovidge abstaining.

Mr. LeBovidge remarked after the vote that Wall Street Journal had picked Springfield as one of its cities with an affordable housing market and that bode well for the City of Springfield.

New Business:

IX. None.

X. The Board voted to go back into Executive Session on Motion by Mayor Ryan and seconded by Jacobson for the purpose of discussing Pending Litigation and Litigation Strategy by the following roll call vote: Yes, Four (4); Members Jacobson, Mayor Ryan, Gloster, Chairman LeBovidge; No, None (0); Absent, One (1) Tosado. The Chairperson stated that the Board would be going into Executive Session and would not be reconvening in open session.

Respectfully submitted, as amended:

# DRAFT

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Wayman Lee  
Clerk of the Board

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#12-18-01

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Order Approving a Residential Factor for Fiscal Year 2008**

**WHEREAS**, the Commissioner of Revenue of the Commonwealth of Massachusetts has certified, pursuant to chapter 369 of the Acts of 1982, and Mass. Gen. Laws ch. 40, sec. 56, that the board of assessors of the City of Springfield is assessing property at full and fair cash valuation; and

**WHEREAS**, pursuant to said laws, the City Council, with the Mayor's approval, is required to adopt a residential factor in order to determine the percentage of the local tax levy to be borne by each class of real property, as defined in Mass. Gen. Laws ch. 59, sec. 2A, and personal property for the next fiscal year; and

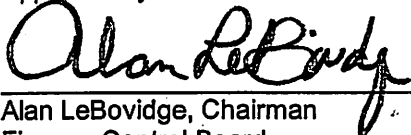
**WHEREAS**, as per the requirements §4(d)(17) of Chapter 169 of the Acts of 2004, any such residential tax factor shall not be valid until it has been approved by the Finance Control Board; and

**WHEREAS**, on December 13, 2006, the City Council held a public hearing, duly noticed, in accordance with the requirements of chapter 369 of the Acts of 1982, and Mass. Gen. Laws ch. 40, sec. 56, on the question of the adoption of said residential factor to determine the percentage of the local tax levy to be borne by each class of real and personal property; and

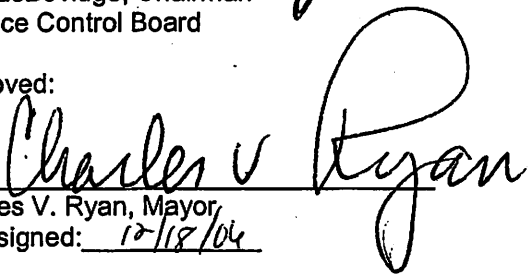
**WHEREAS**, at this hearing the City Council adopted a residential tax factor of 0.819332, which determines the percentage of the local tax levy to be borne by each class of real and personal property.

**NOW, THEREFORE, BE IT ORDERED**, in accordance with Section 4(d)(17) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 40, sec. 56, that the Finance Control Board approves the allocation of the tax levy by selecting and approving the residential factor for fiscal year 2008 of 0.819332.

Approved by the Finance Control Board on December 18, 2006.

  
Alan LeBovidge, Chairman  
Finance Control Board

Approved:

  
Charles V. Ryan, Mayor  
Date signed: 12/18/06

***City of Springfield***  
***FY 2007 Tax Rate***

## **City of Springfield -Valuations**

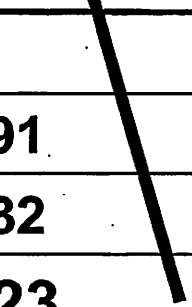
<b>Description</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Residential Value</b>	\$5,015,641,700	\$5,776,964,500
<b>Residential Share of Value</b>	75.68%	77.7137%
<b>Commercial/ Industrial/ Personal Property</b>	\$1,611,758,950	\$1,656,686,020
<b>Commercial/ Industrial/ Personal Property Share Value</b>	24.32%	22.2863%
<b>Total</b>	\$6,627,400,650	\$7,433,650,520

## ***City of Springfield – Tax Levy Limit***

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<b>Description</b>	<b>Amount</b>
<b>Levy Limit FY 2006</b>	138,488,062
<b>Levy Limit Increase</b>	7,062,623
<b>Levy Limit FY 2007</b>	<b>145,550,685</b>

<b>Description</b>	<b>Amount</b>
<b>2 ½ Levy Increase</b>	<b>3,462,391</b>
<b>Plus: New Growth</b>	<b>3,600,232</b>
<b>Total Levy Limit Increase FY'07</b>	<b>7,062,623</b>



## ***City of Springfield – FY '07 Tax Rates***

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<b><i>Description</i></b>	<b><i>Residential</i></b>	<b><i>Commercial/Industrial/ Personal (CIP)</i></b>
<b><i>Rate FY 2007</i></b>	<b>\$16.04</b>	<b>\$31.91</b>
<b><i>Rate FY 2006</i></b>	\$17.00	\$33.02
<b><i>Factor/Shift</i></b>	.819332	1.63
<b><i>Share of Tax Levy</i></b>	63.6733%	36.3267%

## ***Property Valuation Increases FY '06 to FY '07***

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<b><i>Description</i></b>	<b><i>Amount</i></b>	<b><i>Percentage</i></b>
<b><i>Residential</i></b>	\$761,322,800	15.18%
<b><i>Commercial/Industrial/ Personal Property</i></b>	\$44,926,170	2.79%

**Taxation Impact – of \$16.04 same gap as '06**

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<b>Description</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Average Single Family Value</b>	\$131,200	\$146,300
<b>Average Single Family Tax</b>	\$ 2,230	\$ 2,347



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

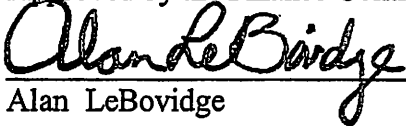
#12-18-02

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield  
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**An Executive Order Approving and Authorizing the Execution and  
Recordation of a Notice of Activity and Use Limitation**

The Finance Control Board, pursuant to its authority under Chapter 169 of the Acts of 2004, and pursuant to Mass. General laws Chapter 21E, Section 6, hereby approves and authorizes the execution and recordation of a Notice of Activity and Use Limitation, for a portion of the Property known as the Former York Street Jail (DEP RTN No. 1-13316) in substantially the form attached hereto and hereby delegates to the Mayor of the City of Springfield, authority to execute said Notice of Activity and Use Limitation.

Approved by the Finance Control Board December 18, 2006:

  
\_\_\_\_\_  
Alan LeBovidge

NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Former York Street Jail  
DEP Release Tracking No.: 1-13316

This Notice of Activity and Use Limitation ("Notice") is made as of this \_\_\_\_ day of August, 2006, by The City of Springfield located in Springfield, Massachusetts 01105, together with his/her/its/their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, The City of Springfield, is the owner in fee simple of that certain parcel of land located in Springfield, Hampden County, Massachusetts with the buildings and improvements thereon, pursuant to an Chapter 195 of the Acts of 1998 and accepted in an Order passed by The City of Springfield in the City Council on October 19, 1998 and approved by the Mayor on October 29, 1998.

WHEREAS, said parcel(s) of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Hampden County Registry of Deeds in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_;

WHEREAS, a portion of the Property ("Portion of the Property") is subject to this Notice of Activity and Use Limitation. The Portion of the Property is more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof. The Portion of the Property is shown on a plan recorded with the Hampden County Registry of Deeds in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_, and on a sketch plan attached hereto and filed herewith for registration;

WHEREAS, the Portion of the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for Portion of the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and (b) the restriction of certain activities occurring in, on, through, over or under the Portion of the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated \_\_\_\_\_, (which is attached hereto as Exhibit C and made a part hereof);

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in said AUL Opinion are as follows:

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time pursuant to 310 CMR 40.0000 so long as any of the following activities and uses occur on the Portion of the Property:

- (i) Use of the Property as a residence, school, nursery, daycare, recreational area, and/or other such use at which a child's presence is likely as long as the activities do not result in the consumption of fruits and vegetables grown within the portion of the property subject to this Activity and Use Limitation (AUL Area).
- (ii) Activities and uses of the Property including but not limited to, commercial and industrial use, which are not identified by the Notice as being inconsistent with maintaining a condition of No Significant Risk;
- (iii) Excavation associated with short term (less than three months) or long term (greater than three months) underground utility and/or construction work, provided that any pavement that is damaged or removed is repaired and/or replaced promptly following the completion of the project; and
- (iv) Subsurface activities and/or construction including but not limited to future construction of buildings and other improvements which may disturb contaminated soils located in the AUL Area, provided that such work is conducted in accordance with a Soil Management Plan and a Health and Safety Plan under the supervision of an LSP; and
- (v) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph.

2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

(i) Agricultural activities and uses which are likely to result in the ingestion of fruits and vegetables cultivated within the boundaries of the AUL Area;

(ii) Activities and/or uses which may cause physical or chemical deterioration, breakage, or structural damage to the pavement in the AUL Area except as provided in Section 1 hereto; and

(iii) Relocation of the lead-contaminated soil from beneath the pavement in the AUL area unless an LSP renders an Opinion which states that such relocation is consistent with maintaining a condition of No Significant Risk.

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

(i) The pavement within the AUL Area must be repaired and/or replaced with a comparable barrier to prevent future use of the AUL Area for the cultivation of fruits and vegetables promptly following the completion of any activity which involves its removal and/or disturbance;

(ii) The pavement in the designated AUL Area must be maintained to ensure that the lead contaminated soil is not utilized for the cultivation of homegrown fruits and vegetables; and

(iii) Annual inspections and associated record keeping activities must be performed to confirm that the pavement in the AUL area is being properly maintained to prevent homegrown fruit and vegetable ingestion exposure(s) from the lead-contaminated soil located beneath the pavement in the AUL area.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portion of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare or the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by an LSP in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Portion of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this \_\_\_\_\_ day of August, 2006.

\_\_\_\_\_  
Owner

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss \_\_\_\_\_, 2006

On this \_\_\_\_ day of August, 2006, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as the Mayor of the City of Springfield.

\_\_\_\_\_  
Official signature and seal of notary

Form 1075: continued

The undersigned LSP hereby certifies that he executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his Opinion this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

Date: \_\_\_\_\_

\_\_\_\_\_  
LSP signature: Timothy J. O'Brien  
[LSP SEAL]

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

\_\_\_\_\_, 2006

On this \_\_\_\_ day of August, 2006, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Official signature and seal of notary

Upon recording, return to:

The City of Springfield  
36 Court Street  
Springfield, Massachusetts 01103

ATC Associates, Inc.  
ATTN: Timothy J. O'Brien  
73 William Franks Drive  
West Springfield, Massachusetts 01089

**Exhibit A**  
**Description of Parcel of Land Containing Area Subject to AUL**  
**And**  
**Description of Area Subject to AUL**



**Exhibit A**  
**Area of Parcel of land Containing Area Subject to AUL**

Beginning at a granite monument found at the point of tangency at the intersection of the westerly side of West Columbus Avenue (1960 Layout) with the southerly side of York Street;

Thence generally southeasterly along the arc of a curve, along the westerly side of West Columbus Avenue, an arc length of 140.50', having a radius of 995.00', a delta angle of 8°-05'-27", a tangent of 70.37', a chord distance of 140.39' bearing S 15°-52'-20" E to a point of curvature;

Thence S 11°-49'-37" E along the westerly side of West Columbus Avenue a distance of 525.82' to a point;

Thence S 70°-14'-18" W bounded southerly by land now or formerly of the City of Springfield a distance a distance of 161.40' to a point;

Thence generally northwesterly along the arc of a curve, bounded westerly by land now or formerly of National Railroad Passenger Corporation, an arc length of 249.14', having a radius of 6092.37', a delta angle of 2°-20'-35", a tangent of 124.59', a chord distance of 249.12' bearing N 21°-24'-13" W to a point of non-tangency;

Thence N 28°-58'-17" W bounded westerly by land now or formerly of National Railroad Passenger a distance of 166.00' to a point;

Thence S 53°-46'-17" W bounded southerly by land now or formerly of National Railroad Passenger a distance of 33.75' to a point;

Thence generally northwesterly along the arc of a curve, bounded westerly by land now or formerly of National Railroad Passenger Corporation, an arc length of 169.43', having a radius of 6043.12', a delta angle of 1°-36'-23" , a tangent of 84.72', a chord distance of 169.43' bearing N 24°-52'-01" W to a point of non-tangency in the southerly side of York Street;

Thence N 53°-53'-13" E along the southerly side of York Street a distance of 331.63' to a point of tangency;

Thence generally southeasterly along the arc of a curve, along the southerly side of York Street, an arc length of 9.27', having a radius of 5.00', a delta of 106°-11'-43", a tangent of 6.66', a chord distance of 8.00' bearing S 73°-00'-55" E to the point of beginning.

Containing approximately 146,359 Square feet (3.360 Acres).

**Exhibit A-1**  
**Description of Area Subject to AUL**

Commencing at a granite monument found at the point of tangency at the intersection of the westerly side of West Columbus Avenue (1960 Layout) with the southerly side of York Street;

Thence generally southeasterly along the arc of a curve, along the westerly side of West Columbus Avenue, an arc length of 140.50', having a radius of 995.00', a delta angle of 8 -05'-27", a tangent of 70.37', a chord distance of 140.39' bearing S 15 -52'-20" E to a point of curvature;

Thence S 11 -49'-37" E along the westerly side of West Columbus Avenue a distance of 251.85' THE POINT OF BEGINNING;

Thence S 11 -49'-37" E along the westerly side of West Columbus Avenue a distance of 273.77' to a point;

Thence S 70 -14'-18" W bounded southerly by land now or formerly of the City of Springfield a distance of 42.00' to a point;

Thence N 20 -46'-30" W through other land of this grantor a distance of 143.38' to a point;

Thence N 00 -27'-13" W through other land of this grantor a distance of 131.55' to a point;

Thence N 64 -53'-20" E through other land of this grantor a distance of 39.00' to the point of beginning.

Containing approximately 14,089 Square feet (0.323 Acres)

**Exhibit B**  
**Sketch Plan**

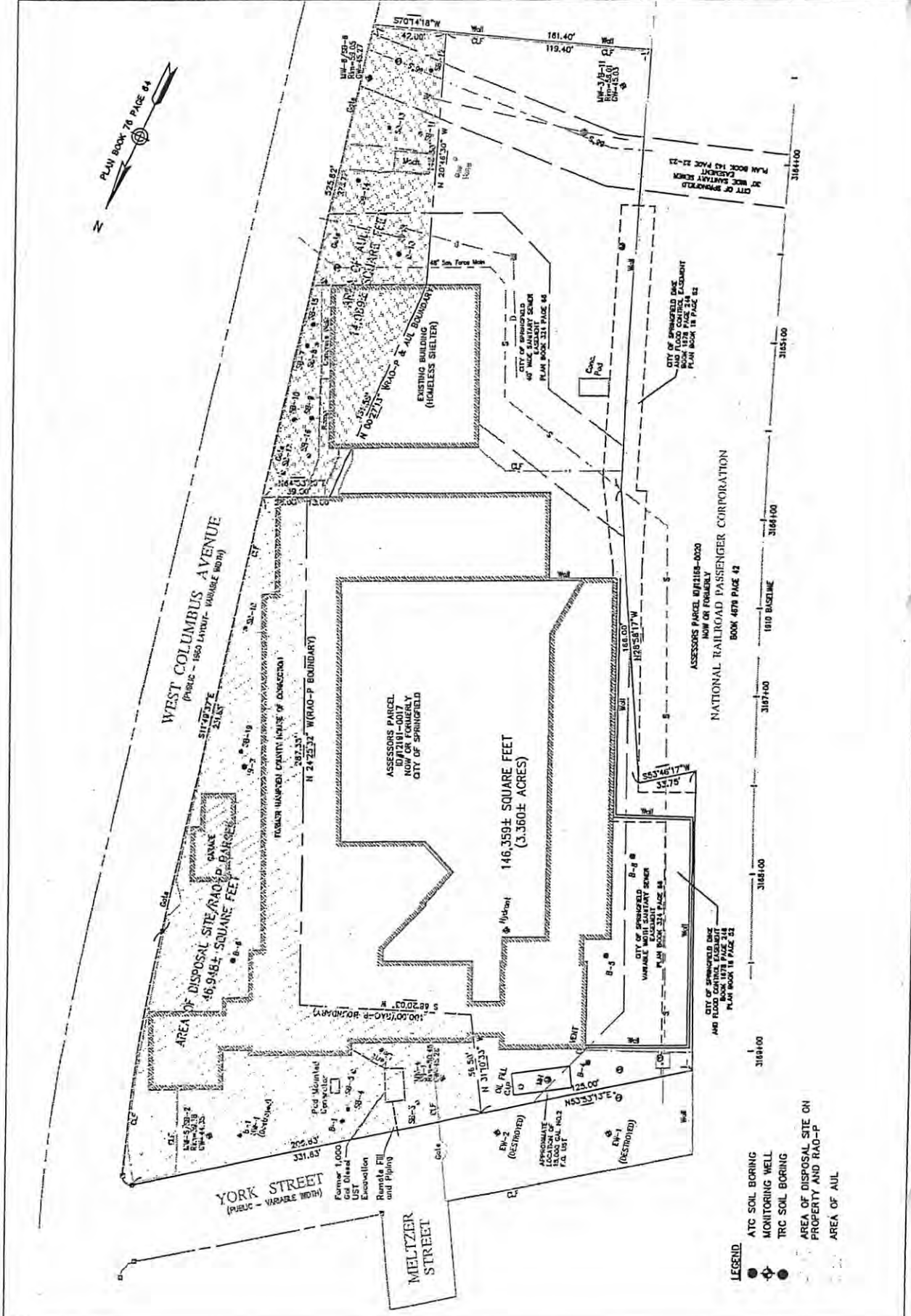
PROJECT NUMBER: 20126.0016	DATE: 7-26-2006	SCALE: 1" = 50 FEET
PROJECT NUMBER: 20126.0016	DATE: 7-26-2006	SCALE: 1" = 50 FEET
PROJECT NUMBER: 20126.0016	DATE: 7-26-2006	SCALE: 1" = 50 FEET

EXHIBIT B: AREA OF DISPOSAL SITE ON PROPERTY AND AREA OF AL  
 FORMER YORK STREET JAIL  
 WEST YORK STREET  
 SPRINGFIELD, MASSACHUSETTS



ATC ASSOCIATES INC.  
 700 STATE STREET  
 WEST SPRINGFIELD, MA

FIGURE 1



- LEGEND**
- ATC SOIL BORING
  - MONITORING WELL
  - TRC SOIL BORING
  - AREA OF DISPOSAL SITE ON PROPERTY AND RAD-P
  - AREA OF AL

**Exhibit C**  
**Activity and Use Limitation Opinion**

## EXHIBIT C

### ACTIVITY AND USE LIMITATION OPINION

In accordance with the requirements of 310 CMR 40.1074, the Activity and Use Limitation Opinion has been prepared for a portion of a parcel of land owned by The City of Springfield and located at 79 West York Street in Springfield, Massachusetts. As of the date of this Activity and Use Limitation (AUL), the parcel is located in a commercial area and is occupied by an abandoned correction facility, a gymnasium, and a garage. The gymnasium, located on the southeastern portion of the parcel, is currently utilized as an overnight homeless shelter.

#### Site History

Records indicate that the parcel was utilized as a corrections facility from approximately 1886 through 1989. A 1,000-gallon diesel fuel underground storage tank (UST), previously used as a fuel source for an emergency generator, was removed from the northern portion of the parcel on October 24, 2005.

In 1999, a subsurface investigation identified elevated levels of benzo(a)pyrene and dibenzo(a,h)anthracene in the soil sample collected from soil boring B-2 (14 to 15 feet below grade (fbg)) and elevated levels of lead in the soil sample collected from soil boring B-9 (12 to 12.5 fbg). The Department of Environmental Protection was notified of these findings, as such findings triggered a 120-day notification requirement of the Massachusetts Contingency Plan (the "MCP", 310 CMR 40.0000).

*[Note: The "MCP" is the Commonwealth of Massachusetts' code of regulations for notifications, assessment, and cleanup of disposal sites where a release of oil and/or hazardous materials has occurred.]*

Phase II Comprehensive Site Assessment activities were conducted in May, June, and July 2006 and consisted of the collection of additional soil and groundwater samples. The results of the investigation indicate levels of lead greater than Method 1, S-1 Soil Standards were detected in soil borings SB-6 (12 to 16 fbg), SB-9 (12 to 13 fbg), SB-10 (12 to 14 fbg), and SB-11 (1.2 to 2 fbg). The elevated lead levels are primarily located near the gymnasium building located on the southeastern portion of the parcel. No other compounds were detected at levels greater than the Method 1, S-1 Soil Standards during the Phase II assessment.

*[Note: The "MCP Method 1 Cleanup Standards" refer to numerical standards for chemical contaminants in soil and groundwater which are published in the MCP. The soil standards are broken into three soil categories: S-1, S-2, and S-3. The S-1 Soil Standards are the most strict, or lowest, numerical values since they were derived to be protective of a residential exposure scenario by considering a receptor's incidental ingestion and dermal exposures to soil while gardening and playing. The S-2 and S-3 numerical standards are less strict and therefore higher, having been developed using passive recreational and construction-related exposure scenarios, respectively.]*

### **Reason for Activity and Use Limitation**

A Method 3 Risk Characterization was conducted to evaluate risks posed by contamination remaining in soil at the site. Based on the Method 3, the site poses No Significant Risk for activities and uses consistent with commercial and industrial uses of the site and potential exposures to construction/utility workers, maintenance worker, and visitors/trespassers. The Method 3 also indicates that the site poses No Significant Risk for activities and uses consistent with residential use; however, the residential Risk Characterization assumed that a future resident would not be exposed to risks via the ingestion of homegrown fruits and vegetables. Due to the presence of elevated lead levels in the southeastern portion of the parcel, an unacceptable risk exists at the site should future activities and uses of the area designated as the AUL Area include the ingestion of homegrown fruits and vegetables.

*[Note: Refer to Exhibit B, a sketch plan showing the relationship of the area subject to the AUL ("Area of AUL") to the boundaries of the parcel and the disposal site.]*

In order to ensure that a level of No Significant Risk is maintained at the site, an AUL is necessary to "lock in" the assumptions and restrictions of the Risk Characterization regarding future activities and uses.

### **Permitted Activities and Uses**

The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time pursuant to 310 CMR 40.0000 so long as any of the following activities and uses occur on the Portion of the Property:

- (i) Use of the Property as a residence, school, nursery, daycare, recreational area, and/or other such use at which a child's presence is likely as long as the activities do not result in the consumption of fruits and vegetables grown within the portion of the property subject to this Activity and Use Limitation (AUL Area).
- (ii) Activities and uses of the Property including but not limited to, commercial and industrial use, which are not identified by the Notice as being inconsistent with maintaining a condition of No Significant Risk;
- (iii) Excavation associated with short term (less than three months) or long term (greater than three months) underground utility and/or construction work, provided that any pavement that is damaged or removed is repaired and/or replaced promptly following the completion of the project; and
- (iv) Subsurface activities and/or construction including but not limited to future construction of buildings and other improvements which may disturb contaminated soils located in the AUL Area, provided that such work is conducted in accordance with a Soil Management Plan and a Health and Safety Plan under the supervision of an LSP; and
- (v) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph.

**Activities and Uses Inconsistent with the AUL Opinion.**

Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

- (i) Agricultural activities and uses which are likely to result in the ingestion of fruits and vegetables cultivated within the boundaries of the AUL Area;
- (ii) Activities and/or uses which may cause physical or chemical deterioration, breakage, or structural damage to the pavement in the AUL Area except as provided hereto; and
- (iii) Relocation of the lead-contaminated soil from beneath the pavement in the AUL area unless an LSP renders an Opinion which states that such relocation is consistent with maintaining a condition of No Significant Risk.

**Obligations and Conditions**

If applicable, obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

- (i) The pavement within the AUL Area must be repaired and/or replaced with a comparable barrier to prevent future use of the AUL Area for the cultivation of fruits and vegetables promptly following the completion of any activity which involves its removal and/or disturbance;
- (ii) The pavement in the designated AUL Area must be maintained to ensure that the lead contaminated soil is not utilized for the cultivation of homegrown fruits and vegetables; and
- (iii) Annual inspections and associated record keeping activities must be performed to confirm that the pavement in the AUL area is being properly maintained to prevent homegrown fruit and vegetable ingestion exposure(s) from the lead-contaminated soil located beneath the pavement in the AUL area.

**LSP:**

Timothy J. O'Brien, Licensed Site Professional

**DATE:**



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-18-03

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====  
An Executive Order related to and authorizing certain bond issuances.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

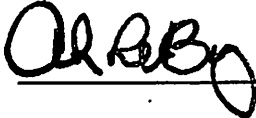
Ordered: that the Board hereby approves the issuance of all of the State Qualified Municipal Purpose Loan of 2007 Bonds of the City of Springfield, to be dated their date of delivery, (the "Bonds"), substantially as described in the draft Preliminary Official Statement dated December 15, 2006 relating to the Bonds (this document in final form hereinafter referred to as the "Preliminary Official Statement"), and in accordance with a contract of purchase substantially in the form of the draft dated December 15, 2006 presented at this meeting and hereby incorporated into this order by reference relating to the negotiated sale of the Bonds by the City to the underwriters named therein (the contract in final form hereinafter referred to as the "Purchase Contract"); that the proceeds of the portion of the Bonds to be issued for refunding purposes (the "Refunding Bonds") shall be deposited in accordance with a Refunding Escrow Agreement substantially in the form of the draft dated December 15, 2006 presented at this meeting and hereby incorporated into this order by reference to be dated as of the date of delivery of the Bonds and to be executed by the City, the Treasurer and Receiver-General of the Commonwealth of Massachusetts and the Escrow Agent for the Bonds named therein (the agreement in final form hereinafter referred to as the "Refunding Escrow Agreement"); that the Board hereby authorizes the Executive Director of the Board (the "Authorized Official") to determine the price at which the Bonds are sold to the underwriters named in the Purchase Contract, the principal amount of the Bonds to be issued, the interest rate that each maturity of the Bonds is to bear, the date of the Bonds, the principal amount of the Refunding Bonds and the maturities of the Bonds constituting term bonds (if any), subject to the following limitations to be observed by said Authorized Official in approving the terms of the sale of the Bonds: (a) that the highest interest rate for any maturity of the Bonds shall not exceed 6 percent per annum; (b) that the price at which the Bonds are sold to the underwriters named in the Purchase Contract shall be such that the true

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interest cost to the City in connection with the sale of the Bonds shall not exceed 5.5 percent, such true interest cost meaning that rate at which, as of the expected date of delivery of the Bonds, discounts semi-annually all future payments of principal and interest on the Bonds to their purchase price; (c) that the Bonds shall be sold at a price that is not less than 100 percent of the principal amount of the Bonds, plus accrued interest (if any) to the date of delivery of the Bonds named in the Purchase Contract; (d) that the Bonds shall be dated within thirty days from their date of issue; (e) the aggregate principal amount of the Refunding Bonds shall not exceed \$130,000,000; (f) that the present value of the payments of principal and interest on the Refunding Bonds shall not exceed the present value of the principal and interest payments to be paid on the bonds to be refunded by the Refunding Bonds and will produce a net present value savings to the City of at least 3 percent; and (g) the aggregate principal amount of Bonds, other than Refunding Bonds, shall not exceed \$54,000,000; that the Authorized Official is hereby authorized to execute and deliver the Purchase Contract in connection with the sale of the Bonds to the underwriters named therein; that at the time of the delivery of the Bonds the Authorized Official shall execute a certificate setting forth the price at which the Bonds are sold to the underwriters named in the Purchase Contract, the principal amount of the Bonds, the principal amount of each maturity of the Bonds, the interest rate that each maturity of the Bonds bears, the date of the Bonds, the maturities of the Bonds to be issued as term bonds (if any), the resulting true interest cost to the City in connection with the negotiated sale of the Bonds to the underwriters named in the Purchase Contract and the net present value savings to the City as a result of the issue of the Refunding Bonds, the execution of which shall be conclusive of said Authorized Official's and the Board's approval of the terms of the sale of the Bonds; and that the Authorized Official and other duly authorized officials of the City are hereby further authorized to approve, execute and deliver a final official statement and all other documents or instruments necessary or convenient in connection with the sale and issuance of the Bonds and containing such terms and provisions as shall be determined advisable by the officer executing the same.

Approved by a roll-call vote of the Springfield Finance Control Board, with 4 yea votes and 0 nay votes, at its meeting held on December 18, 2006.

By its Chairman

  
\_\_\_\_\_

  
City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#11-27-04

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====  
An Executive Order related to and authorizing certain bond issuances.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Ordered: that the sum of Thirty-Eight Million Five Hundred Thousand dollars (\$38,500,000) is hereby appropriated for the following purposes: (a) for the demolition of various buildings within the City and any costs incidental and related thereto; (b) for infrastructure repairs and replacements to roads and sidewalks, consisting of the construction and reconstruction of such roads and sidewalks, related drainage and sidewalk repairs and replacements and any costs incidental and related thereto; (c) for the closure and capping of the Bondi Island landfill, any related architectural and engineering services in connection therewith and any costs incidental and related thereto; (d) for the purchase and installation of financial management software for various City departments and any costs incidental and related thereto; (e) for the acquisition of land for a new fire station by gift, purchase, eminent domain or otherwise and any costs incidental and related thereto; (f) for the remodeling, reconstructing or making extraordinary repairs to fire station facilities, including original equipment and other site improvements incidental or directly related to such remodeling, reconstruction or repairs, any related architectural and engineering services in connection therewith and any costs incidental and related thereto; (g) for the remodeling, reconstructing or making extraordinary repairs to library facilities, including original equipment and other site improvements incidental or directly related to such remodeling, reconstruction or repairs, any related architectural and engineering services in connection therewith and any costs incidental and related thereto; (h) for the remodeling, reconstructing or making extraordinary

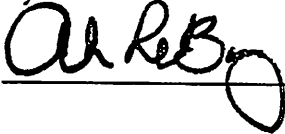
**Insert**

**“architectural and engineering services in connection with constructing fire station facilities thereon”**

repairs to police station facilities, including original equipment and other site improvements incidental or directly related to such remodeling, reconstruction or repairs, any related architectural and engineering services in connection therewith and any costs incidental and related thereto; (i) for the costs of engineering and/or architectural services for plans and specifications relating to the installation of police department and fire department dispatch communications systems and any buildings or other facilities related thereto and any costs incidental and related thereto; (j) for the constructing, developing and remodeling of parks and recreational and athletic facilities in the City, including the construction or remodeling of buildings in connection therewith, the costs of original equipment, public lighting installations and furnishings in connection therewith, any related architectural and engineering services in connection therewith and any costs incidental and related thereto; (k) for the remodeling, reconstructing or making extraordinary repairs to various school facilities, including original equipment and other site improvements incidental or directly related to such remodeling, reconstruction or repairs, the costs of related drainage, sewer and water improvements in connection therewith, any related architectural and engineering services in connection therewith and any costs incidental and related thereto; (l) for the design, construction, originally equipping and furnishing of the new Putnam High School, including the costs of acquiring a site therefore by gift, purchase, eminent domain or otherwise, planning, designing and constructing improvements in connection therewith and any costs incidental and related thereto; (m) for the acquisition of land for parking or other municipal purposes by gift, purchase, eminent domain or otherwise and any costs incidental and related thereto; that to meet this appropriation the Board is authorized to borrow \$38,500,000 under Chapter 44 of the General Laws, Chapter 70B of the General Laws or any other enabling authority; that the Board is authorized to contract for and expend any federal or state aid available for any of the projects; that the Board is authorized to contract for and expend any school facilities grant for the school facilities which the City is entitled to receive from the Massachusetts School Building Authority pursuant to G.L. c. 70B; that the Board is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under Chapter 44A of the General Laws and to provide such information and execute such documents as the Board may require for these purposes; and that the Board is authorized to take any other action necessary to carry out these projects.

Approved by a roll-call vote of the Springfield Finance Control Board, with 4 yeas and 0 nay votes, at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE AND APPROPRIATIONS ORDER

#12-18-04

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

WHEREAS, pursuant to Executive Order 11-27-05, the Springfield Finance Control Board has approved the issuance of bonds in an amount not to exceed \$15,500,000 to finance energy improvements for the City of Springfield, and that said investments are projected to save the City an average of \$1,590,000 in energy costs per year over the next twenty years, and

WHEREAS, the Springfield Finance Control Board has endeavored to structure the energy improvement bonds in the most efficient manner possible, and that doing so will save the taxpayers an estimated \$1,161,583 in interest costs over the life of the bonds, and

WHEREAS, between Fiscal Year 2008 and Fiscal Year 2011, the efficient structuring of the energy improvement bonds is projected to result in debt service costs in excess of projected financial savings of \$667,000, but that this represents a cash flow issue only and does not reduce the savings to be achieved by the City of Springfield, and

WHEREAS, the City of Springfield is projected to receive a bond premium of approximately \$670,000 associated with the issuance of energy improvement bonds, and

WHEREAS, the Springfield Finance Control Board finds that dedicating the anticipated bond premium on energy improvement bonds to funding the cash flow issue associated with the efficient structuring of the energy improvement bonds will allow the City of Springfield to afford the most efficient structure for the bonds, which will save the taxpayers of Springfield an estimated \$1,161,583.

NOW, THEREFORE, BE IT ORDERED:

That, pursuant to Massachusetts General Law Chapter 40 Section 5B, there is hereby established a stabilization reserve fund to be known as the Energy Services Contract Stabilization Reserve Fund, the proceeds of which may be expended for the purpose of paying debt service costs on energy improvement bonds when said costs are greater than the estimated financial savings associated with the energy improvements made pursuant to Executive Order 11-27-05, and

That the Springfield Finance Control Board hereby votes to raise and appropriate to the Energy Services Contract Stabilization Reserve Fund \$675,000 from local receipts, and

That the Treasurer shall be the custodian of all funds deposited into the Energy Services Contract Stabilization Reserve Fund and shall invest the proceeds thereof pursuant to the provisions of Section 5B of Chapter 40 of the Massachusetts General Laws.

Approved, by two-thirds vote, at its meeting held on December 18, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-05

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

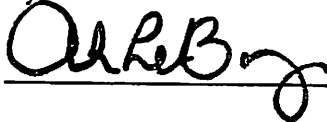
=====  
An Executive Order related to and authorizing certain bond issuances.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Ordered: that the sum of Fifteen Million Five Hundred Thousand dollars (\$15,500,000) is hereby appropriated to finance the costs of energy conservation and alternative energy improvements and equipment and energy audits relating thereto to various municipal buildings; that the City is authorized to procure energy management services for such energy improvements and equipment and energy audits relating thereto and to enter into agreements pursuant to G.L. c. 25A, § 11C, or any other enabling authority, for such purposes; that to raise this appropriation the Board is authorized to borrow \$15,500,000 pursuant to G.L. c. 44, §§ 7(3B) and 7(26) or any other enabling authority; that the Board is authorized to contract for and expend any federal or state aid available for the project; that the Board is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under Chapter 44A of the General Laws and to provide such information and execute such documents as the Board may require for these purposes; and that the Board is authorized to take any other action necessary to carry out the project.

Approved by a roll-call vote of the Springfield Finance Control Board, with 4 yea votes and 0 nay votes, at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#12-18-05

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

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**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

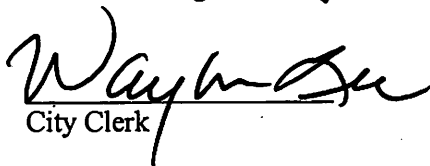
Date of Vote: December 18, 2006

Pursuant to Massachusetts General Law Chapter 40, Section 5, the Springfield Finance Control Board hereby votes to raise and appropriate an amount not to exceed \$2,000,000 for the purposes of conducting an arbitrage review and paying any fines or rebates to the Internal Revenue Service resulting there from.

Voted, by majority:



Alan LeBovidge Chairman, Control Board



City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#12-18-06

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

### **An Executive Order Authorizing the Eminent Domain Taking of Land for Park and Playground Purposes**

#### **ORDER OF TAKING**

The Finance Control Board, acting pursuant to Sections 4(b) and 4(d)(14) of Chapter 169 of the Acts of 2004 (the "Act"), and exercising the authority of the City Council as provided for in Section 4(d)(20) of the Act, and pursuant to Mass. General Laws Chapter 45, Section 14, Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, upon the request of the Department of Parks, Buildings and Recreation Management, does hereby take by eminent domain in the name and on behalf of the said City of Springfield, in fee simple, two (2) parcels of land at 419 Pasco Road (Street 09540, Parcel 145), and East Side Pasco Road (Street 09540, Parcel 154), Springfield, MA., totaling approximately 4.27 acres, as more particularly described in Exhibit A which is attached hereto and incorporated herein by reference, for park and playground purposes. An appropriation of money has been duly made for said purposes from account #0100-920-5810-07-0650.

Such land is taken together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and improvements affixed to said land, excepting easements, rights, and interests specifically reserved herein,

The parcels to be taken are shown on a plan entitled "Plan of Land in Springfield Massachusetts, Surveyed for BB Holdings, Inc., and Prepared by Heritage Surveys, Inc., 241 College Highway, Southamptn, Massachusetts", prepared for the City of Springfield, on file with the Hampden County Registry of Deeds at Book of Plans \_\_\_\_, Page, \_\_\_\_; and

It is ORDERED, that the parcels of land described in Exhibit A attached hereto are taken by eminent domain, for park and playground purposes, pursuant to and by virtue of Sections 4(b), 4(d)(14), and 4(d)(20) of Chapter 169 of the Acts of 2004, Mass. General Laws Chapter 45, Section 14, Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, of the Massachusetts General Laws; including any improvements, trees and shrubs located thereon;

Although said parcels are stated below as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

**AWARD OF DAMAGES**

It is ORDERED that the City of Springfield makes the following award for damages sustained by the owner and all other persons including mortgagees of record having any and all interest in the area or areas hereinbefore described in the taking of their property by reason of the taking:

<u>OWNER:</u>	<u>PARCEL</u>	<u>DAMAGE AWARD:</u>
BB HOLDINGS, INC.	419 PASCO ROAD	\$470,000.00
BB HOLDINGS, INC.	EAST SIDE PASCO ROAD	<u>\$155,000.00</u>
	TOTAL AWARD:	\$625,000.00

It is further ORDERED:

that the City Treasurer be and is hereby authorized to pay said sum to the owner of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

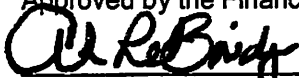
that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public highway by reason of laying out and construction of the project within the limits described herein;

that no assessments be levied;

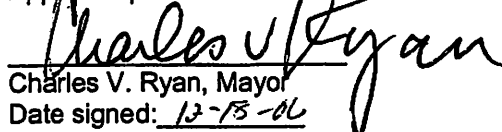
that the City Clerk, in the name and on behalf of the Finance Control Board, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof, together with the aforementioned Plan, in the Hampden County Registry of Deeds.

Approved by the Finance Control Board on December 18, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman  
Date signed: 12-18-06

Approved pursuant to Mass. Gen. Laws ch. 43, sec. 30:

  
\_\_\_\_\_  
Charles V. Ryan, Mayor  
Date signed: 12-18-06

Approved:

\_\_\_\_\_  
Secretary for Administration and Finance  
Commonwealth of Massachusetts  
Date signed: \_\_\_\_\_

**EXHIBIT A**

**HERITAGE SURVEYS, INC.**

*Professional Surveyors and Engineers*

*241 College Highway & Clark Street*

*Post Office Box 1*

*Southampton, Massachusetts 01073-0001*

*Bruce A. Coombs, President*

*Telephone (413) 527-3600*

*Professional Surveyor, MA, CT & VT*

*Facsimile (413) 527-8280*

*E-mail: [bruce@heritagesurveys.com](mailto:bruce@heritagesurveys.com)*

*Website: [heritagesurveys.com](http://heritagesurveys.com)*

December 13, 2006

Attorney Kathy Breck  
Springfield Law Department  
City Hall - 36 Court Street  
Springfield, MA 01103

Re: Loon Pond/Pasco Road  
HSI# 5277-061121

Dear Atty. Breck:

Following are "Surveyor's Descriptions" of two parcels of land located in Springfield, MA. The parcels are shown on a plan entitled, Plan of Land in Springfield Massachusetts, Surveyed for BB Holdings, Inc., and Prepared by Heritage Surveys, Inc., 241 College Highway, Southampton, Massachusetts". These descriptions are intended for use by an attorney in the preparation of "Legal Descriptions". References to easements, rights-of-way, other encumbrances, plans recorded or to be recorded, and title, etc., are to be incorporated with the "Surveyor's Description" where appropriate.

**Lot 1A - (419 PASCO ROAD, SPRINGFIELD, MA. - - Street# 09540, Parcel# 145)**

A certain parcel of land bounded and described as follows:

Beginning at a point on the easterly sideline of Pasco Road, Route 20, at the northwest corner of land now or formerly of The City of Springfield and running thence,

N03°-07'-13"W, along the easterly sideline of Pasco Road, 47.60 feet to a point, thence;

N84°-10'-10"E, along Lot 2A, 409.46 feet to a point, thence;

N73°-15'-10"E, along last named land, 422.84 feet to a point, thence;

S01°-18'-10"W, along land now or formerly of City of Springfield, 37 feet more or less, to a point on the edge of Loon Pond, thence;

In a generally southwesterly direction along the edge of Loon Pond, 876 feet more or less, to a point, thence;

N05°-49'-50"W, along land now or formerly of the City of Springfield, 396 feet more or less, to a point, thence;

N36°-04'-53"W, along last named land, 44.11 feet, to a point, thence;

S84°-10'-10"W, along last named land, 167.15 feet to the point of beginning.

Containing an area of 3.13 acres, more or less.

**Lot 2A -( EAST SIDE PASCO ROAD - Street# 09540, Parcel# 0154)**

Beginning at a point on the easterly sideline of Pasco Road at the southwesterly corner of land now or formerly of RECOR Investments, LLC, and running thence;

N84°-10'-10"E, along last named land, 407.10 feet to a bound, thence;

N70°-57'-16"E, along last named land, 435.41 feet to a bound, thence;

S018-18'-10"W, along land now or formerly of the City of Springfield, 70.00 feet to a point, thence;

S738-15'-10"W, along Lot 1A, 422.84 feet to a point, thence;

S848-10'-10"W, along last named land, 409.46 feet to a point, thence;

N038-07'-13"W, along the easterly sideline of Pasco Road, 50.06 feet to the point of beginning.

Containing an area of 1.035 acres.

Please contact this office if you have any questions or comments relative to the above.

Sincerely,

---

Peter B. Watson

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

**#12-18-07**

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

**An Executive Order Appropriating Funds for the Eminent Domain Taking  
of Land for Park and Playground Purposes**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. Gen. Laws Chapter 45, Section 14, Mass. Gen. Laws Chapter 43, Section 30, and Mass. Gen. Laws Chapter 79, the Finance Control Board appropriates the sum of Six-Hundred Twenty-Five Thousand and 00/100 Dollars (\$625,000.00) as damages for the anticipated eminent domain taking of a fee simple interest in two parcels of land at 419 Pasco Road (Street 09540, Parcel 145), and East Side Pasco Road (Street 09540, Parcel 154), in Springfield, MA., totaling approximately 4.27 acres, for park and playground purposes, from account # 0100-920-5810-07-0650.

Approved by the Finance Control Board December 18, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman  
Finance Control Board

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD* *FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#12-18-08

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

Date of Vote: December 18, 2006

GENERAL FUND

ORDERED:

That to meet the expenses of the City of Springfield, including the School Department, for the fiscal year commencing July 1, 2006, and ending June 30, 2007, General Fund Appropriations in the amount of \$(2,625,000) as itemized on the attached Schedule of Appropriations, are hereby reduced from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32, Massachusetts General Law Chapter 59 section 23 and the recommendations of the Mayor and the Executive Director of the Control Board.

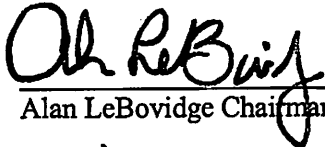
SOURCES

Estimated Revenue (Trash Fee) \$ (2,625,000)

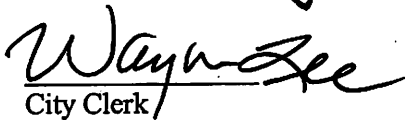
USES

General Fund Financing (DPW Solid Waste) \$ (2,625,000)

Voted:



Alan LeBovidge Chairman, Control Board



City Clerk



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#12-18-09

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

#### **An Executive Order Authorizing the Borrowing of \$2.625 Million Dollars from the Fiscal Recovery Trust Fund**

WHEREAS, the City's Fiscal Year 2007 budget approved by the Finance Control Board was based upon anticipated revenues from the Trash Fee established by the Control Board in Executive Order 8-11-04, in the amount of \$2,625,000, to pay for a portion of the costs of collection and disposal of non-bulky solid waste by the Department of Public Works; and

WHEREAS, the Finance Control Board acknowledges that a preliminary injunction issued on November 20, 2006 by the Hampden County Superior Court in Case No. 06-1010, *Cheryl Coakley-Rivera et al v. City of Springfield, et al*, currently prevents the City from collecting \$2,625,000 in estimated Trash Fee revenue during Fiscal Year 2007; and

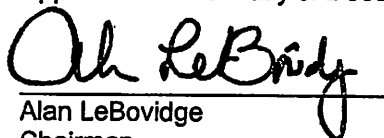
WHEREAS, the City's inability to collect the Trash Fee revenue creates a deficit of \$2,625,000 in the Fiscal Year 2007 budget, as appropriated, which otherwise would force the City to cease the collection and disposal of non-bulky solid waste on or before March 3, 2007; and

WHEREAS, in light of the uncertainty regarding the outcome of the Trash Fee litigation, the Finance Control Board has determined that it is prudent to borrow the \$2,625,000 from the Springfield Fiscal Recovery Trust Fund ("Trust") to balance the Fiscal Year 2007 budget and restore the funds to the Department of Public Works Solid Waste program; and

WHEREAS, Section 2 of Chapter 169 of the Acts of 2004 grants the Finance Control Board authority to borrow from the Trust, in such amounts and on such terms and conditions determined by the Finance Control Board and approved by the Secretary for Administration and Finance, subject to the applicable provisions of Mass. Gen. Laws ch. 44;

NOW THEREFORE, pursuant to the authority granted under Sections 2, 4(c) and 4(d)(1) of Chapter 169 of the Acts of 2004, the Chairman of the Springfield Finance Control Board is hereby authorized, in conjunction with the Director of Accounts at the Department of Revenue, to request of the Secretary for Administration and Finance an amount up to \$2,625,000 to meet the financial needs of the City.

Approved this 18<sup>th</sup> day of December, 2006.



Alan LeBovidge  
Chairman  
Finance Control Board

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#12-18-10

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

Date of Vote: December 18, 2006

GENERAL FUND

ORDERED:

That to meet the expenses of the City of Springfield, including the School Department, for the fiscal year commencing July 1, 2006, and ending June 30, 2007, General Fund Appropriations in the amount of \$2,625,000 as itemized on the attached Schedule of Appropriations, are hereby voted from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32, Massachusetts General Law Chapter 59 section 23 and the recommendations of the Mayor and the Executive Director of the Control Board.

SOURCES

Chapter 169 State Loan Fund	\$ 2,625,000
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USES

General Fund Financing (DPW Solid Waste)	\$ 2,625,000
--	--------------

Voted:



Alan LeBovidge Chairman, Control Board



City Clerk

**SUPPLEMENTAL BUDGET** SFCB # 12-18-02  
**\*\* FISCAL YEAR 2007 \*\***  
**SCHEDULE A**

<u>Fund</u>	<u>Dept</u>	<u>Object</u>	<u>Classification</u>	DEPARTMENT FISCAL 2007 GENERAL FUND
0100	433	0000	<b>DPW-SOLID WASTE</b>	<b>2,625,000.00</b>
0100	433	5200	Purchases of Services	2,625,000.00

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#12-18- 11

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.**

---

**An Executive Order Implementing a Trash Fee for  
Non Bulky Item Solid Waste Collection and Disposal Services  
Effective as of July 1, 2007  
(Amending Executive Order #8-11-04)**

WHEREAS, Solid Waste collection and disposal services is in accordance with the government's police power to protect the public health, the State Sanitary Code, 105 Code of Massachusetts Regulations Section 410, Sections 410.601, 410.602 and 410.603, and City Ordinances that require proper disposal of solid waste; and

WHEREAS, the City of Springfield provides services which include the curbside collection and disposal of non-bulky item solid waste, recyclables, and yard waste ("City Services"); and

WHEREAS, Mass. Gen. Laws ch. 44, sec. 28C authorizes the City to charge a fee to cover the costs of said City Services; and

WHEREAS, Section 4(d)(7) of Chapter 169 of the Acts of 2004 authorizes the Finance Control Board to establish fees for any service, license, permit or other municipal activity, otherwise within the authority of the City; and

WHEREAS, the costs of providing the City Services in Fiscal Year 2007 are estimated to exceed \$8 million dollars, and the costs in Fiscal Year 2008 are expected to increase; and

WHEREAS, the Finance Control Board has determined that the City should charge a fee to property owners who voluntarily elect to use the City Services to defray in part, the costs of providing the City Services; and

WHEREAS, the Finance Control Board has determined that as of July 1, 2007, and continuing thereafter until amended or revoked, the amount of the fee for City Services shall be Ninety Dollars (\$90.00) per each fiscal year; and

WHEREAS, the potential revenue from said Trash Fee based on expected usage has been estimated at approximately \$4.5 million dollars for the entire fiscal year 2008; and

WHEREAS, on November 27, 2006, the Finance Control Board approved the creation of a Solid Waste Enterprise Fund pursuant to Mass. Gen. Laws ch. 44, section 53F ½;

NOW THEREFORE,

Pursuant to the authority granted under section 4(d)(7) of Chapter 169 of the Acts of 2004, and Mass. Gen. Law ch. 44, §28C, and in order to defray a portion of the costs of providing Solid Waste Collection and

Disposal Services in the City of Springfield, effective July 1, 2007, the Finance Control Board hereby amends the previously enacted fee as set forth under the provisions of Executive Order #8-11-04, and establishes a Solid Waste Collection and Disposal Fee, ("Trash Fee") of Ninety Dollars (\$90.00), payable for each fiscal year, to be charged to the owner of each dwelling unit and commercial unit who voluntarily elects to receive such City Services from the City of Springfield (hereinafter referred to as the "Customer").

The Control Board delegates to the Mayor or the Executive Director the power to adopt rules and regulations for the implementation and administration of the Trash Fee.

The Fee will be subject to the following terms and conditions:

- A. The Trash Fee shall be charged to Customers of DPW solid waste collection and disposal services who own property that is particularized as a recipient or user of the City Services, and will not be charged to property owners who do not elect to use the City Services for their properties.
- B. The City will issue bills to all individuals or entities that own property and currently receive the City Services. Such owners may choose to use the City's Services by paying the Trash Fee, or may choose not to use the Services and avoid the Trash Fee. Owners who choose to utilize the City Services must return the bills with payment by June 1, 2007. The City will no longer provide City Services after July 1, 2007 for those owners who notify the City's Department of Public Works (DPW) that they will not use the City's trash collection and disposal services, and for those owners who do not pay the Trash Fee by the due date, which shall constitute an election not to use the Services.
- C. Individuals or entities who do not use the City's Services may utilize any other method of disposal which does not endanger any person and complies with the State Sanitary Code and City Ordinances.
- D. Owners who choose not to use the City Service shall be responsible for returning the City-provided container to the Department of Public Works. Persons who are unable to return the City-provided container may request the DPW pick up the container.
- E. Trash Fees collected pursuant to this order shall be deposited in the Solid Waste Enterprise Fund, to be used to defray a portion of the City's costs of providing the Services.
- F. Effective July 1, 2007, and in each fiscal year thereafter, the Trash Fee shall be charged for each City-provided container used by a Customer, and for each condominium unit where the condominium association utilizes a dumpster which is collected by the City or its contractors. If a Customer requests one or more additional City-provided containers per dwelling or commercial unit, the Customer will be charged a Trash Fee for each additional container.
- G. The Trash Fee will be payable to the City in four (4) quarterly installments, due and payable thirty (30) days from the billing date. The Fee may also be paid in one lump sum payment.
- H. The City shall grant a single twenty-five per cent (25%) annual Trash Fee discount for the household of the owner of a single family home, condominium, mobile home or owner occupied multi-family home who is: (a) veteran with a war-service connected disability; (b) a legally blind person; (c) an indigent individual; or (d) an individual over 65 years of age; as defined in rules and regulations established by the Mayor or Executive Director. Such discount will only apply to the owner-occupied primary residence, and will not apply to other trash services, such as bulky item stickers. Decisions on applications for discounts will be made by the DPW.
- I. Property units owned by any government agency shall be exempt from the Trash Fee with the exception of property units owned by a housing authority.
- J. The City reserves the right to refuse a request by a property owner to provide the City Services to any commercial unit, government property, condominium unit or multi-family buildings with more than three (3) dwelling units.

K. Property owners aggrieved by the denial of a discount or any other decision concerning the Trash Fee may appeal such determination to the Trash Fee Review Board, consisting of representatives designated by the Mayor or the Executive Director.

Approved by the Finance Control Board on December 18, 2006:



Alan LeBovidge, Chairman  
Finance Control Board

A True Copy

Attest:



City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-03

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

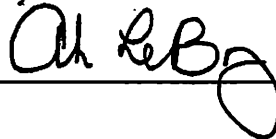
An Executive Order related to a certain bond authorization.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Ordered: that the Order of the City Council passed March 4, 2002 is hereby amended by adding a reference to the Court Square Urban Renewal Amendment #9 such that said Order shall read as follows: "Ordered: that the sum of Four Million Seven Hundred Thousand Dollars (\$4,700,000) is appropriated for defraying the development, acquisition, demolition and site preparation costs of the Court Square Urban Renewal Amendment #8 and Court Square Urban Renewal Amendment #9; (b) that to meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow Four Million Seven Hundred Thousand Dollars (\$4,700,000) under G.L. c.121B, §20, as amended, or any other enabling authority."

Approved by a roll-call vote of the Springfield Finance Control Board, with 5 yeas and 0 nays votes, at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_

A true copy

BOS111 12089587.4

Attest:

City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#11-27-06

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

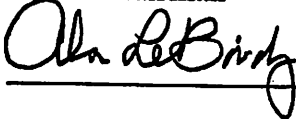
-----  
An Executive Order related to and authorizing certain bond issuances.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Ordered: that, in order to reduce interest costs, the Board is authorized to issue refunding bonds pursuant to G.L. c.44, §21A to refund all or a portion of all outstanding bonds of the City; that the refunding bonds shall be issued in an amount not to exceed \$130,000,000, in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; that the Board is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust or escrow agreement with a bank or trust company; and that the Board is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under Chapter 44A of the General Laws and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Approved by a roll-call vote of the Springfield Finance Control Board, with Syea votes and Dnay votes, at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_

BOS111 12089587.4

A true copy

Attest:

City Clerk



# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#11-27-06

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

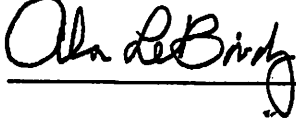
=====  
An Executive Order related to and authorizing certain bond issuances.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Ordered: that, in order to reduce interest costs, the Board is authorized to issue refunding bonds pursuant to G.L. c.44, §21A to refund all or a portion of all outstanding bonds of the City; that the refunding bonds shall be issued in an amount not to exceed \$130,000,000, in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; that the Board is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust or escrow agreement with a bank or trust company; and that the Board is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under Chapter 44A of the General Laws and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Approved by a roll-call vote of the Springfield Finance Control Board, with 5 yeas and 0 nays, at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-03

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

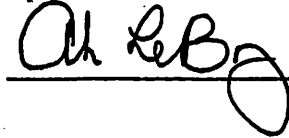
-----  
An Executive Order related to a certain bond authorization.

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Ordered: that the Order of the City Council passed March 4, 2002 is hereby amended by adding a reference to the Court Square Urban Renewal Amendment #9 such that said Order shall read as follows: "Ordered: that the sum of Four Million Seven Hundred Thousand Dollars (\$4,700,000) is appropriated for defraying the development, acquisition, demolition and site preparation costs of the Court Square Urban Renewal Amendment #8 and Court Square Urban Renewal Amendment #9; (b) that to meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow Four Million Seven Hundred Thousand Dollars (\$4,700,000) under G.L. c.121B, §20, as amended, or any other enabling authority."

Approved by a roll-call vote of the Springfield Finance Control Board, with 5 yeas and 0 nay votes, at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

# 11-27-01

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

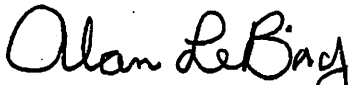
Date of Vote: November 27, 2006

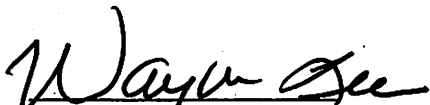
That the Control Board appropriates as follows, pursuant to Massachusetts General Law Chapter 40, Section 5:

FROM Stabilization Reserve Fund, Capital (3599-133-06 20 year term), in the amount of \$35,000.00

TO Armory Street Landfill Closing Project – 20 year term, in the amount of \$35,000.00

Voted, by two-thirds majority:

  
Alan LeBovidge, Chairman

  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-02

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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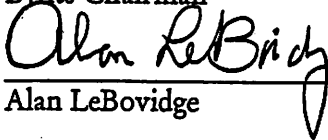
Whereas the City has been aggressive and successful in the collection of back taxes, including , if necessary the foreclosure and sale of properties upon which the taxes have not been paid, and

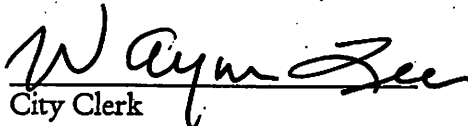
Recognizing that foreclosed properties held prior to sale require proper management and care to that end, the Control Board pursuant to its authority under Chapter 169 of the Acts of 2004, hereby, upon recommendation of the Executive Director, establishes a Tax Title Custodial Account revolving fund under M.G.L. c. 44, sec. 53E1/2 for fiscal year 2007 to be expended under the direction of the City Treasurer/Collector or his designee for the purposes of the management, maintenance, repair and the associated costs of property management up to and including sale.

All rents, leases payments or other revenue derived from tax title properties held by the Treasurer/Collector received during fiscal year 2007 shall be credited to the Tax Title Custodial Account. Expenditures from this Fund may not exceed the balance of the fund at the time of expenditure.

Approved by vote of the Springfield Finance Control Board at its meeting held on November 27, 2006.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

  
\_\_\_\_\_  
City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#11-27-07

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

Pursuant to the authority granted under section 4(d)(7) of Chapter 169 of the Acts of 2004, the Springfield Financial Control Board hereby amends Title 7, Chapter 7.13 Alarm System Regulations and Inspection Fees

AMENDING TITLE 7, CHAPTER 7.13, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION, 7.13.010, - DEFINITIONS.

7.13.010     DEFINITIONS

- I.     "Master Box" emergency signaling devices hard wired to a Central Station.
- J.     "Radio Box" emergency signaling devices that transmit radio signals to a receiver located at a Central Station.

---

AMENDING TITLE 7, CHAPTER 7.13, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION, 7.13.035,- MANDATORY CHANGE OUT OF MASTER BOXES.

7.13.035     Mandatory change out of Master Boxes

- A. No Master Box shall be installed in the City of Springfield after the adoption of this ordinance.
- B. Any construction underway before or after the adoption of this ordinance calling for the installation of a Master Box shall instead have a City approved Radio Box installed.

- C. All Master Boxes located in the City of Springfield must be replaced with a City approved Radio Box by December 31, 2008. The owner(s) of the property where the Master Box is located shall be responsible for any and all costs of compliance with this ordinance.

AMENDING TITLE 7, CHAPTER 7.13, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION, 7.13.050,- PENALTIES.

7.13.050 Penalties

- E. Any one who fails to comply with any of the requirements of section 7.13.035 of this ordinance shall be punished by a fine of one hundred dollars (\$100.00) per calendar day. Each calendar day on which the violation exists shall be deemed to be a separate offense.

TITLE 7, CHAPTER 7.13, SECTION 7.13.060 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 7.13.060 IN ITS ENTIRETY AND ADDING A NEW SECTION 7.13.060-SCHEDULE OF FEES THERETO:

7.13.060 Schedule of fees. A. For inspections and related services not covered by statutory law, the following fees, based on the fire department certified inspection form, shall apply for those uses listed below. All fees are charged annually unless otherwise indicated:

- |    |   |          |
|----|---|----------|
| 1. | Installation, removal, slurry and sealing of underground storage tanks; |          |
|    | a. Up to 1500 gallons   | \$50.00  |
|    | b. 1501 to 5000 gallons   | \$75.00  |
|    | c. 5001 to 7500 gallons   | \$150.00 |
|    | d. 7501 and Over gallons  | \$250.00 |
| 2. | Installation, removal of above ground storage tanks;                    |          |
|    | a. Up to 1500 gallons   | \$50.00  |
|    | b. 1501 to 5000 gallons   | \$75.00  |
|    | c. 5001 to 7500 gallons   | \$150.00 |
|    | d. 7501 and Over gallons  | \$250.00 |
| 3. | Smoke detectors:  |          |
|    | a. One (1) apartment unit   | \$50.00  |
|    | b. For each additional apartment unit                                   | \$10.00  |
|    | c. Re-inspection  | \$50.00  |

4.	Storage of flammable fluids;			
	a.	0	to 165 gallons	Class A \$50.00
	b.	0	to 500 gallons	Class B \$50.00
	c.	0	to 1000 gallons	Class C \$50.00
5.	Oil burner permit;			\$50.00
6.	L P gas permit;			
	a.	0	to 100 gallons	\$50.00
	b.	101	to 1000 gallons	\$125.00
	c.	Over 1001	gallons	\$225.00
7.	Tank truck (two (2) year permit);			\$50.00
	a.	Over night parking	(two (2) year permit)	\$50.00
8.	Lumber yards (one (1) year permit)			\$50.00
9.	Fuel oil storage permit;			
	a.	0	to 500 gallons	\$50.00
	b.	501	to 2500 gallons	\$75.00
	c.	2501	to 10,000 gallons	\$150.00
10.	Self service gas station (final inspection);			\$50.00
11.	Review plans for self service station;			\$50.00
12.	Propane tar kettle (roofing);			\$50.00
13.	Propane heating unit (roofing);			\$50.00
14.	Fumigating permit;			\$50.00
15.	Blasting permit;			\$50.00
16.	Alarm systems;			
	a.	Initial connection to master box		\$300.00
	b.	Annual fee for master box		\$300.00
	c.	Annual fee for radio box		\$300.00
	d.	Private fire alarm test with master box		\$75.00
	d.	Private fire alarm test with radio box		\$75.00
	e.	Central office or other signals to fire department		
		per protected property per year		\$150.00
	f.	Private alarm system test		\$50.00

17.	Annual inspections;	\$50.00
18.	Quarterly inspections;	
	a. Nursing and rest homes	\$50.00
	b. Clinics and HMO's	\$50.00
	c. Hotels and motels	\$50.00
	d. Theaters	\$50.00
	e. Lodging houses	\$50.00
	f. Housing for elderly	\$50.00
	g. Group homes	\$50.00
	h. Inn holders	\$50.00
19.	Storage facility (gasoline and diesel);	
	a. One (1) year permit per tank	\$50.00
	b. Two (2) year permit per tank	\$100.00
	c. Five (5) year permit per tank	\$250.00
20.	Fire works permit;	\$50.00
21.	Dumpster permit;	
	a. Up to ten (10) cubic yards per year	\$25.00
	b. Over ten (10) cubic yards per year	\$45.00
22.	Sprinkler systems;	
	a. Wet system plan review	\$100.00
	b. Dry system plan review	\$100.00
	c. Wet chemical system plan review	\$50.00
23.	Miscellaneous permits;	\$50.00
	(as amended 12/02/2002 and 02/25/2005)	

Approved as to Form:

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Associate City Solicitor



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#11-27-08

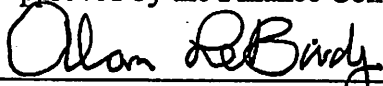
**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.**

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#### **An Executive Order Appropriating Funds for the Eminent Domain Taking of a Permanent Easement for Sidewalk Construction Purposes**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, the Finance Control Board appropriates the sum of Two-Hundred Fifty and 00/100 Dollars (\$250.00) as damages for the anticipated eminent domain taking of a permanent easement consisting of approximately 50 square feet over land located at 3 Sumner Avenue, Springfield, at the southeast corner of Sumner Avenue and Longhill Street, as further described in the Order of Taking, for the purposes of widening and maintaining a sidewalk, to be paid from appropriation account number # \_\_\_\_\_.

Approved by the Finance Control Board November 27, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#11-27-09

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Authorizing the Eminent Domain Taking of a Permanent Easement at Sumner Avenue and Longhill Street for Sidewalk Construction Purposes**

#### **ORDER OF TAKING**

The Finance Control Board, acting pursuant to Sections 4(b) and 4(d)(14) of Chapter 169 of the Acts of 2004 (the "Act"), and exercising the authority of the City Council as provided for in Section 4(d)(20) of the Act, and pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, upon the request of the Department of Public Works, does hereby take by eminent domain in the name and on behalf of the said City of Springfield, a permanent easement consisting of approximately fifty (50) square feet of land, over a portion of the property located at 3 Sumner Avenue, Springfield, MA., at the southeast corner of the intersection of Sumner Avenue and Longhill Street, as more particularly described in Exhibit A which is attached hereto and incorporated herein by reference, for purposes of constructing and maintaining roadway improvements, and specifically for widening the sidewalk, an appropriation of money having been duly made for said purposes from appropriation code # 0100-411-5306-07.

Such easement is taken together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and improvements affixed to said land, excepting easements, rights, and interests specifically reserved herein,

The permanent easement is shown on a plan entitled "Proposed Land Taking for Sidewalk Construction Purposes, Sumner Avenue and Longhill Street, Springfield, MA." prepared for the City of Springfield by Ecotec Environmental Associates, Inc., on file with the Hampden County Registry of Deeds at Book of Plans \_\_\_\_, Page, \_\_\_\_; and

It is ORDERED, that a permanent easement for highway/sidewalk construction purposes is hereby taken in the parcel of land described in Exhibit A attached hereto pursuant to and by virtue of Sections 4(b), 4(d)(14), and 4(d)(20) of Chapter 169 of the Acts of 2004, Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, of the Massachusetts General Laws; including any improvements, trees and shrubs located thereon;

Although said parcel is stated below as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

**AWARD OF DAMAGES**

It is ORDERED that the City of Springfield makes the following award for damages sustained by the owner and all other persons including mortgagees of record having any and all interest in the area or areas hereinbefore described in the taking of or injury to their property by reason of the permanent easement taken herein:

**OWNER:**

CORNELL G. PATERSON  
1 Elm Lawn Street  
Boston, MA

**DAMAGE AWARD:**

\$250.00

It is further ORDERED:

that the City Treasurer be and is hereby authorized to pay said sum to the owner of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public highway by reason of laying out and construction of the project within the limits described herein;

that no assessments be levied;

that the City Clerk, in the name and on behalf of the Finance Control Board, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof, together with the aforementioned Plan, in the Hampden County Registry of Deeds.

Approved by the Finance Control Board on November 27, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman  
Date signed: 11/27/06

Approved pursuant to Mass. Gen. Laws ch. 43, sec. 30:

\_\_\_\_\_  
Charles V. Ryan, Mayor  
Date signed: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Thomas Trimarco  
Secretary of Administration and Finance  
Commonwealth of Massachusetts  
Date signed: \_\_\_\_\_

## EXHIBIT A

### *Land Taking Description Sumner Avenue and Longhill Street Springfield, MA*

A certain parcel of land located at the southwesterly corner of Sumner Avenue in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a granite stone bound found at the intersection of the southerly line of Sumner Avenue and the easterly line of Longhill Street, said granite stone bound being the westerly six hundred eighty seven and 82/100 (687.82) feet from the intersection of the southerly line of Sumner Avenue with the westerly line of Beechwood Avenue; thence

N75°-26'-07"E      along the southerly line of Sumner Avenue a distance of fifteen and 16/100 (15.16) feet to a point; thence

Southwesterly      along land now or formerly of Cornell G. Patterson by a curve to the left having a radius of fifteen and 00/100 (15.00) feet an arc length of twenty three and 72/100 (23.72) feet to a point; thence

N15°-10'-33"W      along the easterly line of Longhill Street a distance of fifteen and 16/100 (15.16) feet to the point of beginning.

Said parcel of land contains fifty (50) square feet more or less.

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#11-27-10

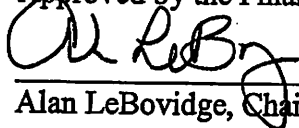
**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Authorizing the Creation of an Enterprise Fund For Solid Waste**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(7), 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 44, Section 53F ½, and Mass. General Laws Chapter 44, Section 28C(f), the Finance Control Board hereby votes to accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing an Enterprise Fund for the City of Springfield Solid Waste Program, a public utility, effective in fiscal year 2007.

Approved by the Finance Control Board November 27, 2006:



Alan LeBovidge, Chairman

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**DEPARTMENTAL AND INTER-DEPARTMENTAL  
CORRESPONDENCE**

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City of Springfield

**GO**            06-001

**DATE 11-7-06**

**TO:**            ALL COMMANDING OFFICERS

**CC:**            DEPUTY CHIEF WILLIAM J. FITCHET  
                  DIRECTOR CHRISTINE M. COLE

**SUBJECT:**    DEPARTMENT REORGANIZATION

**Strategy:**

The strategy of the Springfield Police Department to reduce the levels of crime, disorder and fear in our city is community-based, problem-oriented and data driven.

Community-based means this police department will focus on neighborhoods as the basic building-block of its organizational structure and its policing strategy. Many of the neighborhoods of Springfield face some similar issues but also issues unique to each one. The control of crime, disorder, and fear is a priority everywhere in the city. Neighborhoods may order their priorities differently, and the police department must be responsive their concerns. A neighborhood focus which emphasizes geographic accountability at every rank must recognize this fact.

Problem-oriented policing requires the police department to assertively take steps to prevent crime and proactively manage conditions that breed disorder and that create a climate of fear. Proactive prevention necessitates tactics that go beyond rapid response to calls for service, routine patrol and post-incident criminal investigations. Proactive prevention requires the use of problem-solving. This means scanning the environment for spikes and trends of activity, the careful analyses of crime and calls-for-service data, the development of responses to the identified problems and an assessment of the effectiveness of these responses. Problem-orientation recognizes the need to look beyond an incident to examine the underlying conditions that breed disorder and crime in specific places and the development of robust

plans of action to address those conditions. Successful problem-solving requires the close coordination of department divisions and units. Just as important as internal coordination, is collaboration with other criminal justice, social service, and governmental agencies as well as non-governmental service providers and neighborhood groups.

Data-driven strategies require the department to develop and enhance its ability to analyze crime, disorder and fear indicators, to provide that analysis to operational units and to measure the impact of the activities of those units. It starts with careful and accurate report writing and review. It demands a system of accountability. Accountability must extend from Officer to Sergeant to Lieutenant to Captain through Deputy Chiefs to the Commissioner. Crime mapping and call analysis will continue to be the basis for weekly command meetings that will focus the attention of all department units on conditions in each neighborhood. The elements of the "comp-stat" process will drive our discussions: accurate and timely intelligence, rapid deployment, effective tactics, and relentless follow-up and assessment.

We will take ownership of the crime, disorder and fear conditions in each neighborhood and work together to ensure our success. True accountability cannot take place without clear chains of command, cross division communication, and the sharing of information and assets. Each division's success or failure belongs to the entire department. No division can succeed alone.

**Reorganization:**

Following is the reorganization of the Springfield Police Department as we move further toward a policing strategy that is community-based, problem-oriented and data driven. The basis of the new strategy is geographic accountability, with which we have had substantial experience over the summer months with good results in reducing levels of crime and disorder.

A clear chain-of-command necessitates that authority be delegated to accompany responsibility at each level of the organization sufficient to carry out the mission. Unity-of-command requires that the department be so structured as to make it clear who is responsible for what at each level of the organization and to whom and for what each rank is accountable.

The new structure provides for four Divisions, each at the level of Deputy Chief of Police reporting directly to the Commissioner. Pursuant to my authority under City Ordinance, Section 2.58.40, I am hereby increasing the number of Deputy Chief positions from two to four. After the promotions, the number of Captains will remain at eight.

**Geographic Divisions:**

Three of the Deputies will head a geographic police Division. Each of these geographic commanders will have 24-7 responsibility for managing policing activities in their area, as well as total authority for utilizing personnel assigned to a geographic area to meet that area's policing requirements. Each of these commanders will have a Captain assigned who will assist them in carrying out these responsibilities. The Captain will also serve as Watch Commander for the entire city during the shift to which he is assigned. During the absence of the Deputy Chief, the Watch Commander will assume responsibility for the geographic area in which they serve as the executive officer. The Watch Commander will be responsible for the daily administration of the uniform squad including the supervision of booking, front window, matrons, and other support functions such as BOLO, NCIC, (the cube duties) in addition to other duties assigned by his Deputy.

Community Policing personnel shall be assigned to the district in which their sector is located. Geographic Districts have been redrawn to weigh factors of population, calls for service, natural boundaries and neighborhood integrity. Inevitably there will be some imbalances.

The North District will consist of the current patrol sectors designated as A, B, C, D and G.

The Central District will consist of the current patrol sectors designated as E and F.

The South District will consist of the current patrol sectors designated as H and I.



**Operational Support Division:**

The new structure also provides for a Deputy Chief of Police to command an Operational Support Division responsible for managing the department's investigative operations and tactical support Units. The Operational Support Division will be comprised of the Criminal Investigation Bureau (CIB), the Family Services Bureau, the Vice Control Bureau, and a Tactical Operations Bureau comprised of the Street Crime Unit, Traffic Bureau, Court Unit Warrants and the former Criminal Intelligence Bureau, now renamed the Intelligence Unit. The former Crime Prevention Bureau will be reassigned to more appropriately reflect the new CIB, Family Services and Vice Control Bureaus.

Personnel in the Operational Support Division will be deployed to the various geographic Divisions to meet and address crime trends at the request of the relevant Deputy Chief based, in part, upon discussions held at a weekly staff meeting.

**Administration and Finance Division:**

The Division of Administration and Finance will continue to support both uniform and investigative functions. In an effort to enhance operations overall and the functionality of the business end of the SPD, we have grouped similar roles in the organizational chart. The Division is comprised of the Training Section, the Research and Standards Section which includes the Communications Unit (CAD), Fleet, the Crime Analysis Unit, the Planning Unit (presently limited to Grants) and the Records and Customer Service Unit.

The Customer Service Unit will encompass the work of the current Clerk's Office and some roles of the existing Records Division. Some aspects of the current records division will be assigned to the Watch Commander. These functions will be addressed in subsequent order. The Customer Service Unit will be a one stop shop for the public seeking copies of reports or applying for licenses and permits or registering for certain activities.

Also in this Division is the Fiscal and Personnel Section which includes all matters related to budget such as accounts payable and receivable, and purchasing, including some activities of the unit currently known as Supply; and all personnel functions including scheduling, hiring, benefits, payroll and the extra job function currently included in the Supply Office.

The Technology Unit – comprised of the current Radio Repair and Computer Information Services functions fall in this Division and remain unchanged.

Finally, Facility management is in the Administration and Finance Division.

**Next steps:**

Until the positions are formally established, I will appoint three Captains as Acting Deputy Chiefs and assign them to the new functional areas. Deputy Chief Fitchet will, of course, remain as a Deputy Chief, filling one of the four Deputy positions. Captains interested in serving as one of these geographic Deputy Chiefs or as Deputy Chief of Operational Support should submit a memo to Jennifer Flagg expressing interest no later than Tuesday, November 14. I will then interview those who have interest and select those to fill the positions shortly thereafter.

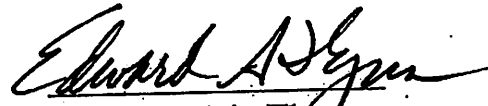
Deputy Chief is a civil service position in the Springfield Police Department. The state Human Resources Department has been petitioned to delegate the testing for this position to the city for the purposes of conducting an assessment center process. Permanent positions will be filled as a result of that process.

Also created by this order is the position of Operations Assistant in the Commissioner's office. This position will assist in coordination of Commissioner's Office responsibilities. Any Captain interested in this position should submit a memo to Jennifer Flagg no later than Tuesday, November 14.

The Deputy Chief, all Captains and Lieutenants should indicate the positions in the organization in which they are interested. Captains with interest in being named Acting Deputy Chief should also indicate interest at least one additional position. Lieutenants should also indicate more than one preference.

A separate order outlining the process for personnel assignments and more specific responsibilities of Bureaus, Sections and Units department wide is forthcoming.

To clarify this order, and discuss next steps, a staff meeting shall be held on Thursday, November 9<sup>th</sup> at 9:00 am in the Commission Room. Any interested Supervisor is invited to attend. Overtime for this meeting shall be approved by the Commissioner's Office in advance.

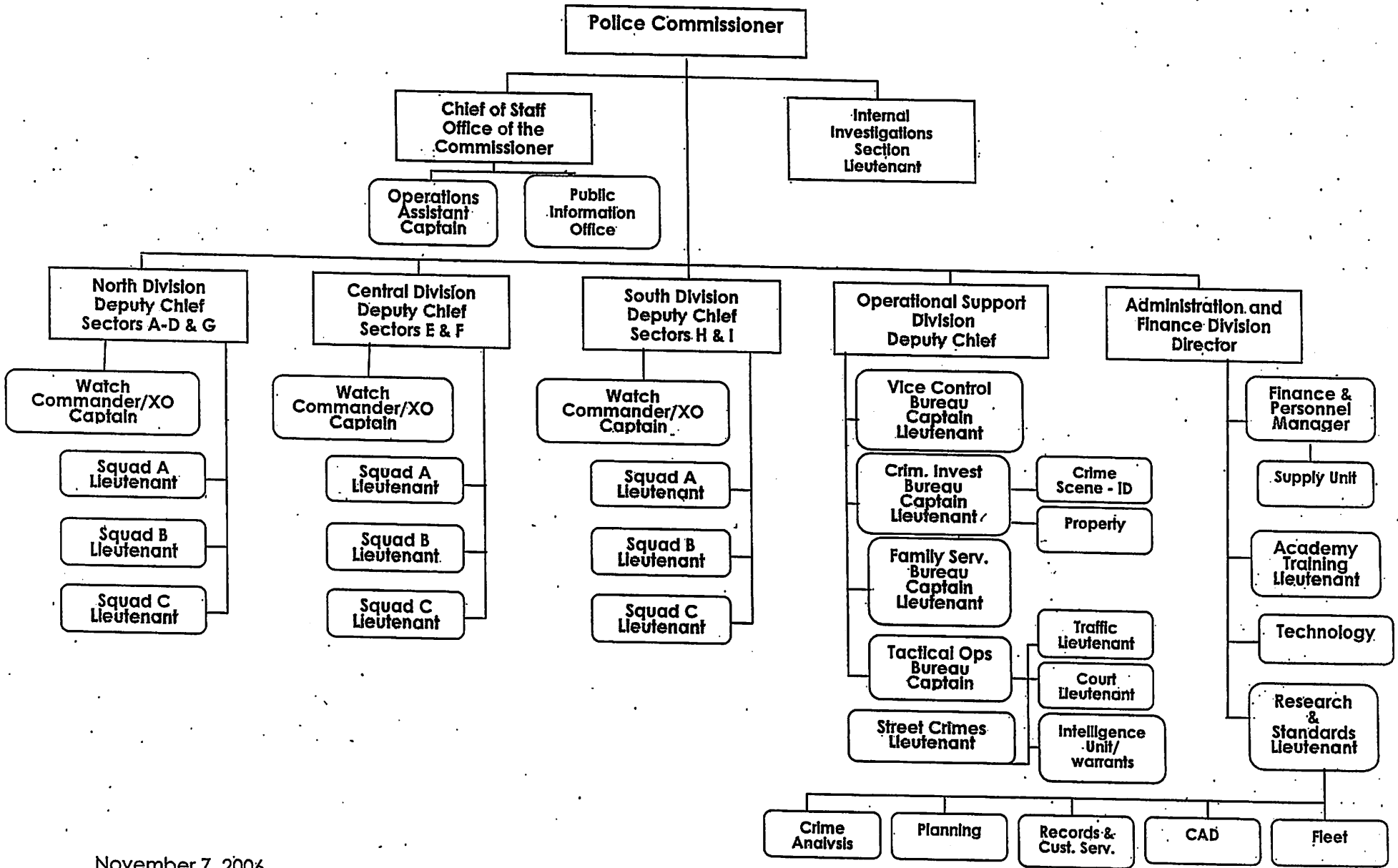


Edward A. Flynn  
Police Commissioner

Attachment: organizational chart

EAF/jf

# Springfield Police Department



November 7, 2006

**Research Brief:**  
**Best Practice for Civilian Review of Law Enforcement**

**By:**  
**Jack McDevitt**  
**Amy Farrell**

**Northeastern University**  
**November 2006**

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**Introduction to Civilian Review**

Historically, civilians have worked with police in two main ways: civilian oversight and civilian participation in crime control or crime prevention. Civilian oversight refers to civilians observing the previously internal operations of the department and examining, for example, the complaints filed by civilians. Civilian participation refers to civilians playing a role in policing, whether through neighborhood watch, community-policing meetings, or in an extreme example, participating in the police patrol function through vigilante policing.

Civilian oversight and review of the investigation of complaints and use of force incidents has become a standard practice for law enforcement agencies concerned about public accountability. The Bureau of Justice Statistics reports that 79 percent of those police agencies with 1,000 or more officers now have a civilian complaint review processes in place in their agency.<sup>1</sup> Conversely, agencies resistant to external review or oversight have been forced to turn the investigative authority of their department over to an external body.<sup>2</sup> Today, local police departments and communities are asking what type of civilian review is most appropriate for the local community rather than debating whether oversight is necessary. Although many agencies have adopted civilian review of complaints and/or use of force incidents, there are a number of different types of models that have emerged, all with their own strengths and weaknesses. Springfield has significant experiences in civilian oversight through the Previous model involving a Board of Police Commissioners.

**National Practices**

Across the country, civilian review of complaints and use of force incidents are important for ensuring the integrity of law enforcement agencies. Over time, numerous structures for civilian review have emerged to meet the needs of local communities. Although

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<sup>1</sup> Reaves, Brian *Police Handling of Civilian Complaints: Using Data to Improve Law Enforcement* Bureau of Justice Statistics, Annual Meetings 2005. October 28, 2005 St. Petersburg, Florida

<sup>2</sup> Following the high-profile beating of Rodney King by Los Angeles Police Department officers, Congress passed legislation amending the federal code under 42 U.S.C. § 14141, which made it unlawful for state and local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of their Constitutional civil rights. Section 14141 allows the United States Department of Justice Department to mandate structural changes within law enforcement agencies to end patterns of abusive and discriminatory practices.

models of review vary greatly among agencies, there are four main structures for civilian oversight.

### *1. Fully External Investigation and Review Process*

An external board or agency takes civilian complaints outside of the police department. The external body conducts investigations and recommends discipline to the head of the police department or to a city official, such as the Mayor or City Manager.

**Strengths:** Fully external models can have complete autonomy from the department to both conduct investigations and make findings. These models are most necessary in communities where the police agency has completely lost community confidence in the IAD to conduct investigations. Initially, these models are viewed very positively by the community as independent investigations of police misconduct. Unfortunately, over time, many of these models come under similar criticism as processes they were intended to replace.

**Weaknesses:** Fully external models can quickly become overextended and many do not finish their investigation of complaints in a timely manner. Some boards that investigate complaints become so backlogged that filing a complaint with the board achieved the same result as not filing a complaint—no action is taken.<sup>3</sup> To prevent backlog, some jurisdictions have hired independent investigative and administrative staff. These models require a significant investment of resources by the local jurisdiction. In many cases, they duplicate the internal investigations conducted within the local agency.

Because fully external boards disconnected from the police departments, they can only access records and hear testimony through the use of subpoena power. Subpoena power means that the external boards or agencies can “compel witnesses to appear and give testimony or produce relevant documents.”<sup>4</sup> Though nearly half of all external boards have subpoena power, it is rarely used because officers and civilians may refuse to testify on the grounds of self-incrimination. This process has historically resulted in growing animosity between external review boards and the police agency under scrutiny. In such cases, the findings of the board may be ignored or rejected by the leadership of the police agency, ultimately resulting in little real change.

### *2. Internal Investigation with External Review by Civilian Board*

Under this model, complaints are taken and investigations are conducted by the police department. Once investigations are complete, a standing external body, such as a board or task force, reviews the investigations and the department’s findings. External reviews

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<sup>3</sup> For a discussion of the challenges of external civilian review boards in Washington, DC, see Beattie, Cheryl and Ronald Weitzer. 2000. “Race, Democracy and Law: Civilian Review of Police in Washington, DC,” in *Civilian Oversight of Police: Governance, Democracy and Human Rights*, (eds.) Andrew J Goldsmith and Colleen Lewis. Pp. 41-62. Oxford: Hart Publishing.

<sup>4</sup> Peter Finn. 2001. *Civilian Review of Police: Approaches and Implementation*. Washington, DC: National Institute of Justice, pg. 144.

may be conducted automatically on all complaints, be triggered by complaints above a specific threshold or be the result of civilian appeals only.

Strengths: The external board is freed from the burden of conducting separate investigations, which may prevent backlog. The external board also retains autonomy from the department.

Weaknesses: The external boards that do not conduct separate investigations must rely on the information about the investigative process that is provided from the department. Models of civilian oversight that rely on permanent boards of volunteer civilians to review complaint investigations often require a great deal of work from the civilian participants. Depending on the triggering mechanism for the review, civilians may need to meet frequently and invest a great deal of unpaid time. In such cases, the review processes can be significantly delayed.

Permanent board members must also balance pressures from the community to overturn departmental findings and demands from the department to uphold findings to retain departmental cooperation in the review process.

### *3. Professional Monitor / Ombudsperson / Auditor*

An external person experienced in the investigative process reviews investigations (ongoing and after a decision is made) and makes recommendations. Professional external reviewers often take complaints of misconduct directly. In some cases, the monitor actually conducts the investigation. Most monitors also make recommendations about policy changes that may help reduce the likelihood of certain types of misconduct in the future.

Strengths: Auditors have experience in the investigative process and are well trained to evaluate the completeness of investigations. Monitors traditionally have unfettered access to all material and relevant investigations or reviews.

Weaknesses: The monitor may be perceived by members of the community as working for the police organization. Without any direct reporting responsibility to the community, monitors can be seen as inside players with an overriding interest in preserving their good relationships with the department.

### *4. Hybrids*

These models combine elements of the above models (e.g. Ombudsperson with civilian boards). Hybrid models of review often started with one component and added elements as the needs of the organization or the community changed.

### **Key Principles from All Models**

Because each model has its own set of strengths and weaknesses, it is useful to focus on the elements that made civilian review work across the different model types. We have identified six key principles that are common among all successful review models.

1. The community has a role in complaint review and oversight.
  - Without some community involvement, it is impossible to address questions of accountability from various community stakeholders.
  - Across models, there are variations in how much civilians participate in oversight, including conducting investigations, reviewing investigations, providing guidance to monitors and suggesting discipline for founded complaints.
2. Alternate decision-making structures that work completely outside the department are complex and costly.
  - Separate boards or agencies that conduct complaint or use of force investigations outside of the law enforcement agency are time-consuming and costly.
  - The public may lose trust and confidence in the police when investigations are taken outside the department.
3. Civilian oversight can help increase and improve communication with the public.
  - Oversight helps reassure the community that investigations, even when conducted within the department, are thorough and fair.
  - Having the public provide input into the review process provides a fuller understanding of policing and its challenges.
4. Civilian oversight works best when it is triggered automatically, in addition to appeals from complainants.
  - Problems may exist with investigations that will go unrecognized if civilians do not feel empowered to make appeals.
  - A specific threshold guarantees most serious complaints or use of force is always reviewed.
5. Models of civilian oversight should provide regular reports to the public, which are transparent, rigorous and credible.
  - Reporting provides the public with information about how the process is working, including statistics on the number of cases reviewed, outcomes of the reviews and policy recommendations.
  - Reports should be available in a wide variety of forums.
6. There is no one best model.
  - Models should be designed to fit the needs, history and local environment.



# Enhancing Citizen Participation in the Springfield Police Department

Associate Dean Jack McDevitt &  
Dr Amy Farrell  
Northeastern University

November 2006

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# Experience of Research Team on Civilian Oversight in Law Enforcement

- Involved in significant research on best practices for civilian oversight nationally
  - Reviewed national best practices and recommend new model for civilian oversight of the Boston Police Department
    - Recommendations were supported by the Police Commissioner have largely been adopted by the Mayor
  - Lead numerous national reviews of police integrity initiatives, often including complaints against the police and use of force review
  - Research emphasis on issues of race and justice
- Participated in the Settlement of the Complaint by Pastors Council made to Massachusetts Commission against Discrimination about use of force by members of the Springfield Police Department

# Research Methodology in Springfield

Research indicates that the most successful models of civilian oversight are those which match successful national models to the needs experience and culture of the local community

## **Step 1: Understanding best practices nationally**

- Extensive literature review on complaint review models across the county
- Conducted site visits and conference calls with other models of citizen involvement across the county
- Meetings with national experts on citizen review and use of force

## **Step 2: Local Review**

- Internal, within police department and city officials
- External, within broader community of Springfield

# Findings

Step 1: National Assessment  
of Best Practices

# Four National Models of Civilian Oversight

## 1. Fully External

- Investigations are conducted and discipline recommended by external group (usually a standing board or commission) outside of the department
- Example: Washington D.C., Office of Police Complaints, established following federal consent decree

## 2. Internal Investigation with External Review

- Investigation done by local department
- Investigations are reviewed by a standing external board or panel
- Review may be automatic or based on appeal only
- Example: San Diego, Complaint Review Panels

# National Models on Civilian Oversight, *continued*

## 3. Monitor / Ombudsperson / Auditor

- External person experienced in the investigative process reviews investigations (ongoing and after a decision is made) and makes recommendations
- Monitors often take complaints of misconduct directly
- In some cases the monitor actually conducts the investigation
- Example: Denver, Police monitor, settlement agreement between police and local civil rights groups

## 4. Hybrids

- Combination of above models (e.g. Ombudsperson with citizen review Panels)

# National Practices: Key Principles

1. Most large cities believe that the community has a role in complaint review and oversight.
2. Alternate decision-making structures that work completely outside the department are complex and costly.
3. Citizen oversight works best when it is triggered automatically in addition to appeals from complainants
4. Models of citizen oversight should provide regular reports to the public that are transparent, rigorous, and credible
5. Citizen oversight models can help increase and improve communication with the public
6. There is no one best model - needs to be local

# Details of Key Principals

1. Most large cities believe that the community has a role in complaint review and oversight.
  - There are many variations in how much citizens participate in oversight:
    - Conducted investigations
    - Reviewed complaint investigations
    - Provided guidance to monitors
    - Suggested discipline for founded complaints.
  - 79% of departments with 1,000+ officers have some form of external review of complaints (BJS, 2005).



## Details of Key Principles, *continued*

2. Alternate decision-making structures that work completely outside the department are complex and costly

- Separate investigations are time-consuming and costly
- When you take all responsibility away from the department it loses integrity

3. Citizen oversight works best when it is triggered automatically in addition to appeals from complainants

- Citizens may not feel empowered to make appeals.
- The Phoenix Police use-of-force board reviews all uses of force above a specific threshold guaranteeing the more serious cases always reviewed.

## Details of Key Principles, *continued*

4. Models of citizen oversight should provide regular reports to the public that are transparent, rigorous, and credible
  - Reporting provides the public with information about how the process is working.
  - Reports might identify policy recommendations
  - Reports should provide statistics on number of cases reviewed, outcomes of the reviews and policy recommendations.

# Details of Key Principles, *continued*

5. Citizen oversight models can help increase and improve communication with the public
  - Citizens involved in review process helps the public gain a fuller understanding of policing and its challenges
  - Necessary to improve contact with hard-to-reach populations so they will feel more comfortable bringing complaints forward
  
6. There is no one best model
  - Models should be designed to fit the needs, history and local environment
  - Programs based only on programs in other areas often insufficient to meet the needs and history of local agency

# Citizen involvement should be locally tailored

- What are the problem that need fixing in the local community?
  - Both real and perceived
  - Do not need to change systems that are working just because there is a great model that works somewhere else
  - Springfield has a unique history that needs to be acknowledged
- What is the history of community-police relationships in the local community?
  - What works for one community may not work for another community with a different history and level of trust with local law enforcement agency
  - Different union environments across the county

# Step 2 Local Review: Next Steps

- Internal:
  - Review functioning of existing misconduct review system
  - Review past practices involving Board of Police Commissioners
  - Review goals of Police Commissioner and Command staff for review system
  - Review goals of elected and other Springfield City Officials

# Step 2 Local Review, continued

- **External within the Community of Springfield**

- Conduct a series of Focus Groups with a cross section of local community, will include
  - Members of Parish council
  - Youth
  - Community advocates
- Identify local sentiment about trust and confidence in police
  - Identify specific areas where trust is high or low
  - Identify specific problem areas for various community members
  - Identify specific concerns about police misconduct

# Recommendations

- Final report which identifies major findings from national and local review
- Based on the analysis of information from both the internal and external reviews we will recommend a model that balances the needs of the community for an effective process of civilian oversight of their police department with the rights of police officers to fair adjudicatory process

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-10

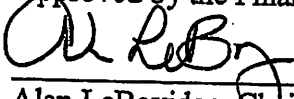
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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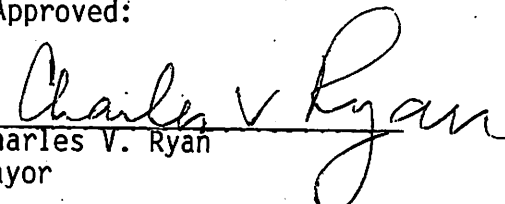
An Executive Order Authorizing the Creation of an  
Enterprise Fund For Solid Waste

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(7), 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 44, Section 53F ½, and Mass. General Laws Chapter 44, Section 28C(f), the Finance Control Board hereby votes to accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing an Enterprise Fund for the City of Springfield Solid Waste Program, a public utility, effective in fiscal year 2007.

Approved by the Finance Control Board November 27, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman

Approved:

  
\_\_\_\_\_  
Charles V. Ryan  
Mayor



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 8-11-02

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

AMENDING TITLE 5, CHAPTER 5.52 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING NEW CHAPTER 5.52 - AUTOMATIC AMUSEMENT DEVICE LICENSE FEE AND REGULATIONS.

Chapter 5.52

AUTOMATIC AMUSEMENT DEVICE LICENSE FEE AND REGULATIONS

Sections:

- 5.52.010 Purpose and license fee designated.
- 5.52.020 Authority and Regulations.
- 5.52.030 Restrictions and Conditions.
- 5.52.040 Enforcement--Penalties.

5.52.010 Purpose and license fee designated.

A. It is the purpose and intent of this article to prohibit the license commission from issuing a license for any automatic device that is intended to be used as a gaming device or which, although meeting the definition of an automatic amusement device, may reasonably be considered to present a risk of misuse as a gaming device.

B. The annual fee for a license to keep and operate any amusement device licensed under the provision of Massachusetts General Laws, Chapter 140, Section 177A, or any renewal thereof, shall be one hundred dollars (\$100) per machine. The fee for every change of premises shall be two dollars (\$2.00). See M.G.L. ch. 140, § 177A.

C. In accordance with M.G.L.A. c. 140, § 177A, as amended from time to time, hereafter, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward shall secure an annual license from the license commission which shall

design a license application to be completed by the applicant for each device and each location where such device is to be kept and operated. There is a non-refundable processing fee of twenty-five dollars (\$25.00) per application.

5.52.020 Authority and regulations.

A. In accordance with M.G.L.A. c. 140, § 177A, the license commission may grant a license to operate an automatic amusement device, as defined therein, for hire, gain or reward, and, after written notice, hearing, and opportunity to be heard, may suspend or revoke such a license. The term "automatic amusement device" as used in this article shall be construed as meaning any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines.

5.52.030 Restrictions and conditions.

A. The maximum number of automatic amusement devices allowed on any single business premises shall be four (4) unless the license commission, after a duly noticed public hearing, has issued its written authorization for a greater number of such devices.

B. No automatic amusement device shall be licensed which is designed to accept currency of a value greater than a U.S. five dollar (\$5.00) bill.

C. Based upon M.G.L. ch. 140, § 177A, the license commission shall not grant a license for any device that is intended for use as a gaming device nor for any automatic amusement device which may reasonably be considered to present a risk of misuse as a gaming device. Automatic amusement devices which may reasonably be considered to present a risk of misuse as gaming devices are those devices which simulate actual gaming devices, including so-called "video slot"; any game that involves no skill of the player; and any games which have a dual metering system accounting for money being placed into the machines; and allowing for points to be paid out on the machines, and any games which involve matching forms, shapes or random number combinations. State law also prohibits that no video slot machine or any essential part of which contain a video display of a drum or reel with insignia thereon, and which, when operated, may deal, as a result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property, or any sub-assembly or essential part intended to be used in connection with any such machine or video device.

D. Automatic amusement devices shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection by law enforcement officials, including members of the license commission. The registration number shall be prominently displayed on a seal or sticker issued by the licensing commission. Each seal or sticker shall be affixed to the automatic

amusement device in a manner easily visible to authorities. The sticker shall include the following information: the registration number of the machine, the date of the license, name and address of the licensee as well as the machine's owner. Removal of the seal or sticker shall be prohibited until the license expires, is surrendered, or revoked. If a sticker is destroyed or lost, a replacement cost of ten dollars (\$10.00) shall be paid for the issuance of a new sticker. Unlicensed automatic amusement devices are prohibited.

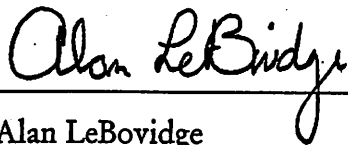
5.52.040 Enforcement--Penalties.

A. All licenses for automatic amusement devices granted by the license commission shall be subject to inspection by state and local law enforcement officials to ensure conformance with submitted application information and the requirements of this article and M.G.L.A. c. 140, § 177A.

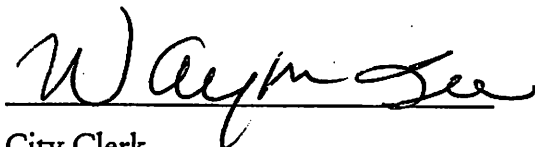
B. A violation of this article or M.G.L.A. c. 140, § 177A shall be ground for revocation of any license issued by the city of Springfield and held by the violator, including a license to sell alcoholic beverages and may otherwise be punished as allowed by law.

C. A fine of Three Hundred 00/100 (\$300) a day per machine may be imposed for each violation.

By its Chairman:

  
\_\_\_\_\_

Alan LeBovidge

  
\_\_\_\_\_

City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 8-11-06

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

**AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER – BULK AND WASTE HAULING SERVICES.**

**Be it ordained by the Finance Control Board of the City of Springfield as follows:**

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby amended by adding the following new Chapter 7.17 thereto:

CHAPTER 7.17 (Amended 08/11/06)

BULK AND WASTE HAULING SERVICES

Sections:

- 7.17.010 Definitions
- 7.17.020 License Required
- 7.17.030 License Qualifications; License Application; Issuance of License
- 7.17.040 Licensee's Annual Fees
- 7.17.050 Operational Requirements of Licensees
- 7.17.060 Disposal of Waste and Bulk Waste--Licensee Prima Facie Liable for Illegal Dumping
- 7.17.070 Transferability and Refunds
- 7.17.080 Revocation
- 7.17.090 Denial or Revocation of License--APPEALS
- 7.17.100 Violations--Penalties
- 7.17.110 Additional Rules

7.17.010 Definitions For the purpose of this chapter, the following definitions shall be applicable.

- A. "Approved disposal site" means any solid waste disposal facility, licensed pursuant to M.G.L., chapter 111, § 150A or by other appropriate public authority.
- B. "Bulk waste" means all large items of refuse such as appliances, furniture, large auto parts, boilers or furnaces, etc.
- C. "Bulk waste hauler" means a person or company, licensed by the City, having ability and providing collection and proper disposition of bulky items, including household furniture, appliances and Freon containing appliances.
- D. "Commercial District" means any district in the City with sufficient concentration of commercial properties, as determined by the Director of Public Works, in accordance with the relevant planning and zoning rules and regulations.
- E. "Commercial or residential waste hauler" means a person or company, licensed by the City, having ability and providing disposal of commercial or residential waste at an approved disposal site; curbside collection and disposition of recyclable items from commercial or residential customers; and collection and proper disposition of yard waste from commercial or residential customers.
- F. "Dumping" means the discarding, dropping, placing, throwing, depositing or dispensing of waste.
- G. "Garbage" means any putrescible animal and vegetable material resulting from the handling, preparation, cooking and consumption of food.
- H. "Hazardous waste" means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical or infectious characteristic may cause, or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise

managed, however not including solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atom Energy Acts of 1954.

- I. "Hauling plan" means a plan describing the details of collecting, hauling or disposing of bulk and waste in the City, submitted by licensee to the City.
- J. "Homeowner" means the legal owner, tenant, renter, or occupant of a house, apartment, building, structure or mobile home.
- K. "License" means a permit, granting the authority pursuant to this chapter, for a person to engage in the business of collecting, hauling or disposing of bulk and waste in the City.
- L. "Licensee" means any holder of a license issued pursuant to this chapter. Any violation of this chapter by an agent or employee of the licensee shall be deemed a violation of the licensee.
- M. "Litter" means "garbage", "refuse" and "rubbish" as defined in section 7.16.010 and all other waste material which if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare, or appearance.
- N. "Person" means any individual, firm, partnership, association, corporation, company, group of individuals acting for a common purpose or organization of any kind, excepting a governmental agency.
- O. "Premises" means, in the case of improved ground, any building or portion thereof, or in the case of unimproved ground, each separate parcel or lot thereof.
- P. "Recyclables" means aluminum cans, glass, ferrous metal cans, newspaper, corrugated paper, etc., as

defined by the *Mandatory Recycling Ordinance* §  
7.16.040.

- Q. "Refuse" means all putrescible and non-putrescible solid material (excepting body waste), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles, used motor vehicle parts, tires, bulk waste, construction, demolition waste, building materials, solid market and industrial wastes, used chemical and oil waste, and any other similar substance, man made or otherwise, which no longer serves the functional use for which it was intended.
- R. "Rubbish" means all non-putrescible solid material consisting of both combustible and noncombustible material, including but not limited to, paper, wrappings, cigarettes, cardboard, tin and aluminum cans, wood, glass, concrete, dirt, plaster, plasterboard, roofing material, nails, bedding, crockery and similar material.
- S. "Vehicle" means every device in, upon or by which any person or property may be transported or drawn upon a highway.
- T. "Waste" means all "garbage", "refuse" and "rubbish", as defined in this chapter, and in section 7.16.010, and any other similar substance, man-made or otherwise, which no longer serves the functional use for which it was intended at the location it is dumped or which became noxious, offensive, injurious or dangerous to the public health, comfort or safety.
- U. "Yardwaste" means all grass clippings, weeds, hedge clippings, garden waste, leaves, and twigs and brush not longer than two (2) feet in length and one-half (1/2) inch in diameter.

7.17.020 License Required All waste, recyclables and yardwaste in the City on any premises shall be collected, removed, conveyed, and disposed of only by the City or a person licensed by the City as a commercial waste hauler or said licensee's employees at an approved disposal site; provided, however, that this section shall not be construed to prohibit the actual producers of waste, recyclables, and

yardwaste or the owners of premises upon which waste, recyclables and yardwaste has accumulated, from personally collecting, conveying and disposing of such waste, recyclables, and yardwaste in accordance with the applicable provisions of this chapter and any other applicable provision of the City Ordinances.

7.17.030 License Qualifications; License Application; Issuance of License

- A. It shall be unlawful for any person, without a license from the Department of Public Works ("DPW"), to collect waste, recyclables or yardwaste and to enter into a contractual relationship for bulk or waste collection services with the owner, lessee or occupant of the premises from which such waste originates. Any person desiring a license to collect waste, recyclables or yardwaste shall make application for the same to DPW upon a form prescribed by DPW.
- B. The license year shall commence on July 1 and shall expire on the following June 30. A copy of such license shall be maintained in each vehicle used by the licensee to provide any services under such license from the City.
- C. Each applicant shall file with DPW a bond, the sum of which is to be determined by the City at the time of application contingent upon the rules and regulation prescribed by DPW. Such surety to the City shall be conditioned upon the faithful observance of the provisions of this and other applicable provisions of the ordinances of the City. The principal (applicant) will perform such duties and collect and dispose of waste in strict compliance with all applicable existing statutes, laws, ordinances, rules and regulations of the Commonwealth of Massachusetts and the City.
- D. Such bond shall further provide for payment to the City of all persons entitled thereto, for the cost and expense of removal and proper disposal of any waste collected by the applicant including restoration of property caused by disposal of waste by applicant that in the judgment of the Director of Public Works or his designee is not in compliance of



this chapter and/or not disposed of in strict compliance with all applicable existing statutes, laws, ordinances, rules and regulations of the Commonwealth of Massachusetts or the City.

E. In lieu of a bond, the applicant may provide the City with an irrevocable letter of credit. The surety on such bond or the bank on such irrevocable letter of credit shall be approved by the Director of Public Works or his designee as to sufficiency and shall be subject to the approval by the Law Department as to form.

F. Before any license may be issued, the applicant shall, if the application is approved by DPW, deposit with DPW proof of insurance as follows:

1. Workers compensation insurance and employer's liability insurance as required by law;
2. Comprehensive general and automobile liability insurance, including coverage for non-owned and hired vehicles, which names the City as an additional insured and which provides coverage in the amount of \$500,000 for any single claim and \$1,000,000 for multiple claims from any single occurrence.

G. Every licensee shall:

1. Maintain insurance coverage, for the term of the license, for each vehicle used in hauling bulk or waste items.
2. Ensure that each employee who operates vehicles hauling waste or bulk waste in the licensee's employ possesses a valid operator's license.
3. Ensure that each vehicle used in the business of hauling waste, recyclables, and/or bulk waste shall be maintained in compliance with any applicable local, state, or federal laws.

7.17.040 Licensee's Annual Fees The annual fee for a residential bulk waste hauler's license shall be One Hundred Dollars 00/100 (\$100.00). The annual fee for a commercial or residential waste hauler's license shall be

five hundred dollars 00/100(\$500.00). No such license shall be issued until the required fee is paid. In addition to the annual fee for a commercial or residential waste hauler's license, the licensee will pay one hundred dollars (\$100.00) for each vehicle used by the licensee to provide any services under such license within the City limits, first vehicle on said license excepted. All license fees shall be deposited into the City's general fund account.

7.17.050 Operational Requirements of Licensees

A. A licensee must comply with the following operational requirements:

1. The licensee shall operate in a manner consistent with information provided on its license application submittal and shall provide a written notice to DPW within ten (10) days of any changes in the information, forms or certificates filed as a part of the license application process;
2. The licensee shall comply with all state, county and local laws and regulations;
3. The licensee shall cooperate with the City in case of complaints received by the City, or other investigations related to the services provided by the licensee. The licensee shall also cooperate with the City when managing natural or man-made disasters.
4. No individual residential collection of waste, recyclables or yardwaste shall be made, except between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. Individual residential collection operations outside these hours may also be conducted to accommodate recognized national holidays or a special pick-up herein defined. Customers shall be reasonably notified of the specific day for the collection of their refuse, recyclables and yardwaste, and the licensee shall collect the materials within those time periods;
5. Each licensed waste, recyclable and yard waste collector shall be prohibited from operating

its vehicles in the private driveways of residential and multiple dwellings having individual residential collection service, with the exception of such dwellings with driveways in excess of One Hundred (100) feet in length. No licensed collector who is exempt hereunder shall operate any vehicle in reverse unless reverse operation of the vehicle is necessary for safe egress from the driveway.

6. Each licensee shall insure that the contents of all material storage containers shall be transferred to the collection vehicle without spillage, or, if any spilling occurs, it shall be forthwith cleaned up completely. Upon completion, the containers shall be completely emptied and returned to the area adjacent to the customer's premises, and the lids of the containers shall be replaced;
7. Each licensee shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any street, alley or public place longer than is reasonably necessary to collect waste, recyclables and yardwaste;
8. Each licensee shall provide its individual residential collection customers with an opportunity to recycle through the bi-weekly household collection of recyclables. The household collection of targeted recyclables shall be on the same day as the collection of the customers' refuse, but may occur at a different time within that day. The targeted recyclables collection shall be from a location consistent with City Ordinance. The licensee is deemed the owner of the recyclables and upon collection, the licensee may market the recyclables. Nothing herein shall be construed to prevent a licensee from offering household recyclable collection for other recyclable materials, in addition to the defined recyclables;

9. Each licensee shall provide for a separate collection of yardwaste for customers who receive individual residential collection service. This yardwaste collection shall be offered on a bi-weekly basis from April 1-Dec. 31. The yardwaste collection shall be provided in a location consistent with City Ordinance. The yardwaste containers on collection day shall be at the location as provided in the City ordinance. The licensee shall be required to collect yardwaste on the same day as recyclables, but shall give reasonable notice and instructions to the customers, and shall ensure that refuse, recyclables and yardwaste materials are not mixed at the time of collection and final disposal. The collected yardwaste shall only be disposed of at a composting facility authorized or approved by DPW.
10. Each licensee shall submit an annual report to DPW, which identifies separately the weight, in tons, of waste, recyclables, yardwaste and bulk pick-up materials that were collected by the licensee from City sources. The report must be provided at least thirty (30) days before the expiration of the current license, and shall be on a form approved by DPW. The licensee shall also submit such report at any time DPW makes a request for an up-to-date report, within ten (10) days of such request. The report shall also identify the weight of each type of collected recyclable derived via actual weighing of each individual material or through the application of recyclable waste stream percentages acceptable to DPW. The report shall include a summary, including receipts, of all revenues derived by the collector for each targeted recyclable material market during the year. The report shall distinguish residential collection tonnage from commercial/industrial tonnage and shall also include a brief description of the methodology used in computing the reported weights. DPW may request additional relevant information from the licensee as deemed necessary in order to plan for and evaluate its waste disposal system;

11. Each licensee shall provide customers which receive individual residential collection with the option of paying volume based fees for the collection;
12. Each licensee must provide its customers with collection containers that meet all of the requirements of City Ordinance. Containers provided by the licensee shall differ in a substantially identifiable way from the City's containers, and must be approved by DPW.
13. Each licensee shall annually notify customers with whom it has a contractual relationship of the proper placement of waste, recyclables and yardwaste for collection, as specified in City ordinance. The notice shall also be given to all new customers of the licensee upon establishing a contractual relationship with the customer. It shall be unlawful for any licensee to direct, suggest or imply to any customer that containers may be placed for collection in any location in violation of City Ordinances.
14. Occupants of residential dwellings managed by associations or other management entities shall have the same opportunity to recycle as do occupants of other residential dwellings. It shall be unlawful for the licensee to negotiate, execute or maintain a contract for residential waste or yardwaste collection with any residential dwelling association or other residential dwelling management entity unless it includes, as a part of that contract or as a part of a separate contract, collection of recyclables on the same day as its refuse collection; and
15. Occupants of a multiple dwelling complex managed by an association or other management entity shall have the same opportunity to recycle as do occupants of other residential dwellings. It shall be unlawful for the licensee to negotiate, execute or maintain a contract for collection of waste or yardwaste

with any multiple dwelling association or management entity unless it includes, as a part of the contract or as a part of a separate contract, a minimum of bi-weekly collection of recyclables.

- B. Every licensed bulk and waste hauler shall retain all receipts from approved disposal sites for a period of six (6) years. Such records shall be subject to inspection at all times by DPW or any other City department authorized to conduct inspection or investigation of records, as specified in rules and regulations.

7.17.060 Disposal of Waste and Bulk Waste - Licensee Prima Facie Liable for Illegal Dumping

- A. Any person collecting and hauling bulk and waste items shall deposit such waste only at an approved disposal site.
- B. In any hearing on a charge of a violation of this chapter, testimony that a vehicle that is registered to a hauler licensed by the City, which is found illegally dumping bulk or waste items as provided by this chapter, and further testimony that the record of the Department of Public Works of the Registry of Motor Vehicles shows that such license and registration were issued to the defendant, shall be prima-facie evidence that the act of illegally dumping of bulk or waste was committed by the defendant.

7.17.070 Transferability and Refunds Licenses are not transferable. No license fee refunds shall be issued by the City for any period during which the licensee did not benefit financially from such licensure.

7.17.080 Revocation, Suspension, Non-renewal and penalties. The City reserves the right to revoke, suspend or not renew the license for violations of this ordinance, or impose civil penalties. Written notice of the revocation, suspension, non-renewal or penalties shall be mailed to the licensee informing the licensee of the complaint(s) and violation (s) against them. Notice hereunder shall be deemed sufficient if it is sent to the address of the licensee shown on the most recent license

application on file with the Department of Public Works (DPW). The notice shall provide the licensee the opportunity to be heard and to cure the violation before the action is taken. The licensee shall be afforded ten (10) days to cure the named violation, subject to verification and approval of any corrective action(s) by DPW.

7.17.090 Denial or Revocation of License - APPEALS

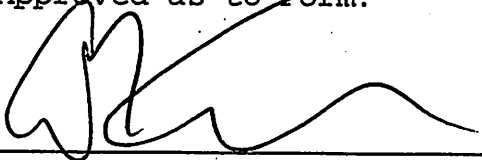
- A. Any applicant whose application for a bulk and/or waste hauler license is denied by the Director of Public Works or his designee shall be notified in writing by the Department of Public Works (DPW). Such applicant may appeal the denial to a board of appeals consisting of the Director of Code Enforcement/Buildings, who shall act as chair of the board of appeals, Director of the Health Department and the Director of Neighborhood and Housing Services, or their designees. A written request for an appeal hearing shall be submitted to DPW within ten (10) days after receipt of the application denial notice.
- B. The Director of Public Works or his designee, upon the recommendation of the Police Commissioner, or his designee, or as a result of his own investigation, may revoke or suspend the license issued to any person for the reasons stated in this ordinance. The Director of Public Works or his designee shall notify in writing any person whose license has been revoked or suspended. Such person may appeal the revocation or suspension to the board of appeals created in subsection (A) hereof. A written request for an appeal hearing shall be submitted to the Director of Public Works within ten (10) days after receipt of the license revocation notice.
- C. The board of appeals, as herein established, shall hear any appeal, pursuant to subsections (A) and (B) hereof within sixty (60) days from the date the request for appeal is received by the Director of Public Works. The board shall have the power to sustain, modify, or reverse the decision of the Director of Public Works. The board's decision shall be in writing and sent to the applicant, or his/her

legal representative, within thirty (30) days after the hearing is concluded. The administrative ruling of the board of appeals is final.

7.17.100 Violations-Penalties Any violation of the provisions of this Ordinance shall be grounds for suspension, revocation, or the imposition of fines from \$30 - \$300 per day, per each instance of violation, based on the severity, persistence or reoccurrence of the violation.

7.17.110 Additional Rules The Department of Public Works is hereby empowered to determine the need for and to establish, enforce and rescind regulations necessary to make effective the provisions of this chapter. Such regulations, when established or rescinded, shall be promulgated to ensure a reasonable and efficient system of bulk and waste collection by bulk and waste haulers in the City.

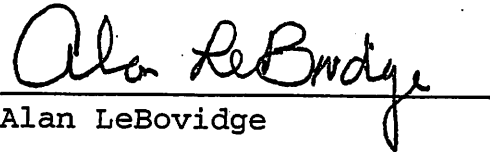
Approved as to Form:



Edward M. Pikula  
City Solicitor

Approved by vote of the Springfield Finance Control Board at its meeting held on August 11, 2006.

By its Chairman:



Alan LeBovidge



## COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

## EXECUTIVE ORDER

# 8-11-01

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

AMENDING TITLE 9 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER - AUTOMATED RED LIGHT VIOLATIONS.

Be it ordained by the Finance Control Board of the City of Springfield as follows:

Title 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby amended by adding the following new Chapter 9.32 thereto:

CHAPTER 9.32AUTOMATED RED LIGHT VIOLATIONSSections:

- 9.32.010 Purpose.
- 9.32.020 Definitions.
- 9.32.030 Offenses, Enforcement and Appeal.
- 9.32.040 Miscellaneous.

9.32.010 Purpose. The purpose of this ordinance is to create an automated enforcement system for red light violations. The city expects a decrease in accidents as a result of drivers modifying their operation of motor vehicles in response to these cameras. Civil penalties would inure to the municipality.

9.32.020 Definitions. For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- 2
- A. "Automated Red Light System" is the equivalent of "traffic control signal monitoring device" or "traffic control photographic system." Said system/device is an electronic system consisting of a photographic, video, or an electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.
  - B. "System location" is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.
  - C. "Vehicle owner" is the person(s) or entity identified by the Massachusetts Registry of Motor Vehicles as the registered owner or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, the persons or entity on record as the registered owner with such other state or jurisdiction's vehicle registration office. Vehicle owners of unregistered vehicles shall be established by substantial evidence (*i.e.* such evidence as reasonable minds might accept as adequate to support a conclusion).

9.32.030 Offenses, Enforcement and Appeal.

A. Generally

- 1. Notwithstanding any other provision of this vehicle and traffic ordinance, the city of Springfield hereby adopts a civil enforcement system for Automated Red Light System violations as outlined in this chapter. A fine shall be imposed on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in the city of Springfield in accordance with the provisions of this chapter.
- 2. The Springfield Police Department shall be responsible for administering the Automated Red Light System. Specifically, the Springfield Police Department (SPD) in conjunction with the Department of Public Works shall be empowered to install and operate Automated Red Light Systems within the city. The SPD shall maintain a list of system locations where red light camera systems are installed. The SPD shall make the determination as to which locations will be utilized. The Department of Public Works shall ensure Automated Red Light Systems remain in good working order.

B. Offenses

- 1. A penalty shall be imposed pursuant to this chapter if a vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for

that vehicle's direction is emitting a steady red light.

2. Prima Facie Responsibility. The vehicle owner is prima facie responsible for payment of the fines assessed in accordance with this chapter UNLESS:

(a) Stolen Vehicle. The vehicle owner has reported in a timely manner to a police agency that the violating vehicle has been stolen, and the violating vehicle remained stolen at the time of the violation; or

(b) Leased or Rented Vehicle. The vehicle owner is in the business of leasing or renting motor vehicles and provides a copy of a lease, rental, or similar contract document indicating that the violating vehicle was leased or rented at the time of the violation and the identity and address of the person entitled to possession is discernible from the document, in which case that person is prima facie responsible for the payment of the fines assessed in accordance with this chapter.

### C. Notice of Liability Enforcement System.

1. Enforcement. The Springfield Police Department shall enforce the provisions of this chapter.

2. Content of Liability Notice.

(a) Information Regarding the Specific Offense. A notice of liability includes, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the name of the registered owner of the vehicle; the type and color of the vehicle; the date, time and place of the violation; the name of the authorizing officer; the applicable fine; and such other information as the Police Commissioner or his or her designee may deem appropriate.

(b) Notice of Requirement to Respond. A notice of liability shall state that the registered owner must pay the fine stated in the notice of liability or appeal the notice within thirty (30) calendar days after the date of the issuance of the notice and shall describe the method for payment or appeal.

3. Issuance of Notice of Liability.

(a) Delivery of Notice of Liability. An authorized officer issues and certifies the notice of liability and authorizes delivery of the notice as soon as practicable by first class mail to the registered owner of the vehicle at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in

the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable.

- (b) Prima Facie Evidence of Notice. Delivery of a copy of the notice of liability by first class mail at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable is sufficient notice of the liability. Certification of the notice by an officer is prima facie evidence of the facts contained therein and is admissible in any administrative or judicial proceeding to adjudicate the liability.
4. Payment or Appeal of Violation Notice. Within thirty (30) calendar days after the date of the issuance of the notice of liability, the vehicle owner to whom the notice of liability is issued must make one of the following responses: pay the fine as provided by this chapter, or request a hearing as provided by this chapter.
- (a) Payment of Civil Penalty. The vehicle owner shall pay the civil penalty as specified in the notice of liability or within thirty (30) days after the date of issuance of the appeal decision, as applicable.
- (b) Request for Hearing. A person issued a notice of liability may make a written request for an appeal hearing before a notice of liability clerk designated by the Mayor or his designee. The clerk then notifies the registered owner in writing by first class mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the clerk is final. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision shall state the reason(s) for the decision. Failure to appear at the date, time, and place specified on the hearing notice shall result in a determination based on any written documentation submitted with the request for hearing, including but not limited to signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Payment of the civil penalty is due within thirty (30) calendar days after the date of the issuance of the appeal decision.
- (c) The failure to give notice of appeal or pay the civil penalty within thirty (30) calendar days after the date of the issuance of the notice of liability shall constitute a waiver of the right to contest the notice of liability.

D. Penalties

1. Any violation of section 9.32.030 (B)(1) above shall be deemed a non-criminal violation for which a civil penalty of fifty dollars 00/100 (\$50.00) shall be assessed.
  2. Failure to pay the fine within the time periods required in this Ordinance shall result in an additional penalty of fifty dollars 00/100 (\$50.00), for a total penalty of one hundred dollars 00/100 (\$100.00).
- E. Collection. The City of Springfield may establish procedures for the collection of the civil penalties imposed herein, and may enforce the penalties by a civil action in the nature of a debt. If the penalties set forth in section 9.32.030(D) above remain unpaid for more than thirty (30) days after the date on which the notice of liability or appeal decision was issued, the penalties shall be collected, together with any interest and costs thereon, by civil suit or other appropriate means of collection. Failure of the violator to pay such fine or penalty may also result in other enforcement methods allowed by law.

9.32.040 Miscellaneous.

- A. Co-owners of violating vehicles shall be jointly and severally liable under this Ordinance.
- B. The provisions of this Ordinance do not apply to uniform traffic citations issued by Springfield Police officers or Massachusetts State Police officers pursuant to M.G.L. c. 90C (Procedure for Motor Vehicle Offenses).
- C. The provisions of this Ordinance shall not affect drivers' "points" authorized by Massachusetts General Laws ("Point System for License Suspension").
- D. An imposition of liability under this Ordinance shall not be deemed a conviction as an operator and shall not be made part of the operating record upon whom such liability is imposed.
- E. Nothing in this Ordinance shall be construed to limit the liability of an operator of a vehicle for any violation of section 9.32.030(B)(1) above.
- F. An imposition of liability under the section shall not bar, estop, or preclude the violator from contesting the underlying facts in any other administrative or judicial proceeding.

ENACTED BY THE FINANCE CONTROL BOARD ON SEPTEMBER 11, 2006

EFFECTIVE:

OCTOBER 2, 2006

ATTEST:



CLERK OF THE BOARD

## COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

## EXECUTIVE ORDER

# 8-11-02

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

AMENDING TITLE 5, CHAPTER 5.52 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING NEW CHAPTER 5.52 - AUTOMATIC AMUSEMENT DEVICE LICENSE FEE AND REGULATIONS.

Chapter 5.52AUTOMATIC AMUSEMENT DEVICE LICENSE FEE AND REGULATIONSSections:

- 5.52.010 Purpose and license fee designated.
- 5.52.020 Authority and Regulations.
- 5.52.030 Restrictions and Conditions.
- 5.52.040 Enforcement-Penalties.

5.52.010 Purpose and license fee designated.

A. It is the purpose and intent of this article to prohibit the license commission from issuing a license for any automatic device that is intended to be used as a gaming device or which, although meeting the definition of an automatic amusement device, may reasonably be considered to present a risk of misuse as a gaming device.

B. The annual fee for a license to keep and operate any amusement device licensed under the provision of Massachusetts General Laws, Chapter 140, Section 177A, or any renewal thereof, shall be one hundred dollars (\$100) per machine. The fee for every change of premises shall be two dollars (\$2.00). See M.G.L. ch. 140, § 177A.

C. In accordance with M.G.L.A. c. 140, § 177A, as amended from time to time, hereafter, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward shall secure an annual license from the license commission which shall

design a license application to be completed by the applicant for each device and each location where such device is to be kept and operated. There is a non-refundable processing fee of twenty-five dollars (\$25.00) per application.

5.52.020 Authority and regulations.

A. In accordance with M.G.L.A. c. 140, § 177A, the license commission may grant a license to operate an automatic amusement device, as defined therein, for hire, gain or reward, and, after written notice, hearing, and opportunity to be heard, may suspend or revoke such a license. The term "automatic amusement device" as used in this article shall be construed as meaning any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines.

5.52.030 Restrictions and conditions.

A. The maximum number of automatic amusement devices allowed on any single business premises shall be four (4) unless the license commission, after a duly noticed public hearing, has issued its written authorization for a greater number of such devices.

B. No automatic amusement device shall be licensed which is designed to accept currency of a value greater than a U.S. five dollar (\$5.00) bill.

C. Based upon M.G.L. ch. 140, § 177A, the license commission shall not grant a license for any device that is intended for use as a gaming device nor for any automatic amusement device which may reasonably be considered to present a risk of misuse as a gaming device. Automatic amusement devices which may reasonably be considered to present a risk of misuse as gaming devices are those devices which simulate actual gaming devices, including so-called "video slot"; any game that involves no skill of the player; and any games which have a dual metering system accounting for money being placed into the machines; and allowing for points to be paid out on the machines, and any games which involve matching forms, shapes or random number combinations. State law also prohibits that no video slot machine or any essential part of which contain a video display of a drum or reel with insignia thereon, and which, when operated, may deal, as a result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property, or any sub-assembly or essential part intended to be used in connection with any such machine or video device.

D. Automatic amusement devices shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection by law enforcement officials, including members of the license commission. The registration number shall be prominently displayed on a seal or sticker issued by the licensing commission. Each seal or sticker shall be affixed to the automatic

amusement device in a manner easily visible to authorities. The sticker shall include the following information: the registration number of the machine, the date of the license, name and address of the licensee as well as the machine's owner. Removal of the seal or sticker shall be prohibited until the license expires, is surrendered, or revoked. If a sticker is destroyed or lost, a replacement cost of ten dollars (\$10.00) shall be paid for the issuance of a new sticker. Unlicensed automatic amusement devices are prohibited.

5.52.040 Enforcement--Penalties.

A. All licenses for automatic amusement devices granted by the license commission shall be subject to inspection by state and local law enforcement officials to ensure conformance with submitted application information and the requirements of this article and M.G.L.A. c. 140, § 177A.

B. A violation of this article or M.G.L.A. c. 140, § 177A shall be ground for revocation of any license issued by the city of Springfield and held by the violator, including a license to sell alcoholic beverages and may otherwise be punished as allowed by law.

C. A fine of Three Hundred 00/100 (\$300) a day per machine may be imposed for each violation.

ENACTED BY THE FINANCE CONTROL BOARD ON SEPTEMBER 11, 2006

EFFECTIVE:

OCTOBER 2, 2006

ATTEST:



CLERK OF THE BOARD



AMENDING TITLE 4, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER 4.40 THERETO: URBAN PIONEER MUNICIPAL TAX REPAYMENT AGREEMENT REGULATIONS.

Be it ordained by the Finance Control Board of City of Springfield as follows:

Title 4, of the Revised Ordinances of the City of Springfield, 1986, as amended, hereby further amended by adding the following new Chapter 4.40 thereto:

Chapter 4.40

URBAN PIONEER MUNICIPAL TAX REPAYMENT AGREEMENT REGULATIONS

Sections:

- 4.40.010 Authority.
- 4.40.020 Purpose and intent.
- 4.40.030 Urban pioneer eligibility requirements.
- 4.40.040 Waiver of interest.
- 4.40.050 Neighborhood boundaries.

4.36.010. Authority. This chapter is adopted pursuant to the authority of Chapter 60, Section 62A of the General Laws, as amended, which authorizes municipalities to enact ordinances to authorize payment agreements between the City Treasurer/Collector and persons entitled to redeem parcels in tax title.

4.36.020 Purpose and intent. The purpose and intent of this chapter is to foster the collection of unpaid taxes and assessments, promote neighborhood stability to reduce the large numbers of vacant and blighted condition that contributes to the decline of neighborhoods and create neighborhood reinvestment. The city finds that the certain neighborhoods have been adversely affected by the existence of substantial numbers of vacant and blighted properties and the creation of this program would provide these neighborhoods with would an economic stimulus and promote

shall be entered into with a prior owner or to an agent, representative, or straw of the prior owner or any other person connected with the prior owner. In the event improvements are required on the property in order to secure a certificate of occupancy, a purchaser shall have twelve (12) months from the date of the repayment agreement to obtain a certificate of occupancy and may, within eighteen (18) months of date of the repayment agreement and with the approval of the Treasurer/Collector transfer the property to a subsequent owner-occupant for the duration of the five-year term.

4.36.050 Neighborhood boundaries.

**ENACTED BY THE FINANCE CONTROL BOARD ON AUGUST 11, 2006**

**EFFECTIVE:**

**AUGUST 11, 2006**

**ATTEST:**



**CLERK OF THE BOARD**

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 8-11-01

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

AMENDING TITLE 9 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER - AUTOMATED RED LIGHT VIOLATIONS.

Be it ordained by the Finance Control Board of the City of Springfield as follows:

Title 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby amended by adding the following new Chapter 9.32 thereto:

CHAPTER 9.32

AUTOMATED RED LIGHT VIOLATIONS

Sections:

- 9.32.010 Purpose.
- 9.32.020 Definitions.
- 9.32.030 Offenses, Enforcement and Appeal.
- 9.32.040 Miscellaneous.

9.32.010 Purpose. The purpose of this ordinance is to create an automated enforcement system for red light violations. The city expects a decrease in accidents as a result of drivers modifying their operation of motor vehicles in response to these cameras. Civil penalties would inure to the municipality.

9.32.020 Definitions. For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Automated Red Light System" is the equivalent of "traffic control signal monitoring device" or "traffic control photographic system." Said system/device is an electronic system consisting of a photographic, video, or an electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.
- B. "System location" is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.
- C. "Vehicle owner" is the person(s) or entity identified by the Massachusetts Registry of Motor Vehicles as the registered owner or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, the persons or entity on record as the registered owner with such other state or jurisdiction's vehicle registration office. Vehicle owners of unregistered vehicles shall be established by substantial evidence (*i.e.* such evidence as reasonable minds might accept as adequate to support a conclusion).

9.32.030 Offenses, Enforcement and Appeal.

A. Generally

- 1. Notwithstanding any other provision of this vehicle and traffic ordinance, the city of Springfield hereby adopts a civil enforcement system for Automated Red Light System violations as outlined in this chapter. A fine shall be imposed on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in the city of Springfield in accordance with the provisions of this chapter.
- 2. The Springfield Police Department shall be responsible for administering the Automated Red Light System. Specifically, the Springfield Police Department (SPD) in conjunction with the Department of Public Works shall be empowered to install and operate Automated Red Light Systems within the city. The SPD shall maintain a list of system locations where red light camera systems are installed. The SPD shall make the determination as to which locations will be utilized. The Department of Public Works shall ensure Automated Red Light Systems remain in good working order.

B. Offenses

- 1. A penalty shall be imposed pursuant to this chapter if a vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for

that vehicle's direction is emitting a steady red light.

2. Prima Facie Responsibility. The vehicle owner is prima facie responsible for payment of the fines assessed in accordance with this chapter UNLESS:
  - (a) Stolen Vehicle. The vehicle owner has reported in a timely manner to a police agency that the violating vehicle has been stolen, and the violating vehicle remained stolen at the time of the violation; or
  - (b) Leased or Rented Vehicle. The vehicle owner is in the business of leasing or renting motor vehicles and provides a copy of a lease, rental, or similar contract document indicating that the violating vehicle was leased or rented at the time of the violation and the identity and address of the person entitled to possession is discernible from the document, in which case that person is prima facie responsible for the payment of the fines assessed in accordance with this chapter.

C. Notice of Liability Enforcement System.

1. Enforcement. The Springfield Police Department shall enforce the provisions of this chapter.
2. Content of Liability Notice.
  - (a) Information Regarding the Specific Offense. A notice of liability includes, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the name of the registered owner of the vehicle; the type and color of the vehicle; the date, time and place of the violation; the name of the authorizing officer; the applicable fine; and such other information as the Police Commissioner or his or her designee may deem appropriate.
  - (b) Notice of Requirement to Respond. A notice of liability shall state that the registered owner must pay the fine stated in the notice of liability or appeal the notice within thirty (30) calendar days after the date of the issuance of the notice and shall describe the method for payment or appeal.
3. Issuance of Notice of Liability.
  - (a) Delivery of Notice of Liability. An authorized officer issues and certifies the notice of liability and authorizes delivery of the notice as soon as practicable by first class mail to the registered owner of the vehicle at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in

the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable.

- (b) Prima Facie Evidence of Notice. Delivery of a copy of the notice of liability by first class mail at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable is sufficient notice of the liability. Certification of the notice by an officer is prima facie evidence of the facts contained therein and is admissible in any administrative or judicial proceeding to adjudicate the liability.
4. Payment or Appeal of Violation Notice. Within thirty (30) calendar days after the date of the issuance of the notice of liability, the vehicle owner to whom the notice of liability is issued must make one of the following responses: pay the fine as provided by this chapter, or request a hearing as provided by this chapter.
- (a) Payment of Civil Penalty. The vehicle owner shall pay the civil penalty as specified in the notice of liability or within thirty (30) days after the date of issuance of the appeal decision, as applicable.
  - (b) Request for Hearing. A person issued a notice of liability may make a written request for an appeal hearing before a notice of liability clerk designated by the Mayor or his designee. The clerk then notifies the registered owner in writing by first class mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the clerk is final. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision shall state the reason(s) for the decision. Failure to appear at the date, time, and place specified on the hearing notice shall result in a determination based on any written documentation submitted with the request for hearing, including but not limited to signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Payment of the civil penalty is due within thirty (30) calendar days after the date of the issuance of the appeal decision.
  - (c) The failure to give notice of appeal or pay the civil penalty within thirty (30) calendar days after the date of the issuance of the notice of liability shall constitute a waiver of the right to contest the notice of liability.

#### D. Penalties

1. Any violation of section 9.32.030 (B)(1) above shall be deemed a non-criminal violation for which a civil penalty of fifty dollars 00/100 (\$50.00) shall be assessed.
2. Failure to pay the fine within the time periods required in this Ordinance shall result in an additional penalty of fifty dollars 00/100 (\$50.00), for a total penalty of one hundred dollars 00/100 (\$100.00).

E. Collection. The City of Springfield may establish procedures for the collection of the civil penalties imposed herein, and may enforce the penalties by a civil action in the nature of a debt. If the penalties set forth in section 9.32.030(D) above remain unpaid for more than thirty (30) days after the date on which the notice of liability or appeal decision was issued, the penalties shall be collected, together with any interest and costs thereon, by civil suit or other appropriate means of collection. Failure of the violator to pay such fine or penalty may also result in other enforcement methods allowed by law.

#### 9.32.040 Miscellaneous.

- A. Co-owners of violating vehicles shall be jointly and severally liable under this Ordinance.
- B. The provisions of this Ordinance do not apply to uniform traffic citations issued by Springfield Police officers or Massachusetts State Police officers pursuant to M.G.L. c. 90C (Procedure for Motor Vehicle Offenses).
- C. The provisions of this Ordinance shall not affect drivers' "points" authorized by Massachusetts General Laws ("Point System for License Suspension").
- D. An imposition of liability under this Ordinance shall not be deemed a conviction as an operator and shall not be made part of the operating record upon whom such liability is imposed.
- E. Nothing in this Ordinance shall be construed to limit the liability of an operator of a vehicle for any violation of section 9.32.030(B)(1) above.
- F. An imposition of liability under the section shall not bar, estop, or preclude the violator from contesting the underlying facts in any other administrative or judicial proceeding.

By its Chairman:

Alan LeBovidge  
Alan LeBovidge

Waym See  
City Clerk



COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD*  
*FINANCE CONTROL BOARD*

**EXECUTIVE ORDER**

# 8-11-01

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

**AMENDING TITLE 9 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER - AUTOMATED RED LIGHT VIOLATIONS.**

Be it ordained by the Finance Control Board of the City of Springfield as follows:

Title 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby amended by adding the following new Chapter 9.32 thereto:

CHAPTER 9.32

AUTOMATED RED LIGHT VIOLATIONS

Sections:

- 9.32.010 Purpose.
- 9.32.020 Definitions.
- 9.32.030 Offenses, Enforcement and Appeal.
- 9.32.040 Miscellaneous.

9.32.010 Purpose. The purpose of this ordinance is to create an automated enforcement system for red light violations. The city expects a decrease in accidents as a result of drivers modifying their operation of motor vehicles in response to these cameras. Civil penalties would inure to the municipality.

9.32.020 Definitions. For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Automated Red Light System" is the equivalent of "traffic control signal monitoring device" or "traffic control photographic system." Said system/device is an electronic system consisting of a photographic, video, or an electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.
- B. "System location" is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.
- C. "Vehicle owner" is the person(s) or entity identified by the Massachusetts Registry of Motor Vehicles as the registered owner or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, the persons or entity on record as the registered owner with such other state or jurisdiction's vehicle registration office. Vehicle owners of unregistered vehicles shall be established by substantial evidence (*i.e.* such evidence as reasonable minds might accept as adequate to support a conclusion).

#### 9.32.030 Offenses, Enforcement and Appeal.

##### A. Generally

1. Notwithstanding any other provision of this vehicle and traffic ordinance, the city of Springfield hereby adopts a civil enforcement system for Automated Red Light System violations as outlined in this chapter. A fine shall be imposed on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in the city of Springfield in accordance with the provisions of this chapter.
2. The Springfield Police Department shall be responsible for administering the Automated Red Light System. Specifically, the Springfield Police Department (SPD) in conjunction with the Department of Public Works shall be empowered to install and operate Automated Red Light Systems within the city. The SPD shall maintain a list of system locations where red light camera systems are installed. The SPD shall make the determination as to which locations will be utilized. The Department of Public Works shall ensure Automated Red Light Systems remain in good working order.

##### B. Offenses

1. A penalty shall be imposed pursuant to this chapter if a vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for

that vehicle's direction is emitting a steady red light.

2. Prima Facie Responsibility. The vehicle owner is prima facie responsible for payment of the fines assessed in accordance with this chapter UNLESS:

- (a) Stolen Vehicle. The vehicle owner has reported in a timely manner to a police agency that the violating vehicle has been stolen, and the violating vehicle remained stolen at the time of the violation; or
- (b) Leased or Rented Vehicle. The vehicle owner is in the business of leasing or renting motor vehicles and provides a copy of a lease, rental, or similar contract document indicating that the violating vehicle was leased or rented at the time of the violation and the identity and address of the person entitled to possession is discernible from the document, in which case that person is prima facie responsible for the payment of the fines assessed in accordance with this chapter.

C. Notice of Liability Enforcement System.

- 1. Enforcement. The Springfield Police Department shall enforce the provisions of this chapter.
- 2. Content of Liability Notice.
  - (a) Information Regarding the Specific Offense. A notice of liability includes, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the name of the registered owner of the vehicle; the type and color of the vehicle; the date, time and place of the violation; the name of the authorizing officer; the applicable fine; and such other information as the Police Commissioner or his or her designee may deem appropriate.
  - (b) Notice of Requirement to Respond. A notice of liability shall state that the registered owner must pay the fine stated in the notice of liability or appeal the notice within thirty (30) calendar days after the date of the issuance of the notice and shall describe the method for payment or appeal.
- 3. Issuance of Notice of Liability.
  - (a) Delivery of Notice of Liability. An authorized officer issues and certifies the notice of liability and authorizes delivery of the notice as soon as practicable by first class mail to the registered owner of the vehicle at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in

the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable.

- (b) **Prima Facie Evidence of Notice.** Delivery of a copy of the notice of liability by first class mail at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable is sufficient notice of the liability. Certification of the notice by an officer is prima facie evidence of the facts contained therein and is admissible in any administrative or judicial proceeding to adjudicate the liability.
4. **Payment or Appeal of Violation Notice.** Within thirty (30) calendar days after the date of the issuance of the notice of liability, the vehicle owner to whom the notice of liability is issued must make one of the following responses: pay the fine as provided by this chapter, or request a hearing as provided by this chapter.
- (a) **Payment of Civil Penalty.** The vehicle owner shall pay the civil penalty as specified in the notice of liability or within thirty (30) days after the date of issuance of the appeal decision, as applicable.
- (b) **Request for Hearing.** A person issued a notice of liability may make a written request for an appeal hearing before a notice of liability clerk designated by the Mayor or his designee. The clerk then notifies the registered owner in writing by first class mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the clerk is final. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision shall state the reason(s) for the decision. Failure to appear at the date, time, and place specified on the hearing notice shall result in a determination based on any written documentation submitted with the request for hearing, including but not limited to signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Payment of the civil penalty is due within thirty (30) calendar days after the date of the issuance of the appeal decision.
- (c) The failure to give notice of appeal or pay the civil penalty within thirty (30) calendar days after the date of the issuance of the notice of liability shall constitute a waiver of the right to contest the notice of liability.

#### D. Penalties

1. Any violation of section 9.32.030 (B)(1) above shall be deemed a non-criminal violation for which a civil penalty of fifty dollars 00/100 (\$50.00) shall be assessed.
2. Failure to pay the fine within the time periods required in this Ordinance shall result in an additional penalty of fifty dollars 00/100 (\$50.00), for a total penalty of one hundred dollars 00/100 (\$100.00).

E. Collection. The City of Springfield may establish procedures for the collection of the civil penalties imposed herein, and may enforce the penalties by a civil action in the nature of a debt. If the penalties set forth in section 9.32.030(D) above remain unpaid for more than thirty (30) days after the date on which the notice of liability or appeal decision was issued, the penalties shall be collected, together with any interest and costs thereon, by civil suit or other appropriate means of collection. Failure of the violator to pay such fine or penalty may also result in other enforcement methods allowed by law.

#### 9.32.040 Miscellaneous.

- A. Co-owners of violating vehicles shall be jointly and severally liable under this Ordinance.
- B. The provisions of this Ordinance do not apply to uniform traffic citations issued by Springfield Police officers or Massachusetts State Police officers pursuant to M.G.L. c. 90C (Procedure for Motor Vehicle Offenses).
- C. The provisions of this Ordinance shall not affect drivers' "points" authorized by Massachusetts General Laws ("Point System for License Suspension").
- D. An imposition of liability under this Ordinance shall not be deemed a conviction as an operator and shall not be made part of the operating record upon whom such liability is imposed.
- E. Nothing in this Ordinance shall be construed to limit the liability of an operator of a vehicle for any violation of section 9.32.030(B)(1) above.
- F. An imposition of liability under the section shall not bar, estop, or preclude the violator from contesting the underlying facts in any other administrative or judicial proceeding.

By its Chairman:

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Alan LeBovidge

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City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 8-11-02

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

AMENDING TITLE 5, CHAPTER 5.52 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING NEW CHAPTER 5.52 - AUTOMATIC AMUSEMENT DEVICE LICENSE FEE AND REGULATIONS.

Chapter 5.52

AUTOMATIC AMUSEMENT DEVICE LICENSE FEE AND REGULATIONS

Sections:

- 5.52.010 Purpose and license fee designated.
- 5.52.020 Authority and Regulations.
- 5.52.030 Restrictions and Conditions.
- 5.52.040 Enforcement-Penalties.

5.52.010 Purpose and license fee designated.

A. It is the purpose and intent of this article to prohibit the license commission from issuing a license for any automatic device that is intended to be used as a gaming device or which, although meeting the definition of an automatic amusement device, may reasonably be considered to present a risk of misuse as a gaming device.

B. The annual fee for a license to keep and operate any amusement device licensed under the provision of Massachusetts General Laws, Chapter 140, Section 177A, or any renewal thereof, shall be one hundred dollars (\$100) per machine. The fee for every change of premises shall be two dollars (\$2.00). See M.G.L. ch. 140, § 177A.

C. In accordance with M.G.L.A. c. 140, § 177A, as amended from time to time, hereafter, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward shall secure an annual license from the license commission which shall

design a license application to be completed by the applicant for each device and each location where such device is to be kept and operated. There is a non-refundable processing fee of twenty-five dollars (\$25.00) per application.

5.52.020 Authority and regulations.

A. In accordance with M.G.L.A. c. 140, § 177A, the license commission may grant a license to operate an automatic amusement device, as defined therein, for hire, gain or reward, and, after written notice, hearing, and opportunity to be heard, may suspend or revoke such a license. The term "automatic amusement device" as used in this article shall be construed as meaning any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines.

5.52.030 Restrictions and conditions.

A. The maximum number of automatic amusement devices allowed on any single business premises shall be four (4) unless the license commission, after a duly noticed public hearing, has issued its written authorization for a greater number of such devices.

B. No automatic amusement device shall be licensed which is designed to accept currency of a value greater than a U.S. five dollar (\$5.00) bill.

C. Based upon M.G.L. ch. 140, § 177A, the license commission shall not grant a license for any device that is intended for use as a gaming device nor for any automatic amusement device which may reasonably be considered to present a risk of misuse as a gaming device. Automatic amusement devices which may reasonably be considered to present a risk of misuse as gaming devices are those devices which simulate actual gaming devices, including so-called "video slot"; any game that involves no skill of the player; and any games which have a dual metering system accounting for money being placed into the machines; and allowing for points to be paid out on the machines, and any games which involve matching forms, shapes or random number combinations. State law also prohibits that no video slot machine or any essential part of which contain a video display of a drum or reel with insignia thereon, and which, when operated, may deal, as a result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property, or any sub-assembly or essential part intended to be used in connection with any such machine or video device.

D. Automatic amusement devices shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection by law enforcement officials, including members of the license commission. The registration number shall be prominently displayed on a seal or sticker issued by the licensing commission. Each seal or sticker shall be affixed to the automatic



amusement device in a manner easily visible to authorities. The sticker shall include the following information: the registration number of the machine, the date of the license, name and address of the licensee as well as the machine's owner. Removal of the seal or sticker shall be prohibited until the license expires, is surrendered, or revoked. If a sticker is destroyed or lost, a replacement cost of ten dollars (\$10.00) shall be paid for the issuance of a new sticker. Unlicensed automatic amusement devices are prohibited.

5.52.040 Enforcement--Penalties.

A. All licenses for automatic amusement devices granted by the license commission shall be subject to inspection by state and local law enforcement officials to ensure conformance with submitted application information and the requirements of this article and M.G.L.A. c. 140, § 177A.

B. A violation of this article or M.G.L.A. c. 140, § 177A shall be ground for revocation of any license issued by the city of Springfield and held by the violator, including a license to sell alcoholic beverages and may otherwise be punished as allowed by law.

C. A fine of Three Hundred 00/100 (\$300) a day per machine may be imposed for each violation.

By its Chairman:

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Alan LeBovidge

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City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

# 8-11-03

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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Pursuant to the authority granted under section 4(d)(7) of Chapter 169 of the Acts of 2004, the Springfield Financial Control Board hereby amends Title 7, Chapter 7.13 Alarm System Regulations and Inspection Fees

AMENDING TITLE 7, CHAPTER 7.13, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION, 7.13.010, - DEFINITIONS.

#### 7.13.010    DEFINITIONS

- I.    "Master Box" emergency signaling devices hard wired to a central station.
  - J.    "Radio Box" emergency signaling devices that transmit radio signals to a receiver located at a central station.
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AMENDING TITLE 7, CHAPTER 7.13, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION, 7.13.035,- MANDATORY CHANGE OUT OF MASTER BOXES.

#### 7.13.035    Mandatory change out of Master Boxes

- A. No Master Box shall be installed in the City of Springfield after the adoption of this ordinance.
- B. Any construction underway before or after the adoption of this ordinance calling for the installation of a Master Box shall instead have a city-approved Radio Box installed.

- C. All Master Boxes located in the City of Springfield must be replaced with a city-approved Radio Box by December 31, 2008. The owner(s) of the property where the Master Box is located shall be responsible for any and all costs associated with the compliance of this ordinance

AMENDING TITLE 7, CHAPTER 7.13, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION, 7.13.050,- PENALTIES.

7.13.050 Penalties

- E. Any one who fails to comply with any of the requirements of section 7.13.035 of this ordinance shall be subject to a fine of twenty-five dollars (\$25).

TITLE 7, CHAPTER 7.13, SECTION 7.13.060 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 7.13.060 IN ITS ENTIRETY AND ADDING A NEW SECTION 7.13.060-SCHEDULE OF FEES THERETO:

7.13.060 Schedule of fees. A. For inspections and related services not covered by statutory law, the following fees, based on the fire department certified inspection form, shall apply for those uses listed below:

1. Installation, removal, slurry and sealing of underground storage tanks;
 

a.	Up to 1500 gallons	\$50.00
b.	1501 to 5000 gallons	\$75.00
c.	5001 to 7500 gallons	\$150.00
d.	7501 and Over gallons	\$250.00
  
2. Installation, removal of above ground storage tanks;
 

a.	Up to 1500 gallons	\$50.00
b.	1501 to 5000 gallons	\$75.00
c.	5001 to 7500 gallons	\$150.00
d.	7501 and Over gallons	\$250.00
  
3. Smoke detectors:
 

a.	One (1) apartment unit	\$50.00
b.	For each additional apartment unit	\$10.00
c.	Reinspection	\$50.00
  
4. Storage of flammable fluids;
 

a.	0 to 165 gallons	Class A	\$50.00
b.	0 to 500 gallons	Class B	\$50.00
c.	0 to 1000 gallons	Class C	\$50.00
  
5. Oil burner permit;
 

		\$50.00
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6.	L P gas permit;		
	a.	0 to 100 gallons	\$50.00
	b.	101 to 1000 gallons	\$125.00
	c.	Over 1001 gallons	\$225.00
7.	Tank truck (two (2) year permit);		\$50.00
	a.	Over night parking (two (2) year permit)	\$50.00
8.	Lumber yards (one (1) year permit)		\$50.00
9.	Fuel oil storage permit;		
	a.	0 to 500 gallons	\$50.00
	b.	501 to 2500 gallons	\$75.00
	c.	2501 to 10,000 gallons	\$150.00
10.	Self service gas station (final inspection);		\$50.00
11.	Review plans for self service station;		\$50.00
12.	Propane tar kettle (roofing);		\$50.00
13.	Propane heating unit (roofing);		\$50.00
14.	Fumigating permit;		\$50.00
15.	Blasting permit;		\$50.00
16.	Alarm systems;		
	a.	Initial connection to master box	\$300.00
	b.	Annual fee for master box	\$300.00
	c.	<b>Annual fee for radio box</b>	<b>\$300.00</b>
	d.	Private fire alarm test with master box	\$75.00
	d.	<b>Private fire alarm test with radio box</b>	<b>\$75.00</b>
	e.	Central office or other signals to fire department per protected property per year	\$150.00
	f.	Private alarm system test	\$50.00
17.	<b>Annual inspections;</b>		<b>\$50.00</b>
18.	Quarterly inspections;		
	a.	Nursing and rest homes	\$50.00
	b.	Clinics and HMO's	\$50.00
	c.	Hotels and motels	\$50.00

d.	Theaters	\$50.00
e.	Lodging houses	\$50.00
f.	Housing for elderly	\$50.00
g.	Group homes	\$50.00
h.	Inn holders	\$50.00
19.	Storage facility (gasoline and diesel);	
a.	One (1) year permit per tank	\$50.00
b.	Two (2) year permit per tank	\$100.00
c.	Five (5) year permit per tank	\$250.00
20.	Fire works permit;	\$50.00
21.	Dumpster permit;	
a.	Up to ten (10) cubic yards per year	\$25.00
b.	Over ten (10) cubic yards per year	\$45.00
22.	Sprinkler systems;	
a.	Wet system plan review	\$100.00
b.	Dry system plan review	\$100.00
c.	Wet chemical system plan review	\$50.00
23.	Miscellaneous permits;	\$50.00
	(as amended 12/02/2002 and 02/25/2005)	

Approved as to Form:

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Associate City Solicitor

JOHN F. COSSABOOM  
Fire Marshal

Springfield Fire Department - Fire Prev Div  
605 Worthington Street  
Springfield, MA 01105-1112  
413-787-6410 (Voice) / 413-787-6400 TTY  
413-787-6432 (FAX)

August 4, 2006

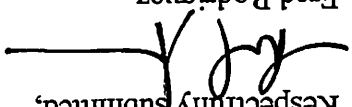
Alan LeBovidge, Chair  
Springfield Finance Control Board

Dear Chairman LeBovidge,

The Fire Prevention Division and the Fire Alarm Division of the Springfield Fire Department are respectfully requesting your consideration for the adoption of the attached ordinances. The intent of the ordinances is to eliminate all Master Boxes (Gamewells) in the city and require all property currently served by a Master Box to convert to a Radio Box. All signals would still be directly received by the Fire Department. Our reason for requiring conversion of all Master Boxes to Radio Boxes is to move toward the civilianizing of our Fire Dispatch and Fire Alarm Maintenance functions. Currently, the Department has twelve (12) firefighters assigned as dispatchers and four (4) assigned to Fire Alarm maintenance, for a total of sixteen (16). In terms of numbers, with our current apparatus staffing, sixteen firefighters represents a full fire company complement. Maintenance, upgrading, and replacement of the cable supplying these boxes has traditionally been performed by our firefighters. Conversion to radio boxes would alleviate the Department of this responsibility and generate savings in terms of equipment and personnel. The labor and equipment to remove the current Master Boxes would be approximately \$200.00 per box, for a total of \$48,400.00. According to Wel-Design Alarm Systems, Inc., the supplier of radio boxes, the cost to replace a master box with a radio box is \$4,800.00 to \$6,800.00, depending on the scope of work.

Currently, there are 242 active Master Boxes still in existence and 70 Radio Boxes. Of that amount, one is still mounted but out of service. 290 are charged an annual fee of \$300.00, and 21 are exempt by city ordinance. Our current annual Master/Radio Box revenue is \$87,000.00.

Thank you for your consideration.

Respectfully submitted,  
  
Fred Rodriguez  
Assistant Fire Marshal  
Springfield Fire Department

/s/

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

# 8-11-04

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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#### **An Executive Order Implementing a Fee for Solid Waste Collection Services, As Amended**

Pursuant to the authority granted under section 4(d)(7) of Chapter 169 of the Acts of 2004, and in order to defray the costs of solid waste collection services in the City of Springfield, the Finance Control Board hereby establishes an annual fee ("Fee") for such services of Ninety Dollars (\$90.00) for each city-provided container, notwithstanding the size of such container, including dumpster space allocation, per dwelling unit and commercial unit which receives such services from the City of Springfield.

The Control Board delegates to the Executive Director the power to adopt rules and regulations for the implementation and administration of the Fee.

The Fee will be subject to the following terms and conditions:

- A. The Fee established herein shall become effective on September 1, 2006.
- B. The Fee will be payable to the city in four (4) quarterly installments, and will be due and payable thirty (30) days from the billing date. The Fee can be also paid in one lump sum payment. Non-receipt of the bill does not relieve the property owner from payment.
- C. Fees not paid by the due date will incur late charges, to be determined and collected by the city collector or its designated deputy collector(s), as defined in rules and regulations established by the Executive Director. The Fee and late charges shall become a municipal charge against the owner of every dwelling unit and commercial unit which receives solid waste collection services from the city, who did not receive an exemption from the Fee as described below.

- D. The owner of a dwelling unit or commercial unit whose name appears on the tax bill for the property, or current owner, if the name on the bill was not yet updated, shall be responsible for the Fee. A lien for unpaid fees and municipal charges shall be levied on such owner's property.
- E. A dispute of the fee does not stop the fee collection process. Until the complete application for exemption or discount is approved, the property owner owes the charges billed by the city, and the account balance would only be adjusted after such approval. Charges must be settled as they become due, and any disputes about the invoice shall be resolved with the city after the payment.
- F. The city reserves the right to refuse solid waste collection services to any new commercial unit, government property or new multi-family buildings with more than three (3) dwelling units, seeking to receive such services after the effective date of the Fee, or upon such property's transfer to a new owner.
- G. EXEMPTIONS: The City will grant exemptions from the Fee in the following instances:
1. For an owner of a residential or commercial unit/s who provides proof that such owner hauls its own solid waste, including yard waste, or has hired a private hauler, who has all necessary licenses and permits from the City, to haul such waste. This exemption shall terminate in the event these conditions no longer apply.
  2. For an owner who returns to the city any additional city-provided container/s, with the exception of the first container for his or her property, which must remain, unless otherwise exempted, under the rules and regulations established by the Executive Director. The initial charge for obtaining such container from the city will not be refunded to the property owner. The city will not allow any container sharing arrangements.
  3. For property, with existing city trash service, owned by any unit or agency of the federal, state, county or local government, including public schools, with the exception of properties owned by a housing authority.
- Any property owner/s, granted an exemption, shall return such container(s) to the city without demand.
- H. DISCOUNTS: The City will grant a twenty-five per cent (25%) discount from the annual Fee for owners of single family homes, condominiums and mobile homes who are: (a) veterans with a war-service connected disability; (b) blind; (c) indigent; or (d) 65 years of age or older; as defined in rules and regulations established by the Executive Director. Such discount will only apply to the owner-occupied primary residence, and will not apply to other trash services, such as bulky item stickers or extra trash bags.



- I. APPEALS: Decisions on applications for exemption or discount will be made by the Trash Fee Review Board, consisting of representatives designated by the Executive Director. Property owners aggrieved by the denial of an exemption or discount by said Board may appeal such determination under a process to be described in rules and regulations established by the Executive Director.

By its Chairman:

Alan LeBovidge

Alan LeBovidge

Wayne Lee

City Clerk

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

# 8-11-05

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

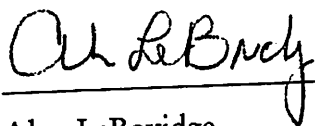
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**An Executive Order Modifying the Bulky Item Sticker Fee**

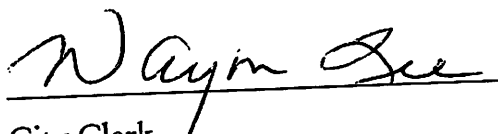
Pursuant to the authority granted under section 4(d)(7) of Chapter 169 of the Acts of 2004, and in order to increase the volume of appointments and related collection services of bulky solid waste items in the City of Springfield, the Finance Control Board hereby modifies the Bulky Item Sticker Fee ("Bulky Fee") for such services from Twelve Dollars (\$12.00) for each bulky solid waste item collected to Eight Dollars (\$8.00), effective on September 1, 2006.

The Control Board delegates to the Executive Director the power to adopt rules and regulations for the implementation and administration of the Bulky Fee.

By its Chairman:



Alan LeBovidge



City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 8-11-06

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

**AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER - BULK AND WASTE HAULING SERVICES.**

**Be it ordained by the Finance Control Board of the City of Springfield as follows:**

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby amended by adding the following new Chapter 7.17 thereto:

CHAPTER 7.17 (Amended 08/11/06)

BULK AND WASTE HAULING SERVICES

Sections:

- 7.17.010 Definitions
- 7.17.020 License Required
- 7.17.030 License Qualifications; License Application; Issuance of License
- 7.17.040 Licensee's Annual Fees
- 7.17.050 Operational Requirements of Licensees
- 7.17.060 Disposal of Waste and Bulk Waste--Licensee Prima Facie Liable for Illegal Dumping
- 7.17.070 Transferability and Refunds
- 7.17.080 Revocation
- 7.17.090 Denial or Revocation of License--APPEALS
- 7.17.100 Violations--Penalties
- 7.17.110 Additional Rules

7.17.010 Definitions For the purpose of this chapter, the following definitions shall be applicable.

- A. "Approved disposal site" means any solid waste disposal facility, licensed pursuant to M.G.L., chapter 111, § 150A or by other appropriate public authority.
- B. "Bulk waste" means all large items of refuse such as appliances, furniture, large auto parts, boilers or furnaces, etc.
- C. "Bulk waste hauler" means a person or company, licensed by the City, having ability and providing collection and proper disposition of bulky items, including household furniture, appliances and Freon containing appliances.
- D. "Commercial District" means any district in the City with sufficient concentration of commercial properties, as determined by the Director of Public Works, in accordance with the relevant planning and zoning rules and regulations.
- E. "Commercial or residential waste hauler" means a person or company, licensed by the City, having ability and providing disposal of commercial or residential waste at an approved disposal site; curbside collection and disposition of recyclable items from commercial or residential customers; and collection and proper disposition of yard waste from commercial or residential customers.
- F. "Dumping" means the discarding, dropping, placing, throwing, depositing or dispensing of waste.
- G. "Garbage" means any putrescible animal and vegetable material resulting from the handling, preparation, cooking and consumption of food.
- H. "Hazardous waste" means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical or infectious characteristic may cause, or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise

managed, however not including solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atom Energy Acts of 1954.

- I. "Hauling plan" means a plan describing the details of collecting, hauling or disposing of bulk and waste in the City, submitted by licensee to the City.
- J. "Homeowner" means the legal owner, tenant, renter, or occupant of a house, apartment, building, structure or mobile home.
- K. "License" means a permit, granting the authority pursuant to this chapter, for a person to engage in the business of collecting, hauling or disposing of bulk and waste in the City.
- L. "Licensee" means any holder of a license issued pursuant to this chapter. Any violation of this chapter by an agent or employee of the licensee shall be deemed a violation of the licensee.
- M. "Litter" means "garbage", "refuse" and "rubbish" as defined in section 7.16.010 and all other waste material which if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare, or appearance.
- N. "Person" means any individual, firm, partnership, association, corporation, company, group of individuals acting for a common purpose or organization of any kind, excepting a governmental agency.
- O. "Premises" means, in the case of improved ground, any building or portion thereof, or in the case of unimproved ground, each separate parcel or lot thereof.
- P. "Recyclables" means aluminum cans, glass, ferrous metal cans, newspaper, corrugated paper, etc., as

defined by the *Mandatory Recycling Ordinance* § 7.16.040.

- Q. "Refuse" means all putrescible and non-putrescible solid material (excepting body waste), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles, used motor vehicle parts, tires, bulk waste, construction, demolition waste, building materials, solid market and industrial wastes, used chemical and oil waste, and any other similar substance, man made or otherwise, which no longer serves the functional use for which it was intended.
- R. "Rubbish" means all non-putrescible solid material consisting of both combustible and noncombustible material, including but not limited to, paper, wrappings, cigarettes, cardboard, tin and aluminum cans, wood, glass, concrete, dirt, plaster, plasterboard, roofing material, nails, bedding, crockery and similar material.
- S. "Vehicle" means every device in, upon or by which any person or property may be transported or drawn upon a highway.
- T. "Waste" means all "garbage", "refuse" and "rubbish", as defined in this chapter, and in section 7.16.010, and any other similar substance, man-made or otherwise, which no longer serves the functional use for which it was intended at the location it is dumped or which became noxious, offensive, injurious or dangerous to the public health, comfort or safety.
- U. "Yardwaste" means all grass clippings, weeds, hedge clippings, garden waste, leaves, and twigs and brush not longer than two (2) feet in length and one-half (1/2) inch in diameter.

7.17.020 License Required All waste, recyclables and yardwaste in the City on any premises shall be collected, removed, conveyed, and disposed of only by the City or a person licensed by the City as a commercial waste hauler or said licensee's employees at an approved disposal site; provided, however, that this section shall not be construed to prohibit the actual producers of waste, recyclables, and

yardwaste or the owners of premises upon which waste, recyclables and yardwaste has accumulated, from personally collecting, conveying and disposing of such waste, recyclables, and yardwaste in accordance with the applicable provisions of this chapter and any other applicable provision of the City Ordinances.

7.17.030 License Qualifications; License Application; Issuance of License

- A. It shall be unlawful for any person, without a license from the Department of Public Works ("DPW"), to collect waste, recyclables or yardwaste and to enter into a contractual relationship for bulk or waste collection services with the owner, lessee or occupant of the premises from which such waste originates. Any person desiring a license to collect waste, recyclables or yardwaste shall make application for the same to DPW upon a form prescribed by DPW.
- B. The license year shall commence on July 1 and shall expire on the following June 30. A copy of such license shall be maintained in each vehicle used by the licensee to provide any services under such license from the City.
- C. Each applicant shall file with DPW a bond, the sum of which is to be determined by the City at the time of application contingent upon the rules and regulation prescribed by DPW. Such surety to the City shall be conditioned upon the faithful observance of the provisions of this and other applicable provisions of the ordinances of the City. The principal (applicant) will perform such duties and collect and dispose of waste in strict compliance with all applicable existing statutes, laws, ordinances, rules and regulations of the Commonwealth of Massachusetts and the City.
- D. Such bond shall further provide for payment to the City of all persons entitled thereto, for the cost and expense of removal and proper disposal of any waste collected by the applicant including restoration of property caused by disposal of waste by applicant that in the judgment of the Director of Public Works or his designee is not in compliance of

this chapter and/or not disposed of in strict compliance with all applicable existing statutes, laws, ordinances, rules and regulations of the Commonwealth of Massachusetts or the City.

E. In lieu of a bond, the applicant may provide the City with an irrevocable letter of credit. The surety on such bond or the bank on such irrevocable letter of credit shall be approved by the Director of Public Works or his designee as to sufficiency and shall be subject to the approval by the Law Department as to form.

F. Before any license may be issued, the applicant shall, if the application is approved by DPW, deposit with DPW proof of insurance as follows:

1. Workers compensation insurance and employer's liability insurance as required by law;
2. Comprehensive general and automobile liability insurance, including coverage for non-owned and hired vehicles, which names the City as an additional insured and which provides coverage in the amount of \$500,000 for any single claim and \$1,000,000 for multiple claims from any single occurrence.

G. Every licensee shall:

1. Maintain insurance coverage, for the term of the license, for each vehicle used in hauling bulk or waste items.
2. Ensure that each employee who operates vehicles hauling waste or bulk waste in the licensee's employ possesses a valid operator's license.
3. Ensure that each vehicle used in the business of hauling waste, recyclables, and/or bulk waste shall be maintained in compliance with any applicable local, state, or federal laws.

7.17.040 Licensee's Annual Fees The annual fee for a residential bulk waste hauler's license shall be One Hundred Dollars 00/100 (\$100.00). The annual fee for a commercial or residential waste hauler's license shall be



five hundred dollars 00/100(\$500.00). No such license shall be issued until the required fee is paid. In addition to the annual fee for a commercial or residential waste hauler's license, the licensee will pay one hundred dollars (\$100.00) for each vehicle used by the licensee to provide any services under such license within the City limits, first vehicle on said license excepted. All license fees shall be deposited into the City's general fund account.

7.17.050 Operational Requirements of Licensees

A. A licensee must comply with the following operational requirements:

1. The licensee shall operate in a manner consistent with information provided on its license application submittal and shall provide a written notice to DPW within ten (10) days of any changes in the information, forms or certificates filed as a part of the license application process;
2. The licensee shall comply with all state, county and local laws and regulations;
3. The licensee shall cooperate with the City in case of complaints received by the City, or other investigations related to the services provided by the licensee. The licensee shall also cooperate with the City when managing natural or man-made disasters.
4. No individual residential collection of waste, recyclables or yardwaste shall be made, except between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. Individual residential collection operations outside these hours may also be conducted to accommodate recognized national holidays or a special pick-up herein defined. Customers shall be reasonably notified of the specific day for the collection of their refuse, recyclables and yardwaste, and the licensee shall collect the materials within those time periods;
5. Each licensed waste, recyclable and yard waste collector shall be prohibited from operating

its vehicles in the private driveways of residential and multiple dwellings having individual residential collection service, with the exception of such dwellings with driveways in excess of One Hundred (100) feet in length. No licensed collector who is exempt hereunder shall operate any vehicle in reverse unless reverse operation of the vehicle is necessary for safe egress from the driveway.

6. Each licensee shall insure that the contents of all material storage containers shall be transferred to the collection vehicle without spillage, or, if any spilling occurs, it shall be forthwith cleaned up completely. Upon completion, the containers shall be completely emptied and returned to the area adjacent to the customer's premises, and the lids of the containers shall be replaced;
7. Each licensee shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any street, alley or public place longer than is reasonably necessary to collect waste, recyclables and yardwaste;
8. Each licensee shall provide its individual residential collection customers with an opportunity to recycle through the bi-weekly household collection of recyclables. The household collection of targeted recyclables shall be on the same day as the collection of the customers' refuse, but may occur at a different time within that day. The targeted recyclables collection shall be from a location consistent with City Ordinance. The licensee is deemed the owner of the recyclables and upon collection, the licensee may market the recyclables. Nothing herein shall be construed to prevent a licensee from offering household recyclable collection for other recyclable materials, in addition to the defined recyclables;

9. Each licensee shall provide for a separate collection of yardwaste for customers who receive individual residential collection service. This yardwaste collection shall be offered on a bi-weekly basis from April 1-Dec. 31. The yardwaste collection shall be provided in a location consistent with City Ordinance. The yardwaste containers on collection day shall be at the location as provided in the City ordinance. The licensee shall be required to collect yardwaste on the same day as recyclables, but shall give reasonable notice and instructions to the customers, and shall ensure that refuse, recyclables and yardwaste materials are not mixed at the time of collection and final disposal. The collected yardwaste shall only be disposed of at a composting facility authorized or approved by DPW.
10. Each licensee shall submit an annual report to DPW, which identifies separately the weight, in tons, of waste, recyclables, yardwaste and bulk pick-up materials that were collected by the licensee from City sources. The report must be provided at least thirty (30) days before the expiration of the current license, and shall be on a form approved by DPW. The licensee shall also submit such report at any time DPW makes a request for an up-to-date report, within ten (10) days of such request. The report shall also identify the weight of each type of collected recyclable derived via actual weighing of each individual material or through the application of recyclable waste stream percentages acceptable to DPW. The report shall include a summary, including receipts, of all revenues derived by the collector for each targeted recyclable material market during the year. The report shall distinguish residential collection tonnage from commercial/industrial tonnage and shall also include a brief description of the methodology used in computing the reported weights. DPW may request additional relevant information from the licensee as deemed necessary in order to plan for and evaluate its waste disposal system;

11. Each licensee shall provide customers which receive individual residential collection with the option of paying volume based fees for the collection;
12. Each licensee must provide its customers with collection containers that meet all of the requirements of City Ordinance. Containers provided by the licensee shall differ in a substantially identifiable way from the City's containers, and must be approved by DPW.
13. Each licensee shall annually notify customers with whom it has a contractual relationship of the proper placement of waste, recyclables and yardwaste for collection, as specified in City ordinance. The notice shall also be given to all new customers of the licensee upon establishing a contractual relationship with the customer. It shall be unlawful for any licensee to direct, suggest or imply to any customer that containers may be placed for collection in any location in violation of City Ordinances.
14. Occupants of residential dwellings managed by associations or other management entities shall have the same opportunity to recycle as do occupants of other residential dwellings. It shall be unlawful for the licensee to negotiate, execute or maintain a contract for residential waste or yardwaste collection with any residential dwelling association or other residential dwelling management entity unless it includes, as a part of that contract or as a part of a separate contract, collection of recyclables on the same day as its refuse collection; and
15. Occupants of a multiple dwelling complex managed by an association or other management entity shall have the same opportunity to recycle as do occupants of other residential dwellings. It shall be unlawful for the licensee to negotiate, execute or maintain a contract for collection of waste or yardwaste

with any multiple dwelling association or management entity unless it includes, as a part of the contract or as a part of a separate contract, a minimum of bi-weekly collection of recyclables.

- B. Every licensed bulk and waste hauler shall retain all receipts from approved disposal sites for a period of six (6) years. Such records shall be subject to inspection at all times by DPW or any other City department authorized to conduct inspection or investigation of records, as specified in rules and regulations.

7.17.060 Disposal of Waste and Bulk Waste - Licensee Prima Facie Liable for Illegal Dumping

- A. Any person collecting and hauling bulk and waste items shall deposit such waste only at an approved disposal site.
- B. In any hearing on a charge of a violation of this chapter, testimony that a vehicle that is registered to a hauler licensed by the City, which is found illegally dumping bulk or waste items as provided by this chapter, and further testimony that the record of the Department of Public Works of the Registry of Motor Vehicles shows that such license and registration were issued to the defendant, shall be prima-facie evidence that the act of illegally dumping of bulk or waste was committed by the defendant.

7.17.070 Transferability and Refunds Licenses are not transferable. No license fee refunds shall be issued by the City for any period during which the licensee did not benefit financially from such licensure.

7.17.080 Revocation, Suspension, Non-renewal and penalties. The City reserves the right to revoke, suspend or not renew the license for violations of this ordinance, or impose civil penalties. Written notice of the revocation, suspension, non-renewal or penalties shall be mailed to the licensee informing the licensee of the complaint(s) and violation (s) against them. Notice hereunder shall be deemed sufficient if it is sent to the address of the licensee shown on the most recent license

legal representative, within thirty (30) days after the hearing is concluded. The administrative ruling of the board of appeals is final.

7.17.100 Violations-Penalties Any violation of the provisions of this Ordinance shall be grounds for suspension, revocation, or the imposition of fines from \$30 - \$300 per day, per each instance of violation, based on the severity, persistence or reoccurrence of the violation.

7.17.110 Additional Rules The Department of Public Works is hereby empowered to determine the need for and to establish, enforce and rescind regulations necessary to make effective the provisions of this chapter. Such regulations, when established or rescinded, shall be promulgated to ensure a reasonable and efficient system of bulk and waste collection by bulk and waste haulers in the City.


Approved as to Form:

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Edward M. Pikula  
City Solicitor

Approved by vote of the Springfield Finance Control Board  
at its meeting held on August 11, 2006.

By its Chairman:

  
\_\_\_\_\_  
Alan LeBovidge

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 08-11-07

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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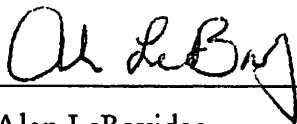
An Executive Order regarding Capital Project Fund Balance:

ORDERED That the sum of three hundred thirty-eight thousand five hundred eighty-eight dollars (\$338,588) authorized under Chapter 80 of the Acts of 1998 & M.G.L. C.44, S.7 (a portion of a total authorization of \$4,000,000) approved by the City Council on December 21, 1998 and approved by the Mayor on January 6, 1999 for Library and Museum building renovations be moved to the "Bond Balance" Capital Project Fund and be available for a future Library project of a similar term consistent with Massachusetts General Law.

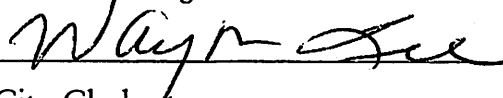
Be it further ordered that the Capital Project Balances as stated on *Attachment A* be transferred to the "Bond Balance" Capital Project Fund. The term of the bond authorization for each capital project is also noted and transfers are summarized by the term/period of the bond. The total balance as stated in *Attachment A* to be transferred from individual Capital Projects funds to the "Bond Balance" Capital Project Fund is three hundred twenty-six thousand four hundred twenty-six dollars (\$326,426). The amounts by sub fund are:

Authorization for Ten Year Term	\$ 38,599
Authorization for Twenty Year Term	\$108,093
Authorization for Thirty Year Term	\$179,734

By its Chairman:



Alan LeBovidge



City Clerk

**Attachment A - "Bond Balances" Capital Project Fund (Transfers In)  
Control Board Transfers from Individual Capital Projects to "Bond Balances"  
Fund**

	<i>Transfer From:</i>	<i>Transfer To:</i>	
Bond Authorization	Fund Account	Balance to Close to "Bond Balances" Fund	Term/Period
<b>ASSESSORS</b>			
Aerial Mapping	3015	27,850	10 years
GEO Info Sys	3018	10,749	10 years
<b>Total Assessors</b>		<b>38,599</b>	
<b>COMMUNITY DEVELOPMENT</b>			
Mason Square	3013	108,093	20 years
<b>Total Community Development</b>		<b>108,093</b>	
<b>DPW</b>			
Sewer Const I-91	3524	1,227	30 years
New Sewer Plt Sys	3526	178,507	30 years
<b>Total DPW</b>		<b>179,734</b>	



COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#08-11-08

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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The Springfield Financial Control Board ("Control Board") hereby authorizes the creation by Springfield City officials of a fund in accordance with the provisions of chapter forty four, section fifty three A, of the Massachusetts General Laws; name of said fund shall be the "Springfield Library Donations Fund" ("Fund"); and authorizes the use of such funds by the Springfield Library Department, which shall be accounted for separately from all other monies in such city, and to which shall be credited only the donations received by the Springfield Library Department.

Expenditures may be made from such fund without further appropriation, subject to the provisions of chapter forty four, section fifty three A, of the Massachusetts General Laws, provided, however, that expenditures shall not be made or liabilities incurred from any such fund in excess of the balance of the fund, and provided further that such funds shall be expended in accordance with the purpose of such gift or donation received.

Any employee responsible for accepting, accounting for, administering, expending, receiving or using Fund money shall do so strictly in accordance with the provisions of chapter forty four, section fifty three A, of the Massachusetts General Laws.

~~Interest earned on any fund balance shall be treated as general fund revenue of the~~  
City.

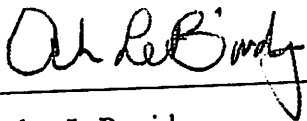
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The Director of the Springfield Public Library shall be the only official authorized to expend any money from the Fund and before doing so must have the expenditure approved by vote of the Springfield Library Commission.

This order is subject to any other guidelines the director of accounts may issue further regulating such funds established under chapter forty four, section fifty three A, of the Massachusetts General Laws.

Approved by vote of the Springfield Finance Control Board at its meeting held on August 11, 2006.

By its Chairman:



Alan LeBovidge



City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#08-11-09

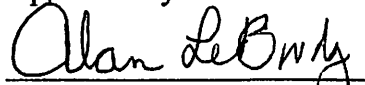
**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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### **An Executive Order Appropriating Funds for the Eminent Domain Taking of Permanent Easements and Temporary Construction Easements for the State Street Corridor Project**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, the Finance Control Board appropriates the sum of **Forty-Four Thousand Two and 00/100 Dollars (\$44,002.00)** as damages for the anticipated eminent domain takings of permanent easements and temporary construction easements over certain parcels of land described in the Order of Taking, for the purposes of constructing and maintaining the State Street Corridor Project in Springfield, MA., to be paid from appropriation account number #2324-400-5383-06.

Approved by the Finance Control Board August 11, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#08-11-10

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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### **An Executive Order Authorizing the Eminent Domain Taking of Permanent Easements and Temporary Construction Easements for the State Street Corridor Project**

#### **ORDER OF TAKING**

The Finance Control Board, acting pursuant to Sections 4(b) and 4(d)(14) of Chapter 169 of the Acts of 2004 (the "Act"), and exercising the authority of the City Council as provided for in Section 4(d)(20) of the Act, and pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, upon the request of the Department of Public Works, does hereby take by eminent domain in the name and on behalf of the said City of Springfield, certain permanent easements and temporary construction easements, for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the State Street Corridor Project, an appropriation of money having been duly made for said purposes from appropriation code # 2324-400-5383-06.

Such easements are taken together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and improvements affixed to said land, excepting easements, rights, and interests specifically reserved herein,

Where such permanent easements are shown on plans entitled "CITY OF SPRINGFIELD DEPARTMENT OF PUBLIC WORKS LAYOUT PLANS - STATE STREET, AUGUST 2006" ("Layout Plans"), on file with the Hampden County Registry of Deeds at Book of Plans \_\_\_\_, Page, \_\_\_\_; and

Where such temporary construction easements are shown on plans entitled "CITY OF SPRINGFIELD DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY PLANS - STATE STREET, AUGUST 2006" ("Right of Way Plans"), on file with the Engineering Department of the City of Springfield Department of Public Works, 70 Tapley Street, Springfield, MA.;

## PERMANENT EASEMENTS

It is ORDERED, that permanent easements for highway purposes are hereby taken in the parcels of land described below pursuant to and by virtue of Sections 4(b), 4(d)(14), and 4(d)(20) of Chapter 169 of the Acts of 2004, Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, of the Massachusetts General Laws; including any improvements, trees and shrubs located thereon;

That included within said permanent easements are fifteen (15) parcels of land which are described below and are shown on the aforementioned "Layout Plans" on file with the Hampden County Registry of Deeds:

**Parcel E-1:** A portion of a parcel of land located at 10 Chestnut Street, Springfield, MA., supposed to be owned by Related Springfield Associates, Limited Partnership, containing an area of 16 square feet, more or less, and bounded and described as follows:

Beginning at a point on the westerly sideline of State Street, said point being N49°-58'-30"W, 35.47 feet from baseline station 24+63.43, and running thence;

S39°-44'-46"W along the westerly sideline of State Street, 5.05 feet to a point, thence;

Westerly, on a curve to the right, having a radius of 5.00 feet, along the westerly sideline of State Street, 7.90 feet to a point, thence;

N49°-42'-29"W, along the northerly sideline of Dwight Street, 5.05 feet to a point, thence;

Easterly, on a curve to the left, having a radius of 10.00 feet, along land now or formerly of Related Springfield Associates Limited Partnership, 15.80 feet to the point of beginning.

**Parcel E-3:** A parcel of land located at 560 State Street, Springfield, MA., supposed to be owned by Colvest/State Street LLC, containing an area of 146 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of State Street, said point being N18°-38'-44"W, 62.69 feet from baseline station 66+19.53, and running thence;

S76°-59'-24"W, along the northerly sideline of State Street, 25.38 feet to a granite bound, thence;

N00°-31'-01"E, along the easterly sideline of Saint James Avenue, 25.38 feet to a point, thence;

Southerly and easterly, on a curve to the left, having a radius of 20.00 feet, along land now or formerly of Colvest/State Street, LLC, 36.14 feet to the point of beginning.

**Parcel E-4:** A parcel of land located at 707 State Street, Springfield, MA., supposed to be owned by Lawrence Sales, a California Limited Partnership, containing an area of 1,385 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of State Street, said point being S12°-15'-30"E, 55.96 feet from baseline station 80+17.18, and running thence;

Southwesterly, on a curve to the left, having a radius of 15.00 feet, along land now or formerly of Lawrence Sales, 22.53 feet to a point, thence;

S07°-53'-32"E along last named land, 255.00 feet to a point, thence;

S82°-06'-28"W, along last named land, 5.00 feet to a point, thence;

N07°-53'-32"W, along the easterly sideline of Hancock Street, 268.66 feet to a granite bound, thence;

N78°-10'-06"E, along the southerly sideline of State Street, 19.01 feet to the point of beginning.

**Parcel E-5:** A parcel of land located at 756 State Street, Springfield, MA., supposed to be owned by 756 State Street LLC, containing an area of 73 square feet, more or less, and bounded and described as follows:

Beginning at a granite bound on the northerly sideline of State Street, said point being N22°-49'-15"W, 60.53 feet from baseline station 87+07.09, and running thence;

S77°-23'-02"W along the northerly sideline of State Street, 26.01 feet to a granite bound, thence;

N28°-38'-37"W, along the easterly sideline of Buckingham Street, 0.94 feet to a point, thence;

N68°-56'-50"E, along land now or formerly of 756 State, LLC, 25.85 feet to point, thence;

S21°-03'-10"E, along last named land, 4.75 feet to the point of beginning.

**Parcel E-7:** A parcel of land located at 963-983 State Street, Springfield, MA., supposed to be owned by American International College, containing an area of 9,960 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of State Street, said point being S22°-18'-31"E, 32.90 feet from baseline station 107+48.71, and running thence;

N67°-43'-32"E along the southerly sideline of State Street, 830.00 feet to a point, thence;

S22°-17'-28"E, along land now or formerly of American International College, 12.00 feet to a point, thence;

S67°-42'-32"W, along last named land, 830.00 feet to point, thence;

N22°-17'-28"W, along last named land, 12.00 feet to the point of beginning.

**Parcel E-8:** A parcel of land located at 1168 State Street, Springfield, MA., supposed to be owned by American International College, containing an area of 79 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of State Street, said point being N22°-19'-06"W, 33.00 feet from baseline station 128+93.95, and running thence;

Easterly, on a curve to the left, having a radius of 1,500.00 feet, along land now or formerly of American International College, 96 feet, more or less, to a point, thence;

Southerly, along land now or formerly of Gerald R. & Linda S. Bourcier, 1 foot, more or less feet to a point, thence;

S61°-51'-21"W, along the northerly sideline of State Street, 20.21 feet to a point, thence;

S67°-40'-53"W, along the northerly sideline of State Street, 76.32 to the point of beginning.

**Parcel E-9:** A parcel of land located at 1174-1178 State Street, Springfield, MA., supposed to be owned by Gerald R. Bourcier and Linda S. Bourcier, containing an area of 20 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of State Street, said point being N26°-02'-05"W, 31.67 feet from baseline station 129+92.53, and running thence;

Northerly, along land now or formerly of American International College, 1 foot, more or less, to a point, thence;

Easterly, on a curve to the left, having a radius of 1,500.00 feet, along land now or formerly of Gerald R. & Linda S. Bourcier, 56 feet, more or less, to a point, thence;

S61°-51'-21"W, along the northerly sideline of State Street, 56.11 feet to the point of beginning.

**Parcel E-10:** A portion of a parcel of land located at 1250 State Street, Springfield, MA., supposed to be owned by City of Springfield/Springfield High School of Science and Technology containing of 2,088 square feet, more or less and bounded and described as follows:

Beginning at a point on the northwesterly sideline of State Street, said point being N38°-35'-56"W, 33.86 feet from baseline station 137+41.48, and running thence;

Southwesterly, on a curve to the right, having a radius of 609.94 feet, along the northwesterly sideline of State Street, 9.63 feet to a granite bound, thence;

Westerly, on a curve to the right, having a radius of 50.00 feet, along the northwesterly sideline of State Street, 80.32 feet to a point, thence;

N35°-42'-16"W along the northeasterly sideline of Gaucher Street Ramp, 103.99 feet to a point, thence;

N54°-17'-44"E, along land now or formerly of the City of Springfield, 1.00 feet to a point, thence;

S46°-39'-28"E, along last named land, 127.56 feet to a point, thence;

Easterly, on a curve to the left, having a radius of 35.00 feet, along last named land, 50.08 feet to the point of beginning.

**Parcel E-11:** A portion of a parcel of land located at 1250 State Street, Springfield, MA., supposed to be owned by City of Springfield/Springfield High School of Science and Technology, containing an area of 2,160 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly sideline of State Street, said point being N50°-39'-46"W, 33.00 feet from baseline station 138+81.77, and running thence;

N50°-39'-46"W, along land now or formerly of the City of Springfield, 12.00 feet to a point, thence;

N39°-20'-14"E, along last named land, 180.00 feet to a point, thence;

S50°-39'-46"E, along last named land, 12.00 feet to a point, thence;

S39°-20'-14"W, along the northwesterly sideline of State Street, 180.00 feet to the point of beginning

**Parcel E-12:** A portion of a parcel of land located at 1300 State Street, Springfield, MA., supposed to be owned by City of Springfield/Roger L. Putnam Vocational-Technical High School, containing an area of 4,668 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly sideline of State Street, said point being N50°-39'-46"W, 33.00 feet from baseline station 142+97.32, and running thence;

N50°-39'-46"W, along land now or formerly of the City of Springfield, 13.00 feet to a point, thence;

N39°-20'-14"E, along last named land, 359.10 feet to a point, thence;

S50°-39'-46"E, along last named land, 13.00 feet to a point, thence;



S39°-20'-14"W, along the northwesterly sideline of State Street, 359.10 feet to the point of beginning

**Parcel E-13:** A portion of parcel of land located at South Side Boston Road, Springfield, MA., supposed to be owned by the Roman Catholic Bishop of Springfield, a Corporation Sole, containing an area of 283 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of State Street, said point being S28°-22'-03"E, 37.10 feet from baseline station 174+54.33, and running thence;

N57°-37'-45"E along the southerly sideline of State Street, 80.13 feet to a point, thence;

N72°-50'-35"E, along the southerly sideline of State Street, 80.13 feet to a point, thence;

Westerly, on a curve to the left, having a radius of 600.00 feet, along land now or formerly of the Roman Catholic Bishop of Springfield, 159.32 feet to the point of beginning.

**Parcel E-14:** A portion of parcel of land located at 1400 State Street, Springfield, MA., supposed to be owned by HCRI Massachusetts Properties Trust, containing an area of 282 square feet, more or less, and bounded and described as follows:

Beginning at a granite bound on the northwesterly sideline of State Street, said point being

N53°-11'-20"W, 31.57 feet from baseline station 147+94.99, and running thence;

N42°-57'-56"W along the northeasterly sideline of Blunt Park Road, 26.27 feet to point, thence;

Easterly, on a curve to the left, having a radius of 20.00 feet, along land now or formerly of HCRI Massachusetts Properties Trust, 35.61 feet to a point, thence;

N35°-01'-48"E, along last named land, 69.77 feet to a point, thence;

S33°-00-14"W, along the northwesterly sideline of State Street, 78.44 feet to point, thence;

S39°-20'-14"W, along last named land, 16.45 feet to the point of beginning.

**Parcel E-16:** A portion of parcel of land located at 1219 State Street, Springfield, MA., supposed to be owned by Esteban Vanegas and Maria Vanegas, husband and wife, as tenets by the entirety, containing an area of 67 square feet, more or less, and bounded and described as follows:

Beginning at a concrete bound on the southerly sideline of State Street, said point being S30°-52'-24"E, 33.71 feet from baseline station 136+60.58, and running thence;

S34°-02'-46"E along the westerly sideline of Benton Street, 18.04 feet to a point, thence;

Westerly, on a curve to the left, having a radius of 20.00 feet, along land now or formerly of Esteban & Maria Vanegas, 29.36 feet to a point, thence;

N61°-51'-21"E, along the southerly sideline of State Street, 18.04 feet to the point of beginning.

**Parcel E-17:** A portion of parcel of land located on State Street, supposed to be owned by the Roman Catholic Bishop of Springfield, a Corporation Sole, containing an area of 905 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of State Street, said point being S17°-24'-02"E, 33.08 feet from baseline station 177+55.64, and running thence;

N72°-50'-35"E along the southerly sideline of State Street, 75.00 feet to a point, thence;

S17°-09'-25"E, along land now or formerly of the Roman Catholic Bishop of Springfield, 12.00 feet to a point, thence;

S72°-50'-35"W, along last named land, 75.00 feet to point, thence;

N17°-09'-25"W, along last named land, 12.00 feet to the point of beginning.

**Parcel E-18:** A portion of parcel of land located at 963-983 State Street, supposed to be owned by American International College, containing an area of 21 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of State Street, said point being S22°-19'-06"E, 33.27 feet from baseline station 116+90.88, and running thence;

N67°-42'-32"E along the southerly sideline of State Street, 10.00 feet to a point, thence;

S22°-17'-28"E, along the westerly sideline of Homer Street, 10.00 feet to a point, thence;

Northwesterly, on a curve to the left, having a radius of 10.00 feet, along land now or formerly of American International College, 15.71 feet to the point of beginning.

Although said parcels are stated above as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

## TEMPORARY CONSTRUCTION EASEMENTS

It is further ORDERED that that temporary construction easements are hereby taken pursuant to and by virtue of Sections 4(b), 4(d)(14), and 4(d)(20) of Chapter 169 of the Acts of 2004, Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79; including any improvements, trees and shrubs located thereon, in the parcels of land described below within the limits of the proposed reconstruction of State Street as shown on "Right of Way Plans" on file with the Engineering Department of the City of Springfield Department of Public Works ("DPW"), 70 Tapley Street, Springfield, MA, which plans are incorporated herein by reference;

Such temporary construction easements are acquired for the purposes of construction and consist of the right to enter upon said land at any time and construct the project thereon, and any incidental construction, including to adjust sidewalks and driveways to meet new construction, to landscape and grade lawn and landscape areas to meet new construction, and to grade for drainage and utilities as part of the new construction;

Such temporary construction easements are temporary in nature and are to be in effect only until five (5) years from the date of recording of this instrument;

That included within said temporary construction easements ("TE") are seventy-six (76) parcels of land which are described below and are shown on the aforementioned Right of Way plans which are generally described as follows:

**Parcel TE-1:** A portion of a parcel of land located at 23-29 State Street, Springfield, MA., supposed to be owned by Paul R. Salvage, Trustee of Courthouse Park Trust, consisting of approximately 207 square feet, from Station 10+50 to Station 11+53.53, and shown as TE-1 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-4:** A portion of a parcel of land located at 73 State Street, Springfield, MA., supposed to be owned by Gilbert Cohen and Andrew Cohen, Trustees of CIC Realty Trust, consisting of approximately 541 square feet, from Station 12+36.30 to Station 14+76.57, and shown as TE-4 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-7:** A portion of a parcel of land located at 95 State Street, Springfield, MA., supposed to be owned by C&W Real Estate Co., LLC, consisting of approximately 1103 square feet, from Station 15+26.58 to Station 18+32.51, and shown as TE-7 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-14:** A portion of a parcel of land located at 133-141 State Street, Springfield, MA., supposed to be owned by Paul M. Kalill and Gerald Glasser, as tenants in common, consisting of approximately 376 square feet, from Station 21+13.88 to Station 22+23.89, and shown as TE-14 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-16:** A portion of a parcel of land located at 149-151 State Street, Springfield, MA., supposed to be owned by Kon Shing Chan, consisting of approximately 50 square feet, from Station 23+08.91 to Station 23+33.02, and shown as TE-16 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-19:** A portion of a parcel of land located at 10 Chestnut Street, Springfield, MA., supposed to be owned by Related Springfield Associates Limited Partnership, consisting of approximately 292 square feet, from Station 24+55.22 to Station 26+41.57, and shown as TE-19 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-21:** A portion of a parcel of land located at 181 State Street, Springfield, MA., supposed to be owned by Caserta Co., LLC, consisting of approximately 159 square feet, from Station 25+13.58 to Station 26+55.75, and shown as TE-21 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-27:** A portion of a parcel of land located at 265 State Street, Springfield, MA., supposed to be owned by Stately Temple, LLC, consisting of approximately 152 square feet, from Station 34+80.65 to Station 35+56.83, and shown as TE-27 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-30:** A portion of a parcel of land located at 281 State Street, Springfield, MA., supposed to be owned by Goodstate, LLC, consisting of approximately 1023 square feet, from Station 36+22.87 to Station 37+25.50, and shown as TE-30 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-32:** A portion of a parcel of land located at 300 State Street, Springfield, MA., supposed to be owned by Francis J. Catalado and John M. Wallace, a/k/a J. Michael Wallace, General Partners of The 300 State Street Realty, LLP, consisting of approximately 523 square feet, from Station 38+61.91 to Station 40+41.39, and shown as TE-32 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-34:** A portion of a parcel of land located at 310 State Street, Springfield, MA., supposed to be owned by Francis J. Catalado and John M. Wallace, a/k/a J. Michael Wallace, General Partners of The 300 State Street Realty, LLP, consisting of approximately 276 square feet, from Station 40+02.97 to Station 40+87.97, and shown as TE-34 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-40:** A portion of a parcel of land located at 415 State Street, Springfield, MA., supposed to be owned by City of Springfield/High School of Commerce, consisting of approximately 1196 square feet, from Station 48+63.03 to Station 51+66.36, and shown as TE-40 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-41:** A portion of a parcel of land located at 427 State Street, Springfield, MA., supposed to be owned by Michael D. Wiggins, consisting of approximately 66 square feet, from Station 51+66.36 to Station 52+00.74, and shown as TE-41 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-42:** A portion of a parcel of land located at 429-443 State Street, Springfield, MA., supposed to be owned by John Nelen, Mary T. Napolitan and Frank C. Pernice, Trustees of Nelen Associates Realty Trust, consisting of approximately 331 square feet, from Station 52+00.74 to Station 53+71.78, and shown as TE-42 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-43:** A portion of a parcel of land located at 447-451 State Street, Springfield, MA., supposed to be owned by Chris Kozaczka, consisting of approximately 174 square feet, from Station 53+71.78 to Station 54+24.69, and shown as TE-43 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-46:** A portion of a parcel of land located at 463-465 State Street, Springfield, MA., supposed to be owned by Gina L. Bellucci, a/k/a Gina L. Bellucci-Dilizia and Gina L. Dilizia, consisting of approximately 105 square feet, from Station 55+06.04 to Station 55+27.40, and shown as TE-46 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-50:** A portion of a parcel of land located at 503 State Street, Springfield, MA., supposed to be owned by Colvest/State Street LLC, consisting of approximately 693 square feet, from Station 58+66.41 to Station 60+39.77, and shown as TE-50 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-52:** A portion of a parcel of land located at 535 State Street, Springfield, MA., supposed to be owned by Sparkle Three Limited Partnership, consisting of approximately 650 square feet, from Station 61+36.13 to Station 62+99.08, and shown as TE-52 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-54:** A portion of a parcel of land located at 560 State Street, Springfield, MA., supposed to be owned by Colvest/State Street, LLC, consisting of approximately 629 square feet, from Station 65+96.46 to Station 67+07.24 State Street Baseline and Station 300+95.95 to Station 302+68.08 St. James Avenue Baseline, and shown as TE-54 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-59:** A portion of a parcel of land located at 584 State Street, Springfield, MA., supposed to be owned by Colvest/State Street, LLC, consisting of approximately 150 square feet, from Station 67+91.73 to Station 68+66.74 , and shown as TE-59 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-60:** A portion of a parcel of land located at 586-596 State Street, Springfield, MA., supposed to be owned by Colvest/State Street, LLC, consisting of approximately

249 square feet, from Station 68+66.74 to Station 69+91.23, and shown as TE-60 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-61:** A portion of a parcel of land located at 600 State Street, Springfield, MA., supposed to be owned by Colvest/State Street, LLC., consisting of approximately 132 square feet, from Station 69+91.23 to Station 70+57.21, and shown as TE-61 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-62:** A portion of a parcel of land located at 606 State Street, Springfield, MA., supposed to be owned by Colvest/State Street, LLC, consisting of approximately 264 square feet, from Station 70+57.21 to Station 71+89.19, and shown as TE-62 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-68:** A portion of a parcel of land located at 632 State Street, Springfield, MA., supposed to be owned by Springfield Food Systems, Inc., a Connecticut corporation, consisting of approximately 555 square feet, from Station 73+04.04 to Station 74+34.20, and shown as TE-68 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-70:** A portion of a parcel of land located at 644 State Street, Springfield, MA., supposed to be owned by BJL Properties, LLC, consisting of approximately 766 square feet, from Station 74+34.20 to Station 76+25.63, and shown as TE-70 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-71:** A portion of a parcel of land located at 66 State Street, Springfield, MA., supposed to be owned by Ellen Smith-Bigelow, consisting of approximately 480 square feet, from Station 76+25.63 to Station 77+45.61, and shown as TE-71 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-74:** A portion of a parcel of land located at 671 State Street, Springfield, MA., supposed to be owned by Leemilt's Petroleum. Inc., a New York Corporation consisting of approximately 162 square feet, from Station 76+88.33 to Station 78+29.42, and shown as TE-74 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-78:** A portion of a parcel of land located at 707 State Street, Springfield, MA., supposed to be owned by Lawrence Sales, a California Limited Partnership, consisting of approximately 2462 square feet, from Station 79+76.65 to Station 82+37.01, and shown as TE-78 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-79:** A portion of a parcel of land located at 714 State Street, Springfield, MA., supposed to be owned by Gulmohur 546 Sumner Corporation, a New York Corporation, consisting of approximately 499 square feet, from Station 81+04.61 to Station 82+54.47, and shown as TE-79 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-83:** A portion of a parcel of land located at 727 State Street, Springfield, MA., supposed to be owned by Muhammad's Mosque No. 13, Inc., consisting of approximately 490 square feet, from Station 83+05 to Station 93+90.54, and shown as TE-83 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-89:** A portion of a parcel of land located at 782-802 State Street, Springfield, MA., supposed to be owned by C&C Springfield Realty, LLC, consisting of approximately 676 square feet, from Station 90+16.44 to Station 92+26.14, and shown as TE-89 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-93:** A portion of a parcel of land located at 823-827 State Street, Springfield, MA., supposed to be owned by H and B Realty Corporation, consisting of approximately 413 square feet, from Station 92+61.47 to Station 93+09.32, and shown as TE-93 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-97:** A portion of a parcel of land located at S/S State Street, Springfield, MA., supposed to be owned by Indian Motorcycle Associates III, Limited Partnership, consisting of approximately 595 square feet, from Station 98+11.46 to Station 98+61.61, and shown as TE-97 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-98:** A portion of a parcel of land located at 864 State Street, Springfield, MA., supposed to be owned by Brent Harding, consisting of approximately 405 square feet, from Station 98+22.84 to Station 99+23.78, and shown as TE-98 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-99:** A portion of a parcel of land located at 858 State Street, Springfield, MA., supposed to be owned by Brent Harding, consisting of approximately 521 square feet, from Station 99+23.78 to Station 99+80.98, and shown as TE-99 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-105:** A portion of a parcel of land located at S/S State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 383 square feet, from Station 104+38.56 to Station 105+50.64, and shown as TE-105 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-106:** A portion of a parcel of land located at N/S State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 365 square feet, from Station 105+48.77 to Station 106+53.34, and shown as TE-106 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-107:** A portion of a parcel of land located at 963-983 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 453 square feet, from Station 106+27.16 to Station 107+47.8, and shown as TE-107 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-109:** A portion of a parcel of land located at N/S State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 1046 square feet, from Station 109+51.80 to Station 111+88.19, and shown as TE-109 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-110:** A portion of a parcel of land located at 963-983 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 1145 square feet, from Station 108+92.0 to Station 114+64.2, and shown as TE-110 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-111:** A portion of a parcel of land located at 1000 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 892 square feet, from Station 112+46.99 to Station 114+78.62, and shown as TE-111 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-112:** A portion of a parcel of land located at 963-983 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 4383 square feet, from Station 114+64.2 to Station 117+01.0, and shown as TE-112 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-113:** A portion of a parcel of land located at 1030 State Street, Springfield, MA., supposed to be owned by Gregory Vatrano, consisting of approximately 350 square feet, from Station 115+27.24 to Station 116+78.93, and shown as TE-113 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-114:** A portion of a parcel of land located at N/S State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 361 square feet, from Station 116+78.93 to Station 117+29.08, and shown as TE-114 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-115:** A portion of a parcel of land located at N/S State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 331 square feet, from Station 117+98.20 to Station 119+49.09, and shown as TE-115 on the above-referenced Right of Way plans on file with the DPW Engineering Division;



**Parcel TE-116:** A portion of a parcel of land located at 1067 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 1150 square feet, from Station 117+50.87 to Station 120+68.71, and shown as TE-116 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-117:** A portion of a parcel of land located at 1072 State Street, Springfield, MA., supposed to be owned by Abraham Kaye, Bertha R. Kaye and Joseph Kaye, as Trustees of the Kaye Family Realty Trust, consisting of approximately 186 square feet, from Station 119+49.09 to Station 120+28.25, and shown as TE-117 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-118:** A portion of a parcel of land located at 1080 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 1318 square feet, from Station 120+72.78 to Station 122+40.98, and shown as TE-118 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-120:** A portion of a parcel of land located at 1103-1107 State Street, Springfield, MA., supposed to be owned by Express Gas & Food Mart, LLC, consisting of approximately 709 square feet, from Station 122+80.39 to Station 124+32.93, and shown as TE-120 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-122:** A portion of a parcel of land located at 1102 State Street, Springfield, MA., supposed to be owned by Frank Ware, Jr., consisting of approximately 84 square feet, from Station 122+83.09 to Station 123+25.20, and shown as TE-122 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-123:** A portion of a parcel of land located at 1104-1106 State Street, Springfield, MA., supposed to be owned by Rosetta Real Estate Trust, consisting approximately 136 square feet, from Station 123+25.20 to Station 123+76.64, and shown as TE-123 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-124:** A portion of a parcel of land located at 1120 State Street, Springfield, MA., supposed to be owned by Patricia L. White, consisting of approximately 350 square feet, from Station 124+25.56 to Station 125+60.59, and shown as TE-124 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-130:** A portion of a parcel of land located at 1151-1159 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 348 square feet, from Station 127+87.93 to Station 129+39.40, and shown as TE-130 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-131:** A portion of a parcel of land located at 1168 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 301 square feet, from Station 128+39.75 to Station 129+92.53, and shown as TE-131 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-132:** A portion of a parcel of land located at S/S State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 144 square feet, from Station 129+84.58 to Station 130+40.74, and shown as TE-132 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-133:** A portion of a parcel of land located at 1179 State Street, Springfield, MA., supposed to be owned by Kenny H. Nguyen and Quang D. Nguyen, consisting of approximately 344 square feet, from Station 130+40.74 to Station 131+76.02, and shown as TE-133 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-134:** A portion of a parcel of land located at 1174-1178 State Street, Springfield, MA., supposed to be owned by Gerald R. Bourcier and Linda S. Bourcier, consisting of approximately 200 square feet, from Station 129+92.53 to Station 130+93.71, and shown as TE-134 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-135:** A portion of a parcel of land located at 1186-1188 State Street, Springfield, MA., supposed to be owned by American International College, consisting of approximately 35 square feet, from Station 130+93.71 to Station 131+93.72, and shown as TE-135 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-136:** A portion of a parcel of land located at 1192-1196 State Street, Springfield, MA., supposed to be owned by J & C Alliance, LLC., consisting of approximately 170 square feet, from Station 131+93.72 to Station 132+78.77, and shown as TE-136 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-137:** A portion of a parcel of land located at 1204 State Street, Springfield, MA., supposed to be owned by J & C Alliance, LLC, consisting of approximately 162 square feet, from Station 132+78.77 to Station 133+59.93, and shown as TE-137 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-138:** A portion of a parcel of land located at 1193 State Street, Springfield, MA., supposed to be owned by Pogman Realty, LLC, consisting of approximately 358 square feet, from Station 132+19.88 to Station 133+59.93, and shown as TE-138 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-140:** A portion of a parcel of land located at 1219 State Street, Springfield, MA., supposed to be owned by Esteban Vanegas and Maria Vanegas, consisting of approximately 642 square feet, from Station 134+80.48 to Station 136+35.09, and shown as TE-140 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-141:** A portion of a parcel of land located at 1250 State Street, Springfield, MA., supposed to be owned by City of Springfield (High School of Science and Technology), consisting of approximately 10232 square feet, from Station 136+56.93 to Station 141+77.91, and shown as TE-141 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-142:** A portion of a parcel of land located at 1300 State Street, Springfield, MA., supposed to be owned by City of Springfield (Roger L. Putnam Vocational Technical High School), consisting of approximately 8083 square feet, from Station 142+27.43 to Station 147+36.71, and shown as TE-142 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-144:** A portion of a parcel of land located at 1400 State Street, Springfield, MA., supposed to be owned by HCRI Massachusetts Properties Trust, consisting of approximately 8766 square feet, from Station 148+02.02 to Station 157+06.52, and shown as TE-144 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-149:** A portion of a parcel of land located at 1458-1460 State Street, Springfield, MA., supposed to be owned by Danilo Gonzalez, consisting of approximately 114 square feet, from Station 158+69.84 to Station 159+18.06, and shown as TE-149 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-152:** A portion of a parcel of land located at 1469 State Street, Springfield, MA., supposed to be owned by William S. Fisher, consisting of approximately 435 square feet, from Station 159+68.64 to Station 160+99.28, and shown as TE-152 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-154:** A portion of a parcel of land located at 1482-1490 State Street, Springfield, MA., supposed to be owned by Ridgewood Properties, Inc., consisting of approximately 340 square feet, from Station 161+20.91 to Station 162+21.84, and shown as TE-154 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-158:** A portion of a parcel of land located at N/S State Street, Springfield, MA., supposed to be owned by Ernest J. Roy, Jr. and Jean A. Roy, husband and wife, as joint tenants consisting of approximately 154 square feet, from Station 165+09.88 to Station 165+86.57, and shown as TE-158 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-161:** A portion of a parcel of land located at 1530-1534 State Street, Springfield, MA., supposed to be owned by Kevin Thompson, consisting of approximately 152 square feet, from Station 165+86.57 to Station 166+85.68, and shown as TE-161 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-163:** A portion of a parcel of land located at 1567 State Street, Springfield, MA., supposed to be owned by Patricia L. White, consisting of approximately 202 square feet, from Station 168+26.52 to Station 170+28.80, and shown as TE-163 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-170:** A portion of a parcel of land located at 1608 Main Street, Springfield, MA., supposed to be owned by Rodney O. Maye, consisting of approximately 505 square feet, from Station 172+63.97 to Station 175+11.56, and shown as TE-170 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-172:** A portion of a parcel of land located at 25-27 Elliot Street, Springfield, MA., supposed to be owned by Marjorie K. Fallon, consisting of approximately 116 square feet, from Station 207+20.40 to Station 207+79.05, and shown as TE-172 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-173:** A portion of a parcel of land located at 29-37 Elliot Street, Springfield, MA., supposed to be owned by Thomas F. Schoepfer, consisting of approximately 251 square feet, from Station 205+94.93 to Station 207+20.41, and shown as TE-173 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-182:** A portion of a parcel of land located at S/S Walnut Street, Springfield, MA., supposed to be owned by City of Springfield, consisting of approximately 2330 square feet, from Station 401+67.5 to Station 405+55.0, and shown as TE-182 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

**Parcel TE-186:** A portion of a parcel of land located at E/S Spring Street, Springfield, MA., supposed to be owned by The 300 State Street Realty LLP, consisting of approximately 166 square feet, from Station 311+99.00 to Station 312+81.93, and shown as TE-186 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Although said parcels are stated above as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

#### **AWARD OF DAMAGES**

It is ORDERED that the City of Springfield make the following awards for damages sustained by the owner/owners and all other persons including mortgagees of record having any

and all interest in the area or areas hereinbefore described in the taking of or injury to his/their/its property by reason of the permanent easements and temporary construction easements taken for construction of the State Street Corridor Project on State Street, Chestnut Street, Boston Road, Elliott Street, Spring Street, and Walnut Street, including any improvements, trees or shrubs:

**PERMANENT EASEMENTS**

PARCEL NO.	SUPPOSED OWNER	S.F. AREA +/-	AWARD OF DAMAGES
E-1	Related Springfield Associates, LLP	22	\$100.00
E-3	Colvest/State Street, LLC Easement E-3 is taken subject to a mortgage issued by Hampden Bank, recorded in the Hampden County Registry of Deeds on January 11, 2006 at Book 15628, Page 516; and a Collateral Assignment of Leases and Rents to Hampden Bank dated January 11, 2006 and recorded at Book 15628, Page 536.	145	\$1000.00
E-4	Lawrence Sales	1386	\$9700.00
E-5	756 State Street, LLC Easement E-5 is taken subject to a mortgage issued by the Bank of Western Massachusetts, recorded in Land Court as Document #161939, dated March 31, 2005; a Collateral Assignment of Leases and Rents to Bank of Western Massachusetts dated March 31, 2005 and recorded in Land Court as Document #161940; and the establishment of a building line shown on Plan 21508-A and rights set forth in a deed dated July 22, 2003 and recorded in Land Court as Document #151908.	73	\$400.00
E-7	American International College (donation)	9960	\$0.00
E-8	American International College (donation)	79	\$0.00
E-9	Gerald R. Bourcier and Linda S. Bourcier (donation)	20	\$0.00
E-10	City of Springfield/High School of Science and Technology	2088	\$0.00
E-11	City of Springfield/ High School of Science and Technology	2160.	\$0.00
E-12	City of Springfield/Putnam Vocational Tech. High School	4668	\$0.00
E-13	Roman Catholic Bishop of Springfield	283	\$1.00
E-14	HCRI Massachusetts Properties Trust (donation)	282	\$0.00
E-16	Esteban Vanegas and Maria Vanegas (donation)	68	\$0.00
E-17	Roman Catholic Bishop of Springfield	905	\$1.00
E-18	American International College (donation)	22	\$0.00

Such permanent easements are taken subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield, MA.

## TEMPORARY EASEMENTS

PARCEL NO.	SUPPOSED OWNER	S.F. AREA	AWARD OF DAMAGES
TE-1	Paul R. Salvage, Trustee of Courthouse Park Trust	207	\$300.00
TE-4	Gilbert Cohen and Andrew Cohen, Trustees of CIC Realty Trust	541	\$800.00
TE-7	C&W Real Estate Company, LLC	1103	\$1600.00
TE-14	Paul M. Kalill and Gerald Glasser	376	\$500.00
TE-16	Kon Shing Chan	50	\$100.00
TE-19	Related Springfield Associates, Limited Partnership	292	\$400.00
TE-21	Caserta Company, LLC	159	\$200.00
TE-27	Stately Temple, LLC	152	\$200.00
TE-30	Goodstate, LLC	1023	\$1500.00
TE-32	Francis J. Catalado and John M. Wallace, a/k/a J. Michael Wallace, General Partners of The 300 State Street Realty, LLP	523	\$700.00
TE-34	Francis J. Catalado and John M. Wallace, a/k/a J. Michael Wallace, General Partners of The 300 State Street Realty, LLP	276	\$400.00
TE-40	City of Springfield/High School of Commerce	1196	\$0.00
TE-41	Michael D. Wiggins	66	\$100.00
TE-42	John Nelen, Mary T. Napolitan and Frank C. Pernice, Trustees of Nelen Associates Realty Trust	331	\$500.00
TE-43	Chris Kozaczka	174	\$200.00
TE-46	Gina L. Bellucci	105	\$100.00
TE-50	Colvest/State Street, LLC	693	\$1000.00
TE-52	Sparkle Three Limited Partnership	650	\$900.00
TE-54	Colvest/State Street, LLC	629	\$1300.00
TE-59	Colvest/State Street, LLC	150	\$200.00
TE-60	Colvest/State Street, LLC	249	\$400.00
TE-61	Colvest/State Street, LLC	132	\$200.00
TE-62	Colvest/State Street, LLC	264	\$400.00
TE-68	Springfield Food System, Inc.	555	\$800.00
TE-70	BJL Properties, LLC	766	\$1100.00
TE-71	Ellen Smith-Bigelow	480	\$700.00
TE-74	Leemilt's Petroleum, Inc.	162	\$200.00
TE-78	Lawrence Sales	2462	\$4900.00
TE-79	Gulmohur 546 Sumner Corporation	499	\$700.00
TE-83	Muhammad's Mosque No. 13, Inc.	490	\$700.00
TE-87	756 State Street, LLC	682	\$1000.00
TE-89	C&C Springfield Realty, LLC	676	\$1000.00
TE-93	H and B Realty Corporation	413	\$600.00
TE-97	Indian Motorcycle Associates III Limited Partnership	595	\$800.00
TE-98	Brent Harding	405	\$600.00
TE-99	Brent Harding	521	\$700.00

PARCEL NO.	SUPPOSED OWNER	S.F. AREA	AWARD OF DAMAGES
TE-105	American International College (donation)	383	\$0.00
TE-106	American International College (donation)	365	\$0.00
TE-107	American International College (donation)	453	\$0.00
TE-109	American International College (donation)	1046	\$0.00
TE-110	American International College (donation)	1145	\$0.00
TE-111	American International College (donation)	892	\$0.00
TE-112	American International College (donation)	4383	\$0.00
TE-113	Gregory Vatrano	350	\$500.00
TE-114	American International College (donation)	361	\$0.00
TE-115	American International College (donation)	331	\$0.00
TE-116	American International College (donation)	1150	\$0.00
TE-117	Abraham Kaye, Bertha R. Kaye and Joseph Kaye, as Trustees of the Kaye Family Realty Trust	186	\$300.00
TE-118	American International College (donation)	1318	\$0.00
TE-120	Express Gas & Food Mart, LLC	709	\$1000.00
TE-122	Frank Ware, Jr.	84	\$100.00
TE-123	Rosetta Real Estate Trust	136	\$200.00
TE-124	Patricia L. White	350	\$500.00
TE-130	American International College (donation)	348	\$0.00
TE-131	American International College (donation)	301	\$0.00
TE-132	American International College (donation)	144	\$0.00
TE-133	Kenny H. Nguyen and Quang D. Nguyen	344	\$500.00
TE-134	Gerald R. Bourcier and Linda S. Bourcier (donation)	200	\$0.00
TE-135	American International College (donation)	35	\$0.00
TE-136	J & C Alliance, LLC.	170	\$200.00
TE-137	J & C Alliance, LLC	162	\$200.00
TE-138	Pogman Realty, LLC.	358	\$500.00
TE-140	Esteban Vanegas and Maria Vanegas (donation)	642	\$0.00
TE-141	City of Springfield/High School of Science & Technology	10232	\$0.00
TE-142	City of Springfield/Putnam Voc. Tech. High School	8083	\$0.00
TE-144	HCRI Massachusetts Properties Trust (donation)	8766	\$0.00
TE-149	Danilo Gonzalez	114	\$100.00
TE-152	William S. Fisher	435	\$500.00
TE-154	Ridgewood Properties, Inc.	340	\$500.00
TE-158	Ernest J. Roy, Jr. and Jean A. Roy	154	\$200.00
TE-161	Kevin Thompson	152	\$200.00
TE-163	Patricia L. White	202	\$300.00
TE-170	Rodney O. Maye	505	\$700.00
TE-172	Marjorie R. Fallon	116	\$100.00
TE-173	Thomas F. Schoeppfer	251	\$200.00
TE-182	City of Springfield, Walnut Street	2330	\$0.00
TE-186	The 300 State Street Realty, LLP	166	\$200.00

Such temporary construction easements are taken subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield, MA.

It is further ORDERED: that the City Treasurer be and is hereby authorized to pay said sums to the owners of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

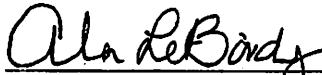
that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public highway by reason of laying out and construction of the project within the limits described herein;

that no assessments be levied;

that the City Clerk, in the name and on behalf of the Finance Control Board, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof, together with the aforementioned Layout Plans, in the Hampden County Registry of Deeds.

Approved by the Finance Control Board on August 11, 2006:



Alan LeBovidge, Chairman

Date signed: 8/11/06

Approved pursuant to Mass. Gen. Laws ch. 43, sec. 30:

\_\_\_\_\_  
Charles V. Ryan, Mayor

Date signed: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Thomas Trimarco  
Secretary of Administration and Finance  
Commonwealth of Massachusetts  
Date signed: \_\_\_\_\_



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#08-11-11

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Authorizing the City to Acquire Rights of Access or Easements Over Government-Owned Property for the State Street Corridor Project**

The Finance Control Board, acting pursuant to and in compliance with Sections 4(b) and 4(d)(14) of Chapter 169 of the Acts of 2004 (the "Act"), hereby authorizes the Mayor to take any and all steps necessary to negotiate and acquire temporary construction easements or other temporary rights of access, for a period of five (5) years, over the following properties owned by the United States government, and the Commonwealth of Massachusetts or agencies thereof, which are necessary for the construction of the State Street Corridor project.

- 1) Two (2) parcels owned by the Commonwealth of Massachusetts, described as follow:
  - a) Parcel TE-3: A portion of a parcel of land located at N/S State Street, referred to as 50 State Street, Springfield, MA. (Hampden County Courthouse), supposed to be owned by the Commonwealth of Massachusetts under the jurisdiction of the Commissioner of Capital Management and Maintenance, consisting of approximately 3504 square feet, from Station 10+50 to Station 15+30.28, and shown as TE-3 on plans entitled "CITY OF SPRINGFIELD DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY PLANS - STATE STREET, AUGUST 2006", on file with the Engineering Department of the City of Springfield Department of Public Works, 70 Tapley Street, Springfield, MA.;
  - b) Parcel TE-82: A portion of a parcel of land located at 732-736 State Street, Springfield, MA., supposed to be owned by the Commonwealth of Massachusetts, Department of Mental Health, consisting of approximately 110 square feet, from Station 83+86.60 to Station 84+96.95, and shown as TE-82 on plans entitled "CITY OF SPRINGFIELD DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY PLANS - STATE STREET, AUGUST 2006", on file with the Engineering Department of the City of Springfield Department of Public Works, 70 Tapley Street, Springfield, MA.;

2) One parcel owned by the United States, and overseen by the General Services Administration, described as follows:

Parcel TE-29: A portion of a parcel of land located on the North Side of State Street, Springfield, MA., and referred to as the site of the new United States Courthouse (currently under construction), supposed to be owned by the United States and overseen by the General Services Administration, consisting of approximately 445 square feet, from Station 36+00.81 to Station 38+11.78, and shown as TE-29 on plans entitled "CITY OF SPRINGFIELD DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY PLANS - STATE STREET, AUGUST 2006", on file with the Engineering Department of the City of Springfield Department of Public Works, 70 Tapley Street, Springfield, MA.

The Board hereby appropriates a sum not to exceed Five Thousand Dollars (\$5,000.00) for any and all costs associated herewith, from appropriation account no. # 2324-400-5383-06.

Approved by the Finance Control Board on August 11, 2006:



\_\_\_\_\_  
Alan LeBovidge, Chairman  
Date signed: 8/11/06

Approved:

\_\_\_\_\_  
Thomas Trimarco  
Secretary of Administration and Finance  
Commonwealth of Massachusetts  
Date signed: \_\_\_\_\_



# *The Commonwealth of Massachusetts*

## *Springfield Finance Control Board*

*436 Dwight St.*

*Springfield, MA 01103*

CHRIS GABRIELI  
CHAIRMAN

### MEETING AGENDA

**September 20, 2007**

**Room 220, City Hall**

**12:30 PM**

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	<u>Item</u>	<u>Start Time</u>
I.	Public Comment	12:30
II.	Approval of Minutes	1:00
III.	Vote on Recommendation for Putnam Project Architect	1:05
IV.	Acceptance of Park Grants	1:15
V.	Approval of Bills from Prior Year	1:20
VI.	Acceleration of Retirement Funding	1:30
VII.	Transfer to Police Overtime	1:40
VIII.	Eminent Domain Taking: White Street	1:55
IX.	Update: Study Retirement System	2:05
X.	New Business	
XI.	Adjournment to Executive Session	

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#09-20-03

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Authorizing the Selection of a Designer for the Roger L. Putnam Vocational Technical High School**

WHEREAS, following a public process to select a designer for the Roger L. Putnam Vocational Technical High School Project, the firm of Drummey Rosane Anderson, Inc., of 141 Herrick Road, Newton Centre, MA 02459-2218, was recommended by the Massachusetts School Building Authority Designer Selection Committee, and was approved by the City of Springfield School Building Commission;

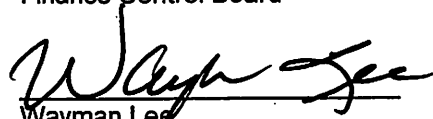
NOW THEREFORE, pursuant to its authority under sections 4(a), 4(b), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004 ("Act"), the Finance Control Board hereby:

- (1) approves the selection of Drummey Rosane Anderson, Inc. as the designer for the Roger L. Putnam Vocational Technical High School Project; and
- (2) authorizes the Executive Director or his designee/s to negotiate a fee for such services and a contract with the selected firm on behalf of the City of Springfield.

Executive Order approved this \_\_\_\_ day of September, 2007.



Christopher F. Gabrieli  
Chairman  
Finance Control Board



Wayman Lee  
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#09-20-04

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

---

**An Executive Order Accepting Grant Funds**

Pursuant to its authority under Sections 4(a), 4(b), 4(c), and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. General Law chapter 44, section 53A, the Finance Control Board hereby authorizes the Department of Parks, Buildings and Recreation Management to accept the grant funds listed below, to deposit the same with the City Treasurer, to be held as a separate account, and to expend the same for the purposes of the grants, without further appropriation:

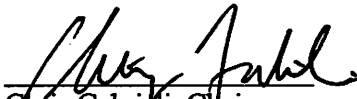
State Grant: Renovations of Treetop Park	\$500,000
State Grant: Renovations of Marshall Roy Park	\$441,000
State Grant: Renovations of Blunt Park	\$120,000

And further, the Finance Control Board authorizes the Department of Parks, Buildings and Recreation Management to accept the grant funds *anticipated to be received* from the Commonwealth's Urban Self-Help Program in October 2007, and to expend such funds for the purposes of the grants, provided, however, that no funds shall be expended under each grant until the grant funds are received.

State Grant: Renovations to DeBerry Playground	\$252,000
State Grant: Renovations to Johnny Appleseed Park	\$210,000

Such funds, when received, shall be deposited with the City Treasurer and held as a separate account.

Voted:

  
Chris Gabrieli, Chairman  
Springfield Finance Control Board

  
Wayne Lee  
City Clerk

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

#09-20-05

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

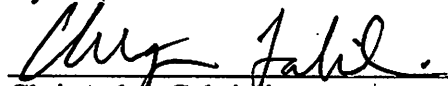
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**An Executive Order Accepting Authorizing Payment of Bills  
from Fiscal Year 2007**

Pursuant to its authority under Sections 4(a), 4(b), 4(c), and 4(d)(1) and 4(d)(20) of Chapter 169 of the Acts of 2004, and Massachusetts General Law chapter 44, section 64, the Finance Control Board hereby approves payment of the attached listing of unpaid bills from the previous fiscal year, with transfers made from the Fiscal Year 2008 budget to pay these unpaid bills as detailed in the attached listing.

Approved by a two-thirds majority of the Finance Control Board on the \_\_\_\_\_ day of September, 2007.

By its Chairman:

  
Christopher Gabrieli  
Date signed: 9/20/07

  
Wayman Lee  
Clerk of the Board

Department	Invoice Date	Vendor Name	Amount	From:		To:	
				Org	Object	Org	Object
Election Commission	09/20/06	Office Equipment Lease	784.87	01162	524600	01162	599999
Police	06/06/07	K9 - Animal Care	229.42	01213110	531100	01210	599999
Police	01/09/07	Vehicle Supples	29.00	01211710	548100	01210	599999
Personnel	05/31/07	Payroll Consulting Services	48,370.25	0115200	530105	01152	599999
Personnel	05/14/07	Legal Services	14,229.70	0115200	530105	01152	599999
Treasurers	06/01/07	Legal Services	38,656.49	01145	530105	01145	599999

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#09-20-06

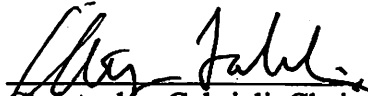
**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

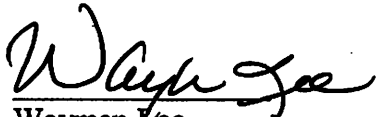
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#### **An Executive Order Modifying the Funding Schedule for the City of Springfield Retirement System**

Pursuant to its authority under Sections 4(a), 4(b), 4(c), 4(d)(2), 4(d)(5), 4(d)(15), and 4(d)(20), the Springfield Finance Control Board hereby orders that the funding schedule for the City of Springfield retirement system be modified from a monthly release of 1/12<sup>th</sup> of appropriated funds, to a single release of 100% of all appropriated funds on July 1 of each fiscal year beginning with Fiscal Year 2009. For Fiscal Year 2008, the City shall release the balance of the appropriation for the fiscal year on November 1, 2007 or sooner if permitted by the City's cash position.

Executive Order approved by the Finance Control Board on September 20, 2007:

  
Christopher Gabrieli, Chairman  
Springfield Finance Control Board

  
Wayman Lee,  
Clerk of the Board



**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**CONTINUING APPROPRIATIONS ORDER**

#09-20-07

This Continuing Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

**Appropriation Transfer Order**

**Date of Vote: September 20, 2007**

ORDERED:

From:

Special Revenue (Arbitrage Review and Settlement )

2994-10-135-0000-0000-0010-000000-0000000-59000

\$1,000,000

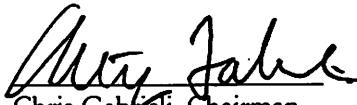
To:

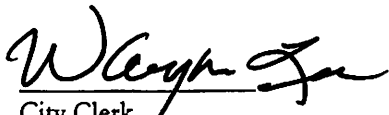
Police Overtime

0100-20-210-2130-2131-9990-000000-0000000-506022

\$1,000,000

Voted:

  
Chris Gabrieli, Chairman  
Springfield Finance Control Board

  
Wayne Lee  
City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#9-20-08A

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Appropriating Funds for the Eminent Domain Taking of Land for Municipal Purposes**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. Gen. Laws Chapter 43, Section 30, and Mass. Gen. Laws Chapter 79, Section 1, the Finance Control Board hereby appropriates the sum of Two-Hundred Eighty Thousand and 00/100 Dollars (\$280,000.00) as damages for the anticipated eminent domain taking of a fee simple interest in two parcels of land at 382-384 White Street (Street 12220, Parcel 0075), and South Side White Street (Street 12220, Parcel 0078), in Springfield, MA., totaling approximately 0.42 acres, for municipal purposes, from the proceeds of the City's January 26, 2007 bond issuance.

Approved by a two-thirds vote of the Finance Control Board September 20, 2007:

  
\_\_\_\_\_  
Christopher Gabrieli, Chairman  
Finance Control Board

  
\_\_\_\_\_  
Wayman Lee  
Clerk of the Board

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#9-20-08B

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

### **An Executive Order Authorizing the Eminent Domain Taking Of Land for Municipal Purposes**

#### **ORDER OF TAKING**

The Finance Control Board, acting pursuant to Sections 4(a), 4(b) and 4(d)(14) of Chapter 169 of the Acts of 2004 (the "Act"), and exercising the authority of the City Council as provided for in Section 4(d)(20) of the Act, and pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, Section 1, upon the request of the Springfield Fire Department, does hereby take by eminent domain in the name and on behalf of the said City of Springfield, in fee simple, two (2) parcels of land in Springfield, MA., referred to as 382-384 White Street (Street 12220, Parcel 0075), consisting of approximately 0.20 acres, and South Side White Street (Street 12220, Parcel 0078), consisting of approximately 0.22 acres, which are more particularly described as Parcels I and II on Exhibit A which is attached hereto and incorporated herein by reference, for municipal purposes.

The parcels to be taken were conveyed to the current owner, MEB Associates, LLC, by deeds recorded in the Hampden County Registry of Deeds at Book 10104, Page 093 (382-384 White Street), and Book 10830, Page 139 - Seventh Parcel (South Side White Street).

An appropriation of money has been duly made for this purpose by an Executive Order approved by the Finance Control Board.

Such land is taken together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and buildings and improvements affixed to said land, excepting easements, rights, and interests specifically reserved herein,

It is ORDERED, that the parcels of land described herein and in Exhibit A attached hereto are taken by eminent domain, for municipal purposes, pursuant to and by virtue of Sections 4(a), 4(b), 4(d)(14), and 4(d)(20) of Chapter 169 of the Acts of 2004, Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, Section 1; including any buildings, improvements, trees and shrubs located thereon.

Although said parcels are stated below as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

**AWARD OF DAMAGES**

It is ORDERED that the City of Springfield makes the following award for damages sustained by the owner and all other persons, including mortgagees of record, having any and all interest in the area or areas hereinbefore described in the taking of their property by reason of the taking:

<u>OWNER:</u>	<u>PARCEL</u>	<u>AMAGE AWARD:</u>
MEB Associates Inc.	382-284 White Street	\$160,000.00
MEB Associates Inc.	South Side White Street	<u>\$120,000.00</u>
	TOTAL AWARD:	\$280,000.00

It is further ORDERED:

that the City Treasurer be and is hereby authorized to pay said sum to the owner of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

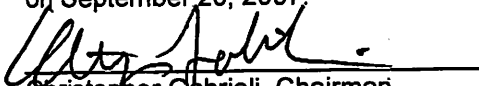
that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation as a result of this taking;

that no assessments be levied;

that the City Clerk, in the name and on behalf of the Finance Control Board, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

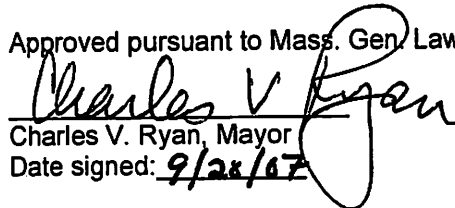
that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof in the Hampden County Registry of Deeds.

Approved by the Finance Control Board  
on September 20, 2007:

  
\_\_\_\_\_  
Christopher Gabrieli, Chairman  
Date signed: 9/20/07

  
\_\_\_\_\_  
Wayman Lee  
Clerk of the Board

Approved pursuant to Mass. Gen. Laws ch. 43, sec. 30:

  
\_\_\_\_\_  
Charles V. Ryan, Mayor  
Date signed: 9/20/07

Approved:

\_\_\_\_\_  
Secretary for Administration and Finance  
Commonwealth of Massachusetts  
Date signed: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-20-01

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

**An Executive Order Accepting Chapter 90 Supplemental Funding for the City of Springfield.**

Pursuant to its authority under section 4 of Chapter 169 of the Acts of 2004, the Control Board hereby accepts Chapter 90 supplemental funds in the amount of \$1,001,296.00 for the purposes of maintaining and upgrading the City of Springfield roadway systems as follows:

1. Residential Street Paving

Approved by a vote of the Finance Control Board at its meeting held on October 20, 2006.

Voted:

  
Alan LeBovidge

  
City Clerk

A True Copy

Attest:  City Clerk

PROPOSED PAVING LIST (2007)

updated 10/03/2006

RESIDENTIAL PUBLIC WAYS

Bowdoin St - St. James to Worthington  
Ballard St - Ashland to Birchland.  
Barber St - Boston Rd to Royal  
Maebeth St - Wilbraham Rd to Sunrise  
Finch Rd - Kathleen St to Starling  
Ferncliff near Wilbraham Rd  
Balboa and Talbot  
Blanche St - Sunny brook to Ravenwood  
Westminster - Bay to State  
Bowles - Bay to the end  
East Allen Ridge Rd - Allen to East Allen Ridge-private  
Leyfred Terr - Belmont to Dickinson  
Darwell - Leyfred to Locust  
Sachem - Dickinson to end  
Euclid - Belmont to Dickinson  
Glendale Terr - Horacre to Euclid  
Carnarvon - Alden to Roosevelt  
Havard St - Yale to Cornell  
Clarendon St - Bay to Worthington  
Wallace St - Wisteria to Boston Rd  
Phillips St - Wisteria to Boston Rd  
Albee - Pennfield to Pencastle  
Pennfield - Tinkham to ?  
Cooper St - Hartwick to Mayfield  
Pearl St. - Federal to Spring  
Ashland Ave. - Wilbraham Rd to Ballard St  
Pinevale St - Main St. I.O. to Goodwin  
Lyons St. - North of Main St  
Shamrock St.  
Sylvan St - Belmont to Fountain  
Demond St  
Carew St - ST. James to Chicopee town line  
Westford Circle - Norfolk to Northampton  
Macomber St - Around venture pond  
Hunt St - West of Randall Place  
Mary St - Island Pond to Arcadia St

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#10-20-02

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*  
=====

Recognizing the need to revitalize the riverfront and improve its physical appearance and condition, care and stewardship, the Control Board pursuant to its authority under Chapter 169 of the Acts of 2004, hereby, upon recommendation of the Mayor, establishes a Riverfront Revolving Fund under M.G.L. c. 44, sec. 53E1/2 for Fiscal Year 2007 to be expended under the direction of the Parks and Recreation Department Director or his designee for the purposes of the restoration, maintenance and other capital improvements to the riverfront and to support related operations, as determined appropriate by the Director of Parks and Recreation.

With the approval of the Parks and Recreation Director, all departmental receipts received during Fiscal Year 2007 for lease payments and other receipts arising from the operation of the riverfront, exclusive of receipts derived from the operation of the Basketball Hall of Fame, shall be credited to the Riverfront Revolving Fund. Expenditures from this Fund may not exceed the balance of the fund at the time of expenditure and shall not exceed \$200,000 for Fiscal Year 2007.

Approved by vote of the Springfield Finance Control Board at its meeting held on October 20, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#10-20-03

This Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

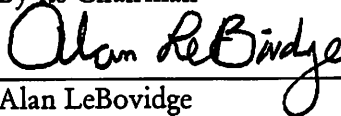
The Control Board pursuant to its authority under Chapter 169 of the Acts of 2004, and pursuant to the provisions of Massachusetts General Law Chapter 44, section 53 E1/2 hereby, upon recommendation of the Mayor, establishes the Department of Parks, Buildings and Recreation Management Revolving Fund ("Fund") which shall be expended under the direction of the Parks and Recreation Department Director or his designee for the purposes of making improvements to park properties.

The Fund shall be credited with user and permit fee revenue received by the Department of Parks, Buildings and Recreation Management which is associated with the use of said park properties.

Expenditures from this Fund may not exceed the balance of the fund at the time of expenditure and shall not exceed \$300,000 during Fiscal Year 2007.

Approved by vote of the Springfield Finance Control Board at its meeting held on October 20, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk



COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-20-04

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

GENERAL FUND

ORDERED:

Date of Vote: October 20, 2006

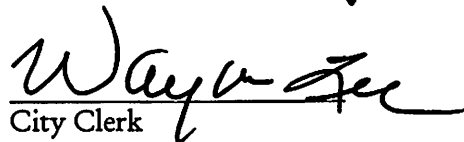
That the Control Board appropriates as follows, upon recommendation of the Mayor:

FROM Certified Free Cash in the amount of \$181,000

TO Parks, Buildings and Recreation Management Revolving Fund in the amount of \$181,000

Voted, by majority:

  
Alan LeBovidge Chairman, Control Board

  
City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

# 09-11-01

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

#### **An Executive Order delegating certain powers of the Finance Control Board to its Executive Director**

Pursuant to its authority under section 4d (1) of Chapter 169 of the acts of 2004, the Finance Control Board authorizes the Executive Director the authority to amend the FY 2007 annual or supplemental budgets of the city and the school committee, including the increase or decrease of any appropriations, and spending authority for all departments, boards, committees, agencies or other units of the city and the school committee, but, notwithstanding section 34 of Chapter 71 of the General Laws, this order shall fully apply to the school department and all school spending purposes.

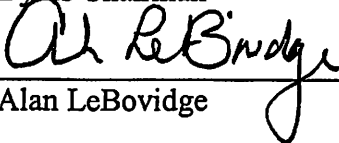
For FY07, the Board delegates to the Executive Director the authority to sign contracts up to a value of \$250,000 on behalf of the Finance Control Board.

Further, the Board delegates to the Executive Director the authority to alter compensation within the approved FY 07 budget.

The Executive Director shall notify the Board of all actions taken pursuant to the authority delegated by this Order.

Approved by a vote of the Springfield Finance Control at its meeting held on September 11, 2006.

By its Chairman

  
Alan LeBovidge

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

CONTINUING APPROPRIATIONS ORDER

#06-27-03A

This Continuing Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

**Continuing Appropriations Order**

**Date of Vote: June 27, 2006**

GENERAL FUND

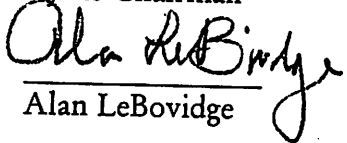
ORDERED:


Continuing appropriation in the amount of \$ 5,000,000 for the purpose of:

School text books	\$ 2,000,000
Police cruisers	\$ 2,000,000
Dangerous tree removal	\$ 1,000,000

Approved by vote of Springfield Finance Control Board at its meeting held on June 27, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#06-27-03B

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====
ORDERED: That from the sum of \$3,180,753 transferred in September of 2004 to capital projects undesignated, the following shall be appropriated for purposes as identified below:

Table with 3 columns: Fund (3141-300-5800-07), Description (School Capital Projects), Amount (\$3,180,753)

The total amount transferred totaling: \$3,180,753

Approved by vote of Springfield Finance Control Board at its meeting held on June 27, 2006.

By its Chairman

[Signature of Alan LeBovidge]
Alan LeBovidge

[Signature of Wayne Lee]
City Clerk

A true copy

Attest: [Signature of Wayne Lee] City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### CONTINUING APPROPRIATIONS ORDER

#06-27-05

That pursuant to the requirements of sections 53A and 53E ½ of Chapter 44 of Massachusetts General Laws, the following revolving funds shall be reauthorized for the fiscal period July 1, 2006 through June 30, 2007, provided that expenditures shall not be made or liabilities incurred for any revolving fund in excess of the balance of said fund, nor in excess of the total authorized expenditures of said fund.

=====

#### Appropriations Order

**Date of Vote: June 27, 2006**

#### REVOLVING FUND

#### ORDERED:

#### Annual Appropriation

#### Handicapped Parking (2402-520-5200-05)

Program/Purpose:	Administrative expenses of the Disability Commission, handicapped access improvements and educational materials
Receipts Credited:	Handicapped Parking Violation Fines
Authorized to Expend:	Director of Health and Human Services
Limitation:	not to exceed \$250,000

#### Mattoon Street Parking (2408-164-5200-93)

Program/Purpose:	Parking violation enforcement
Receipts Credited:	Certain Parking Placard Fees
Authorized to Expend:	Treasurer/Collector
Limitation:	not to exceed \$100,000

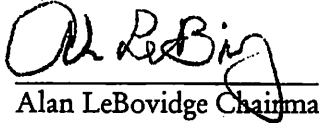
#### Blight Removal (2409-241-5200-05)

Program/Purpose:	Funding building demolition, enforcement, and related blight removal activities of all City Departments.
Receipts Credited:	Liens and Direct Appropriations
Authorized to Expend:	Chief Development Officer
Limitation:	not to exceed \$1,300,000

Park - Banquet Facilities (2413-650-5200-06)

Program/Purpose: Operation of Barney Carraige House, King Phillip's Stockade, and  
Camp Wilder  
Receipts Credited: Rental and User Fees  
Authorized to Expend: Director of Parks, Busindlings and Recreation  
Limitation: not to exceed \$100,000


Voted:



Alan LeBovidge Chairman, Control Board

  
City Clerk

A true copy

Attest:  City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### APPROPRIATIONS ORDER

#06-27-06A

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

Date of Vote: June 27, 2006

GENERAL FUND

ORDERED:

That to meet the expenses of the City of Springfield, including the School Department, for the fiscal year commencing July 1, 2006, and ending June 30, 2007, General Fund Appropriations in the amount of \$ 486,545,473 as itemized on the attached Schedule of Appropriations, are hereby voted from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32, Massachusetts General Law Chapter 59 section 23 and the recommendations of the Mayor and the Executive Director of the Control Board.

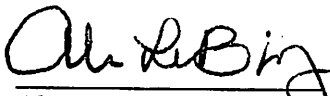
SOURCES

Estimated FY 2006 General Fund Revenue	\$ 476,818,973
Overlay Surplus	\$ 6,000,000
Free Cash	\$ 3,726,500
<u>TOTAL</u>	<u>\$ 486,545,473</u>

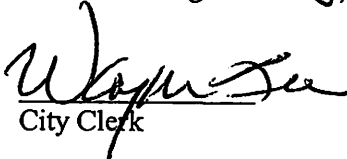
USES

<u>Total General Fund Financing</u>	<u>\$ 486,545,473</u>
<u>TOTAL</u>	<u>\$ 486,545,473</u>

Voted:



Alan LeBovidge Chairman, Control Board



Wayne Lee  
City Clerk

A true copy

Attest:  City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#06-27-06B

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

=====

Budget Appropriations Order

July 1, 2006 to June 30, 2007

Date of Vote: June 27, 2006

GENERAL FUND

ORDERED:

That to meet the expenses of the City of Springfield, for the fiscal year commencing July 1, 2006, and ending June 30, 2007, Parking Fund Appropriations in the amount of \$ 728,360 as itemized on the attached Schedule of Appropriations, are hereby voted from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32 and the recommendations of the Mayor and the Executive Director of the Control Board.

Estimated FY 2007 Parking Fund Revenue	\$ 728,360
Total Parking Fund Financing	\$ 728,360

Voted:

Alan LeBovidge Chairman, Control Board

  
City Clerk

A true copy

Attest: City Clerk



**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**APPROPRIATIONS ORDER**

#06-27-07

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

Date of Vote: June 27, 2006


That the Control Board appropriates as follows, pursuant to Massachusetts General Law Chapter 40, Section 5:

FROM Certified Free Cash, in the amount of \$3,071,333

TO Stabilization Reserve Fund (Capital) in the amount of \$3,071,333

Voted, by two-thirds majority:

  
Alan LeBovidge Chairman, Control Board

  
City Clerk

A true copy

Attest:  City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

CONTINUING APPROPRIATIONS ORDER

#06-27-10

This Continuing Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

**Continuing Appropriations Order**

**Date of Vote: June 27, 2006**

GENERAL FUND

ORDERED:

Continuing appropriation in the amount of \$ 850,000 for the purpose of:

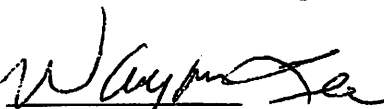
Purchase of Our Lady of Hope Land \$ 850,000

0100-925-5800-06-0000-00

Approved by vote of Springfield Finance Control Board at its meeting held on June 27, 2006.

  
Alan LeBovidge Chairman, Control Board

A true copy

  
City Clerk

Attest:  City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD*  
*FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#06-27-08

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

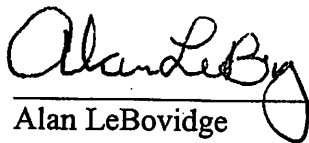
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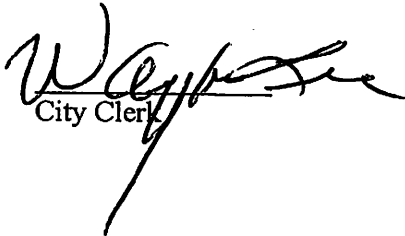
**An Executive Order establishing and funding a Capital Plan for the City of Springfield**

Pursuant to its authority under section 4(d)(3) and 4(d)(20) of chapter 169 of the Acts of 2004, the Control Board hereby delegates to the Executive Director of the Finance Control Board the power to authorize the Chief Financial Officer of the City of Springfield to coordinate the development of the City of Springfield's Capital Plan and associated financing for the issuance of debt for the City Springfield.

Approved by vote of the Springfield Finance Control Board at its meeting held on June 27, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD*  
*FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#06-27-09

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

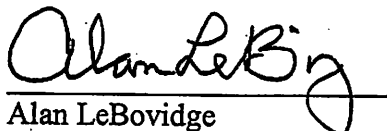
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**An Executive Order authorizing the Executive Director to negotiate and enter into a Community Services Agreement**

Pursuant to its authority under chapter 169 of the Acts of 2004, the Control Board hereby delegates to the Executive Director of the Finance Control Board the power to negotiate and enter into a Community Services Agreement with Baystate Health which is substantially similar to the document attached hereto and included herein, "Attachment A".

Approved by vote of the Springfield Finance Control Board at its meeting held on June 27, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

# Attachment A

## DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY

This AGREEMENT is made this \_\_\_\_\_ day of June, 2006, by and among BAYSTATE MEDICAL CENTER, INC. ("Baystate"), a Massachusetts nonprofit charitable corporation whose address is 759 Chestnut Street, Springfield, Massachusetts, 01199, and the CITY OF SPRINGFIELD (the "City"), a municipal corporation of the Commonwealth of Massachusetts, acting by and through its Mayor, whose mailing address is City Hall, 36 Court Street, Springfield, Massachusetts 01103, with the approval of the SPRINGFIELD FINANCE CONTROL BOARD (the "FCB"), an agency of the Commonwealth of Massachusetts, established by Chapter 169 of the Acts of 2004, whose mailing address is 436 Dwight Street, Room 300, Springfield, Massachusetts 01103.

WHEREAS, Baystate is a nonprofit charitable corporation formed under Chapter 180 of the General Laws of the Commonwealth of Massachusetts, as amended, qualifying as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

WHEREAS, Baystate's corporate purpose includes, but is not limited to, the provision of medical and health care for people residing in the Western Massachusetts area, the establishment and maintenance of a hospital for the care of persons who must be hospitalized and who are seen on an ambulatory basis at one of the corporation's facilities, the education of physicians and allied professionals in the medical arts and sciences, and the encouragement and carrying on of medical and other types of research and the participation in activities designed and carried on to provide and improve the general public health of the communities served by the corporation.

WHEREAS, Baystate's proven commitment to improve the general public health and welfare of the City and the surrounding communities in Western Massachusetts has

**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

resulted in, and will continue to result in, substantial social and economic benefits to the City.

WHEREAS, real and personal property owned by Baystate and used for charitable purposes is exempt from local taxation pursuant to Chapter 59, § 5, Clause Third of the Massachusetts General Laws.

WHEREAS, Baystate has acquired and developed, and may in the future acquire and develop, substantial parcels of real property in the City to be used for charitable purposes.

WHEREAS, Baystate receives the benefit of services provided by the City, including, but not limited to, fire and police protection.

WHEREAS, in 2004, the Massachusetts General Court found that the City faced a financial crisis, which posed an imminent danger to the safety of the citizens of the City and their property.

WHEREAS, the FCB was created by an Act of the Massachusetts General Court, Chapter 169 of the Acts of 2004, in order to assure a comprehensive long-term solution to the City's financial problems.

WHEREAS, in light of the City's financial crisis, Baystate wishes to assist the City through the payment of voluntary contributions (hereinafter "contribution(s)") to the City, which contributions are consistent with Baystate's corporate purpose as set forth in Baystate's articles of organization or any amendments thereto.

NOW THEREFORE, the City, with the approval of the FCB, and Baystate agree as follows:

**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

1. The City acknowledges that Baystate is a Massachusetts nonprofit charitable corporation, and that real and personal property owned by Baystate and used for charitable purposes in furtherance of its corporate purposes is exempt from local taxation.
2. Commencing in the City's Fiscal Year 2007 and for a period of four (4) years thereafter, Baystate shall make an annual contribution to the City. The contribution for the City's Fiscal Year 2007 shall be in the amount of Five Hundred Thousand Dollars (\$500,000.00) and shall be made in two equal installments on or before November 1, 2006, and on or before May 1, 2007. In each subsequent fiscal year for four (4) years thereafter, the amount of Baystate's annual contribution shall be increased by an amount equal to two and one-half percent (2.5%) of the previous fiscal year's contribution and shall be made in two equal installments on or before November 1 and on or before May 1 of each fiscal year. The foregoing notwithstanding, Baystate may, at its option, defer the payment of any contribution to be made pursuant to this paragraph, for the City's next following fiscal year, if Baystate's fiscal year end publicly available audited financial report indicates negative net income. In the event that Baystate defers, until the City's next following fiscal year, any contribution to the City pursuant to this paragraph, the term of this Agreement shall be extended by one year for each such deferral.
3. The contributions described in paragraph 2 of this Agreement shall be made by Baystate to the Treasurer/Collector for the City.
4. If any change shall occur in the provisions of the Massachusetts General Laws, the Internal Revenue Code, or in the regulations promulgated under either the Massachusetts General Laws or the Internal Revenue Code, or for any other reason, so as

**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

to eliminate, in whole or in part, Baystate's charitable or tax-exempt status or to require Baystate to make payments to the City, including, but not limited to, assessments, taxes, payments in lieu of taxation, or fees, then the obligations of the parties pursuant to this Agreement shall terminate on the day such change becomes effective. The City, acknowledges that, based upon present law, Baystate is a nonprofit charitable organization exempt from taxation pursuant to Chapter 59, § 5, Clause Third of the Massachusetts General Laws and is not required to make the contributions set forth herein and, in consideration of such contributions, agrees, however, that it shall credit against the first tax assessment, however characterized, made to Baystate, Baystate's then most recent contribution made under this Agreement.

5. The contributions received by the City pursuant to paragraph 2 of this Agreement shall be used by the City, pursuant to the direction and control of the FCB or its successor with executive authority over the City, by whatever name, should the FCB cease to exist, to fund expenses incurred by the City for the provision, preservation, or promotion of, the public health, for the purchase of health-related supplies or equipment for public health purposes, and/or for any other purpose consistent with Baystate's corporate purpose as set forth in Baystate's articles of organization, or any amendments thereto, as may be approved by Baystate. In no event shall the contributions received by the City pursuant to paragraph 2 of this Agreement be used for any purpose that is inconsistent with Baystate's corporate purpose as set forth in Baystate's articles of organization or any amendments thereto, or for any purpose which would have the effect of depriving Baystate of any exemption from state or federal taxation under the Massachusetts General Laws and/or the Internal Revenue Code.



**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

6. Prior to July 1, 2006, the City, by and through its Chief Financial Officer, or his or her designee, shall report to Baystate regarding the City's intended use and expenditure of the contributions to be made to the City pursuant to paragraph 2 of this Agreement for the City's Fiscal Year 2007. For each subsequent fiscal year in which contributions are to be made to the City pursuant to paragraph 2 of this Agreement, the City, by and through its Chief Financial Officer, or his or her designee, shall report to Baystate each year, on or before July 1, in accordance with the budget schedule of the City, regarding the intended use and expenditure of the contributions to be made under this Agreement, as well as the City's actual expenditures of the contributions made under this Agreement for any prior fiscal year.

7. If Baystate determines that the contributions received by the City pursuant to paragraph 2 of this Agreement are being used for any purpose that is inconsistent with Baystate's corporate purpose as set forth in Baystate's articles of organization or any amendments thereto, or for any purpose which would have the effect of depriving Baystate of any exemption from state or federal taxation or reducing or eliminating any payments to, or reimbursements claimed by, Baystate for its participation in, or for services provided under, any State or Federal program or contract, then Baystate may terminate this Agreement, upon thirty (30) days notice to the City. Such notice shall specifically identify the expenditure(s) that Baystate deems to be improper, as defined herein. The City, however, shall have the right, during the thirty (30) day notice period, to cure any such improper expenditure so identified in Baystate's thirty (30) day notice of termination. If during the thirty (30) day notice period the City cures, to Baystate's

**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

satisfaction, the expenditure(s) Baystate identified as improper in its thirty (30) day notice of termination, this Agreement shall remain in effect pursuant to its terms.

8. In consideration of the contributions made by Baystate to the City pursuant to this Agreement, the City agrees that, while this Agreement is in effect, the City shall forebear and will not seek any other contributions or payments in lieu of taxes from Baystate for any other purpose. Nothing in this Agreement, however, shall preclude the City and Baystate from partnering on any other project or program. In particular, Baystate will continue to be an active community member, and will continue to participate with the City in the revitalization of the Brightwood and Memorial Square neighborhoods in the City.

9. The City and Baystate shall abide by the provisions of Chapter 59 of the Massachusetts General Laws in all matters concerning the exemption from local taxation real and personal property owned by Baystate and used for charitable purposes.

10. The City recognizes the positive community, economic, and health and general welfare benefits that have resulted and will continue to result from Baystate's development of properties within the City. Accordingly, the City expects to cooperate with, and assist Baystate in, Baystate's development of properties within the City to be used for charitable purposes consistent with Baystate's corporate purpose as set forth in Baystate's articles of organization or any amendments thereto and for the general welfare of the community. Such cooperation and assistance may include expediting any and all permitting processes.

11. Should the Massachusetts General Court consider any change to the Massachusetts General Laws, or should there be any change proposed in the regulations

**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

promulgated thereunder, which change would require Baystate to make payments to the City, including, but not limited to assessments, taxes, payments in lieu of taxation, or fees, nothing in this Agreement shall be construed to prohibit Baystate or the City from advocating vigorously that Baystate should be excluded or exempted from such requirement while this Agreement is in effect.

12. The parties shall, at the conclusion of this Agreement, review their relationship in the light of then existing circumstances.

13. All notices, including communications, statements, and reports that are required or permitted under the terms of this Agreement, shall be in writing.

14. Service of a notice may be accomplished by personal service or registered or certified mail. If a notice is sent by registered or certified mail, it shall be deemed served on the fifth day (excluding Saturdays, Sundays, and legal holidays in the Commonwealth of Massachusetts) after deposit in the United States mail, postage prepaid, except as otherwise demonstrated by a signed receipt. If a notice is served by personal service, it shall be deemed served upon the date of actual delivery to the address of the party to be notified.

15. Notices may be sent to the parties at the following addresses:

If to Baystate: Baystate Medical Center, Inc.  
759 Chestnut Street  
Springfield, MA 01119  
Attention: President and CEO

If to the City: City of Springfield  
City Hall  
36 Court Street  
Springfield, MA 01103  
Attention: Mayor

With notice to: Chief Financial Officer

**DRAFT (06/20/06) – FOR DISCUSSION PURPOSES ONLY**

City of Springfield  
City Hall  
36 Court Street  
Springfield, MA 01103

Or to such other individual or address as shall be notified to the other parties.

16. The provisions of this Agreement shall be binding and inure to the benefit of the parties hereto and their respective legal representatives, successors in office or interests, and assigns and may be amended only by an agreement in writing duly executed by the parties hereto or their successors.

EXECUTED as a sealed instrument the day and year first written.

CITY OF SPRINGFIELD

By:

\_\_\_\_\_  
Charles Ryan, Mayor

With approval of:

\_\_\_\_\_  
Alan LeBovidge, Chair, Springfield  
Finance Control Board

BAYSTATE MEDICAL CENTER, INC.

By:

\_\_\_\_\_  
Mark R. Tolosky, President and  
CEO

#380049

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#06-27-10

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Authorizing the Purchase of Property**

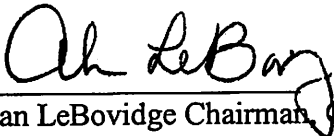
Pursuant to its authority under sections 4(b), 4(c), and 4(d)(14) of Chapter 169 of the Acts of 2004, the Finance Control Board ("Board"), acting at the request of the Superintendent of Schools, hereby grants to the Mayor the authority to take all steps necessary to acquire on behalf of the City certain property owned by the Roman Catholic Bishop of Springfield ("Grantor") located at 34 Nye Street, Springfield, MA., as more particularly described in Exhibit A, for consideration of Eight-Hundred Fifty Thousand and 00/100 Dollars (\$850,000.00), for municipal purposes.

The Board hereby appropriates the sum of \$850,000.00 for the purchase of the Our Lady of Hope Convent and property located at 34 Nye Street in Springfield, MA., from Account Number 0100-925-5800-06-0000-00.


The Mayor is further authorized to pay the above-referenced consideration to the Grantor, and to accept a deed in substantially the same form as the draft deed attached hereto as Exhibit B.

The Board hereby transfers care, custody, management and control of said property, once acquired, to the School Department, to be used for school purposes.

Voted:



Alan LeBovidge Chairman, Control Board

  
City Clerk

52707

**EXHIBIT 'A'**

Parcel 1 as shown on a plan entitled "Plan of Land in Springfield, Massachusetts surveyed For The Roman Catholic Bishop of Springfield dated June 19, 2006 recorded in Book of Plans 342, Page 10 of the Hampden County Registry of Deeds to which plan reference is made for a more complete and accurate description.

Being a portion of the premises conveyed to the Grantor herein by deeds recorded in the Hampden County Registry of Deeds, Book 1310, Page 585, and Book 2882, Page 484.

Exhibit 'B'

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that THE ROMAN CATHOLIC BISHOP OF SPRINGFIELD, A CORPORATION SOLE, established under Chapter 368 of the Acts of 1898 of the General Court of the Commonwealth of Massachusetts, with offices at 76 Elliot Street, Springfield, Massachusetts 01103

for consideration paid, and in full consideration of Eight Hundred Fifty Thousand and no/100THS (\$850,000.00) DOLLARS

GRANTS TO The City of Springfield, a Municipal Corporation with offices at City Hall, 36 Court Street, Springfield, Massachusetts 01103

with Quitclaim Covenants

The land in Springfield, Hampden County, Massachusetts, more particularly described in Exhibit "A" attached hereto and made a part hereof.

Subject to a restriction providing that "In no event may the Grantee allow the premises be put to any use that is inconsistent with the teachings of the Roman Catholic Church as determined in the sole discretion of the Roman Catholic Bishop of Springfield. The Grantee's use of the premises for municipal purposes, including its use as a public school shall be exempt from this restriction. In the event this restriction or the application of this restriction to any person or circumstances is declared invalid or unenforceable by a Court of competent jurisdiction, this conveyance shall remain unaffected with neither the Grantor nor the successors and assigns of the Grantor having the right of rescission, revocation or reversion and title to the property shall pas to future grantees free of this restriction."

In witness whereof, the said ROMAN CATHOLIC BISHOP OF SPRINGFIELD, A CORPORATION SOLE, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by The Most Reverend Timothy Anthony McDonnell, D.D., BISHOP OF SPRINGFIELD this 22<sup>nd</sup> day of June, 2006.

THE ROMAN CATHOLIC BISHOP OF  
SPRINGFIELD, A CORPORATION SOLE



BY: The Most Reverend Timothy  
Anthony McDonnell, D.D.,  
Bishop of Springfield

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

June 22, 2006

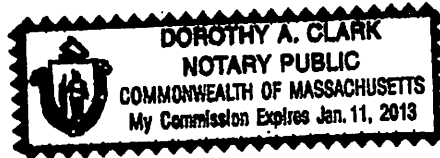
On this 22nd day of June, 2006 before me, the undersigned notary public, personally appeared the above-named The Most Reverend Timothy Anthony McDonnell, D.D., Bishop of Springfield proved to me through satisfactory evidence of identification, consisting of a valid driver's license, to be the person whose name is signed on the preceding or attached document and acknowledged that he signed it voluntarily for its stated purposes as THE ROMAN CATHOLIC BISHOP OF SPRINGFIELD, A CORPORATION SOLE, before me.

*Dorothy A. Clark*

Notary Public

My Commission Expires:

*Jan. 11, 2013*





COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

CONTINUING APPROPRIATIONS ORDER

#06-27-10

This Continuing Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

**Continuing Appropriations Order**

**Date of Vote: June 27, 2006**

GENERAL FUND

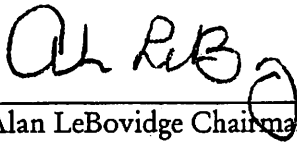
ORDERED:

Continuing appropriation in the amount of \$ 850,000 for the purpose of:

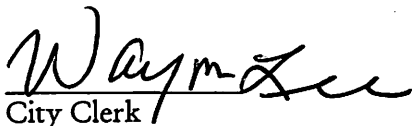
Purchase of Our Lady of Hope Land \$ 850,000

0100-925-5800-06-0000-00

Approved by vote of Springfield Finance Control Board at its meeting held on June 27, 2006.



Alan LeBovidge Chairman, Control Board

  
City Clerk

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

**#06-27-11**

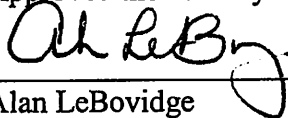
**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Authorizing the Award of an Energy Performance Contract**

Pursuant to its authority under sections 4(b), 4(c), and 4(d)(6) of Chapter 169 of the Acts of 2004, the Finance Control Board ("Board"), hereby authorizes the City to negotiate and enter into an Energy Performance Contract with Siemens Building Technologies, Inc., to procure and install energy conservation measures in various city buildings and schools, to be implemented in phases, for the measurement and verification of energy savings, and project financing over a 20-year term. The amount of the Contract shall not exceed Thirty-Five Million Dollars (\$35,000,000.00). The costs of the Contract, including the costs of financing, shall be paid for out of the City's energy budget, from energy savings generated by the measures installed.

Approved the 27<sup>th</sup> day of June, 2006.



Alan LeBovidge  
Chairman  
Finance Control Board

**DEPARTMENTAL AND INTER-DEPARTMENTAL CORRESPONDENCE  
CITY OF SPRINGFIELD  
MASSACHUSETTS**

DATE: June 19, 2006

TO: Philip Puccia

FROM: Patrick J. Sullivan

DEPARTMENT: Control Board

DEPARTMENT: PB & R Management

COPIES: File

SUBJECT: Review of Investment  
Grade Technical Energy  
Audit – Seimans' Building  
Technology

---

The Department of Parks, Buildings and Recreation Management is requesting to appear before the Finance Control Board to discuss the review of the investment grade technical energy audit completed by Seimans' Building Technology. This audit includes a complete energy review of 81 buildings.

The audit has determined the following improvements to our building inventory:

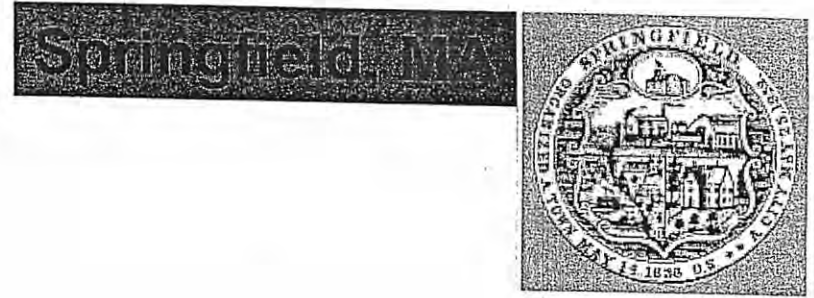
- New boilers
- New energy management systems
- Steam trap replacement
- Improved air quality in classrooms
- Lighting/kitchen improvements
- Building envelope improvements
- Water conservation

The audit estimates \$1.2 million dollars per year in energy savings. Energy Advocates, our energy consultant, is recommending the Commonwealth guarantee the lease payments which will result in a lower interest rate and approximately \$2.5 - \$3.0 million in savings to the City. The contract with Seimans' guarantees the energy savings.

The department is requesting approval of the technical audit from the FCB. The project will offer \$20.0 to \$30.0 million in building improvements to the City of Springfield.

PJS/smg

DRAFT  
TO BE UPDATED



# Energy Performance Contract

City of Springfield and Siemens Building Technologies  
June 27, 2006

**Energy Advocates**  
Your Advocate for Energy Management

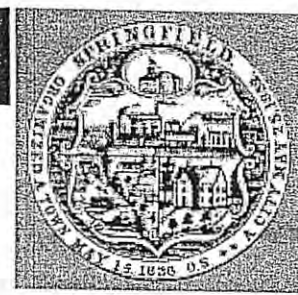


# Energy Performance Contract

- Engineering Scope
- Legal Issues
- Financial Concerns

**Energy Advocates**

Your Advocate for Energy Management



# Energy Performance Contract

- Engineering Scope
  - 81 Buildings consisting of public buildings and schools and representing over 5,000,000 sq feet
  - Energy Conservation Measures
    - Lighting retrofits
    - Boiler replacement
    - Energy Management Systems
    - Steam trap replacement
    - Motors and drives
    - Water Conservation
    - And others

**Energy Advocates**

Your Advocate for Energy Management



# Energy Performance Contract

- Engineering Scope
  - Construction time frame will be next three years starting fall 2006
  - Currently, completion of an investment grade technical energy audit
  - Next steps review of all energy conservation measures and determination of measurement and verification options
  - Scope represents total annual energy cost savings of approximately \$2,490,000

**Energy Advocates**

Your Advocate for Energy Management



# Energy Performance Contract

- Legal Issues
  - Addressing municipal legal requirements
  - Reviewing other performance contracts for desired language
  - Begin negotiations with Siemens
  - Next steps include addressing energy conservation measures, measurement and verification issues and energy savings guarantee

**Energy Advocates**

Your Advocate for Energy Management





# Energy Performance Contract

## – Financial Concerns

Project cost approximately \$35,000,000

Cost enhancements

Qualified Zone Academy Bonds

Utility Rebates

Tax Reduction Act Credits

Renewable Energy Credits

Revised Project Cost

**Energy Advocates**

Your Advocate for Energy Management



# Energy Performance Contract

- Financial Concerns
  - Tax Exempt Municipal Lease
  - Interest Rates with and without State guarantees
  - Annual energy savings are guaranteed by Siemens

**Energy Advocates**

Your Advocate for Energy Management

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

# 06-27-12

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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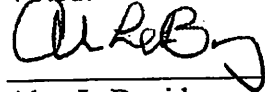
#### **An Executive Order Accepting Chapter 291C Funding for the City of Springfield**

Pursuant to its authority under section 4 of Chapter 169 of the Acts of 2004, the Control Board hereby accepts Chapter 90 funds in the amount of \$2,171,595.00 for the purposes of maintaining and upgrading the City of Springfield roadway systems as follows:

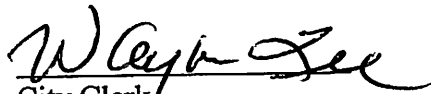
1. Public Roadway Repaving
2. State Street Land Acquisition
3. Roadway Maintenance (Chip Seal/Crack Sealing)
4. Design of Construction Projects

Approved by a vote of the Springfield Finance Control Board at its meeting held on June 27, 2006.

Voted:



Alan LeBovidge

  
City Clerk



Mitt Romney  
Governor

Kerry Healey  
Lt Governor

John Cogliano  
Secretary

Luisa Palewonsky  
Commissioner



MASSACHUSETTS  
EXECUTIVE OFFICE  
OF TRANSPORTATION

May 11, 2006

*al c  
for your files  
CVR*

SUBJECT: State Aid - Springfield  
Chapter 291C

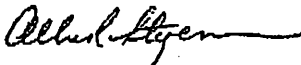
Honorable Charles V. Ryan, Jr.  
Mayor, City of Springfield  
City of Springfield  
36 Court Street  
Springfield, MA 01103

Dear Sir:

Enclosed herewith is your signed copy of the Standard Contract Form #44680 for reimbursement of approved projects to be done in your municipality pursuant to the provisions of the General Laws, Chapter 90, Section 34.

As stated in your letter of entitlement, funds will not be released for reimbursement until the Project Request forms have been completed and approved by the District Office.

Sincerely,

  
Albert R. Stegemann, P.E.  
District 2 Highway Director

LSM/  
C-file

Encls.

COMMONWEALTH OF MASSACHUSETTS
STANDARD CONTRACT FORM AND INSTRUCTIONS

Issued 1/24/2001



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) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void.

[THE CONTRACTOR MUST COMPLETE ONLY THOSE SECTIONS PRECEDED BY AN "X".]

Form with multiple sections for Vendor Code, Contractor Name, Contract Manager, Payment Method, and Authorized Signatories. Includes handwritten entries for Charles V. Ryan and Lusa Pilonovsky.

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#06-27-15

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

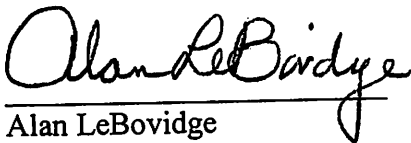
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**An Executive Order authorizing the Mayor to seek request dissolution of the East Springfield/Memorial Industrial Park Economic Opportunity Area and designate a site-specific Economic Opportunity Area**

Pursuant to its authority under chapter 169 of the Acts of 2004, the Control Board hereby delegates to the Mayor of the City of Springfield the authority to seek dissolution of the existing East Springfield/Memorial Industrial Park Economic Opportunity Area and the creation of a site-specific Economic Opportunity Area for Big Y, with terms and conditions substantially similar to the terms of the existing TIF with said company.

Approved by vote of the Springfield Finance Control Board at its meeting held on June 27, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

**A RESOLUTION AUTHORIZING THE CREATION OF THE SPRINGFIELD  
FOODSERVICE EOA AND THE APPROVAL OF THE CERTIFIED PROJECT  
APPLICATION OF AND TIF AGREEMENT WITH SPRINGFIELD  
FOODSERVICE CORPORATION**

- WHEREAS:** Economic Development and job creation are ongoing priorities within the City and the attainment of these economic development goals are considered crucial to the future economic growth of the City; and
- WHEREAS:** The economic development of the City of Springfield requires a strengthening of the commercial and industrial base to generate increased revenues; and
- WHEREAS:** Massachusetts General Laws Chapter 23A creates the Massachusetts Economic Development Incentive Program, which is intended to promote private investment, create or retain employment opportunities and revitalize distressed areas in communities across the state; and
- WHEREAS:** The Economic Assistance Coordinating Council (EACC), established by section 3B of said Chapter 23A, is charged with administering the EDIP, including the review and approval of applications from municipalities, for the designation of areas as Economic Target Areas (ETA) and Economic Opportunity Areas (EOAs) and the designation of Certified Projects Therein; and
- WHEREAS:** The City of Springfield was designated as an ETA in March, 1994 by the EACC; and
- WHEREAS:** The City of Springfield, as part of that ETA application, voted to offer qualified projects locating within EOAs within said ETA either tax increment financing or special tax assessments; and
- WHEREAS:** The City of Springfield, through its Finance Control Board created by Chapter 169 of the Acts of 2004, hereby seeks to encourage economic development within qualifying areas of the City by creating Economic Opportunity Areas so as to attract private investment and spur job creation;
- WHEREAS:** The City of Springfield hereby intends to create a site-specific Economic Opportunity Area to be known as the Springfield Foodservice EOA in an area that qualifies as "blighted open" pursuant to MGL c. 23A due to its status as a brownfields site and

has committed to offering projects locating therein either Tax Increment Financing or a Special Tax Assessment;

**WHEREAS:**

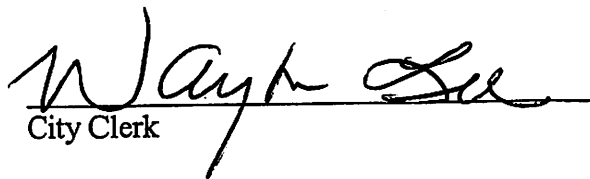
The City of Springfield has been in negotiations with a company that has committed to invest up to \$30 million and create 232 new jobs should it receive Certified Project status, together with a negotiated Tax Increment Financing Agreement that it has applied for within said EOA;

**NOW, THEREFORE BE IT RESOLVED BY THE FINANCE CONTROL BOARD OF THE CITY OF SPRINGFIELD:**

1. That the Finance Control Board is hereby authorized to file the necessary information and applications for this application with the EACC;
2. That the Finance Control Board be and is hereby authorized to enter into any contract necessary to carry out the Economic Opportunity Area designations;
3. That the Finance Control Board be and is hereby authorized to take such other action, including the approvals of Certified Project Applications and attendant Tax Increment Financing Agreements as necessary for Springfield's continued participation in the program;
4. That the Finance Control Board hereby approves the creation and submission of the Springfield Foodservice EOA application to the EACC for its review and approval;
5. That the Finance Control Board hereby approves the application for Certified Project status submitted by Springfield Foodservice Corporation, including the negotiated Tax Increment Financing Plan and Agreement;
6. That this resolution shall take effect upon passage.

Resolution adopted

A Copy. Attest:

  
City Clerk



**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

# 06-27-14

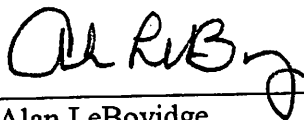
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

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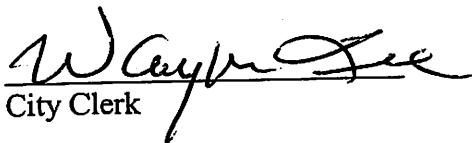
**An Executive Order Adopting a Tax Increment Financing Policy**

In order to promote economic development and in accordance with the guidelines and policies established by the Commonwealth, the Finance Control Board ("Board"), acting pursuant to its authority under, including but not limited to, Section 4(d)(5) of Chapter the Acts of 2004, hereby adopts a Tax Increment Financing (TIF) Policy as attached hereto.

Approved this 27<sup>th</sup> day of June , 2006.



Alan LeBovidge  
Chairman  
Finance Control Board

  
City Clerk

DRAFT

TIF Policy  
City of Springfield

**Program Description:**

TIF agreements can abate any percentage up to 100% of the property taxes for improvements to realty for a period up to 20 years. TIF deals can be as minimal as a 5% for 3 to 5 years, or something larger along the lines of the proposed PFG TIF. TIF agreements provide two other key benefits, (1) under any TIF deal personal property taxes are abated for the period of the TIF agreement, and (2) 5% credit on corporate state excise taxes.

**Draft Policy:**

1. Goals

- a. Stimulate Job Creation of permanent jobs paying above the average per-capita income for Springfield.
- b. Redevelopment of existing brownfield sites. commercial or real estate properties.
- c. Reconstruction/renovation/demolition of vacant commercial or industrial real estate properties.
- d. Encourage existing businesses to expand
- e. Attract new Businesses including
  - i. Industrial
  - ii. Commercial - Downtown only
  - iii. Research facilities
  - iv. Service - Professional
  - v. Hotel
  - vi. All other

**Guidelines:**

1. To assist and guide business development the City shall designate target areas for potential TIFs.
2. While job creation is a principal basis for granting a TIF. The jobs created can not be speculative or temporary in nature, i.e. construction jobs are temporary. Although retail TIFs are not favored when the jobs created are not directed tied to the TIF proponent. Instances where (1) the developer has a retailer's letter of intent and when the TIF expires upon termination said lease or (2) when retailer is also the developer are not speculative and are each exception.
3. Job creation performance will be tied to the actual TIF received. For example if the TIF proponent achieves 75% of their job employment goals, then they will receive 75% of the agreed upon TIF.
4. TIFs shall be pro-rated based upon prior Springfield

DRAFT

- practice. This will maintain, to the extent feasible, the level paying field.
5. To maximize the reuse of vacant and abandoned property, the TIFs should be used in conjunction with other tax abatement measures when back taxes are owed on the property.
  6. Any investment made after written notification of intent by the City to enter into a TIF shall qualify in the calculation of the public benefit.
  7. In order to achieve these goals, TIFs may be used to:
    - a. Cover the costs of relocating a business to Springfield.
    - b. Gap financing.
    - c. Improve landscaping, or facade treatment.
    - d. Increase the level of private sector investment.
  8. As otherwise required by the state, a TIF may not be used for the sole purpose of accessing the 5% credit on state excise tax.
  9. Only prospective projects will be considered for a TIF. While projects with existing ownership of the site shall in no circumstance be considered fatal having a detailed commitment, broken ground of similar actions will not be considered as being prospective.

ITEM XV

June 15, 2006

Mr. George Mazareas  
Director of Economic Assistance  
c/o Robert Foley, MOBD  
Massachusetts Office of Business Development  
One Ashburton Place - 21<sup>st</sup> Floor  
Boston, MA 02101

RE: Springfield EOA Amendment Request, Designation of New EOA, Springfield  
Foodservice Corporation Certified Project Application

Dear Mr. Mazareas:

Enclosed please find the City of Springfield's application and related documents pertaining to the City's request to dissolve the East Springfield/Memorial Industrial Park Economic Opportunity Area and designating the sole Certified Project therein, Big Y Foods as a site-specific EOA. The move toward smaller EOAs is being requested to provide the City with the utmost flexibility when working with expanding or relocating businesses. The City, contrary to the purpose and intent of the Economic Development Incentive Program, is losing valuable opportunities to attract and retain business as there remains less than (10) years on the duration of the very large East Springfield/Memorial Industrial Park EOA. The dissolution and redrawing of site-specific EOAs does not increase or extend the benefits to any projects already certified beyond what the EACC has approved them for over the past decade.

This correspondence also seeks to have a portion of the proposed Memorial Industrial Park II site designated as a new EOA, as well as a request to approve the Certified Project Application of Springfield Foodservice Corporation. The City is working very diligently to retain this existing local business by using approximately 30 acres of the site. The project is expected to create up to 232 net, new jobs within the next five years, while most importantly keeping the company from moving to Connecticut and retaining its current workforce of 270.

Springfield's ability to remain economically competitive during this fiscal crisis is paramount. We therefore request that you consider these requests at the next meeting of the Economic Assistance Coordinating Council.

If you have any questions, please feel free to contact Katie Stebbins at (413)787-6511 or Chris Moskal at (413)787-7661.

Thank you for your attention and consideration in this matter.

Sincerely,

Charles V. Ryan, Mayor

**TAX INCREMENT FINANCING AGREEMENT  
BY AND BETWEEN  
THE CITY OF SPRINGFIELD  
AND  
SPRINGFIELD FOODSERVICE CORPORATION.**

This AGREEMENT is made this 4<sup>th</sup> day of October, 2006 by and between the CITY OF SPRINGFIELD a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Springfield City Hall, 36 Court Street, Springfield, Massachusetts 01103 (hereinafter referred to as the "CITY") and SPRINGFIELD FOODSERVICE CORPORATION, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having a principal place of business at 340 Taylor Street, Springfield, MA 01105 (hereinafter referred to as the "OWNER").

**WITNESSETH**

WHEREAS, the CITY, has been designated as an Economic Target Area ("ETA") by the Massachusetts Economic Assistance Coordinating Council ("EACC");

WHEREAS, the OWNER acquired title to certain land containing approximately 31.16 acres on Roosevelt Avenue in Springfield, MA (the "PROPERTY") by Quitclaim Deed of the Springfield Redevelopment Authority recorded with the Hampden County Registry of Deeds in Book 16240, Page 93,

WHEREAS, the OWNER has committed to build and equip a 223,000 s.f. building for warehouse, distribution, office, sales and administration purposes at the PROPERTY, as more fully set forth in Exhibit A (the "CERTIFIED PROJECT");

WHEREAS, the PROPERTY is located within the Springfield Foodservice Economic Opportunity Area as designated by the EACC (the "EOA");

WHEREAS, the CERTIFIED PROJECT, when fully operational, will create approximately 232 permanent, full time jobs and will result in an investment of approximately \$30,000,000 in new construction improvements;

WHEREAS, the OWNER is seeking a Tax Increment Financing Exemption from the CITY (the "EXEMPTION") for its CERTIFIED PROJECT located on the PROPERTY, in accordance with the Massachusetts Economic Development Incentive Program and Chapter 23A of the Massachusetts General Laws;

WHEREAS, the base valuation of the PROPERTY for fiscal year 2007 is \$1,626,350;

WHEREAS, the CITY strongly supports increased economic development to provide additional jobs for residents of the CITY, to expand commercial and industrial activity within the CITY and to develop a healthy economy and stronger tax base;

WHEREAS, the CERTIFIED PROJECT will further the economic development goals and the criteria established for the ETA and the EQA;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration each to the other paid, receipt of which is hereby acknowledged, the parties hereby agree as follows:

**A. TAX INCREMENT FINANCING EXEMPTION**

1. The CITY, as authorized by vote of its Finance Control Board adopted on June 27, 2006, hereby enters into this Tax Increment Financing Agreement (the "AGREEMENT") with the OWNER for the CERTIFIED PROJECT.
2. The EXEMPTION is hereby granted by the CITY to the OWNER in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5 of the Massachusetts General Laws, and under the authority of Chapter 169 of the Massachusetts Acts of 2004. The EXEMPTION shall be for a period of twenty (20) years (the "EXEMPTION PERIOD"), commencing at the start of the first fiscal year following the issuance of a Certificate of Occupancy by the City of Springfield Building Department for the Certified Project (the "First Fiscal Year"), which the parties anticipate being fiscal year 2008 (which begins July 1, 2007), and ending on the twentieth anniversary thereof, and, subject to the conditions of this AGREEMENT, shall provide a percentage EXEMPTION from taxation, as described in the table below, on the increased value of the PROPERTY resulting from the CERTIFIED PROJECT for which the OWNER is responsible for paying. Except as set forth in Section A.3 below, and assuming, for the purposes of illustration only, that the First Fiscal Year of the EXEMPTION PERIOD will be fiscal year 2008, the EXEMPTION shall be calculated and remain unchallenged for each fiscal year as follows:

<b>YEAR</b>	<b>FISCAL YEAR</b>	<b>TAX EXEMPTION</b>
1	2008 (7/1/2007 - 6/30/2008)	50% of the increase in valuation
2	2009 (7/1/2008 - 6/30/2009)	50% of the increase in valuation
3	2010 (7/1/2009 - 6/30/2010)	50% of the increase in valuation
4	2011 (7/1/2010 - 6/30/2011)	50% of the increase in valuation
5	2012 (7/1/2011 - 6/30/2012)	50% of the increase in valuation
6	2013 (7/1/2012 - 6/30/2013)	50% of the increase in valuation
7	2014 (7/1/2013 - 6/30/2014)	50% of the increase in valuation
8	2015 (7/1/2014 - 6/30/2015)	50% of the increase in valuation
9	2016 (7/1/2015 - 6/30/2016)	50% of the increase in valuation
10	2017 (7/1/2016 - 6/30/2017)	50% of the increase in valuation
11	2018 (7/1/2017 - 6/30/2018)	50% of the increase in valuation
12	2019 (7/1/2018 - 6/30/2019)	50% of the increase in valuation
13	2020 (7/1/2019 - 6/30/2020)	50% of the increase in valuation
14	2021 (7/1/2020 - 6/30/2021)	50% of the increase in valuation

15	2022 (7/1/2021 - 6/30/2022)	50% of the increase in valuation
16	2023 (7/1/2022 - 6/30/2023)	30% of the increase in valuation
17	2024 (7/1/2023 - 6/30/2024)	30% of the increase in valuation
18	2025 (7/1/2024 - 6/30/2025)	30% of the increase in valuation
19	2026 (7/1/2025 - 6/30/2026)	30% of the increase in valuation
20	2027 (7/1/2026 - 6/30/2027)	30% of the increase in valuation

3. Notwithstanding anything herein to the contrary, in the event that at the end of the sixth fiscal year of this AGREEMENT, the OWNER has not met at least 90% of the EMPLOYMENT TARGETS set forth in Section B.1 below, then the EXEMPTION shall be reduced by 1% for fiscal years seven through fifteen of this Agreement for each 1% that the OWNER falls below the EMPLOYMENT TARGETS. The OWNER shall submit to the CITY not later than (30) thirty days following the end of fiscal years one through six of this Agreement a copy of the OWNER'S most recent Contribution Report (DUA Form 1) as filed with the Commonwealth of Massachusetts Department of Workforce Development Division of Unemployment Assistance (the "Contribution Report"). The CITY shall review the Contribution Report in order to determine whether the OWNER has met the EMPLOYMENT TARGETS in accordance with the requirements of this Agreement.
  
4. The EXEMPTION formula for the CERTIFIED PROJECT will be calculated as prescribed by the Massachusetts General Laws Chapter 40, Section 59 and in 760 CMR 22.00. The EXEMPTION formula shall apply to the incremental difference in the assessed valuation of the PROPERTY benefited by the EXEMPTION between the base valuation in the base year, which shall be the First Fiscal Year, and the increase in assessed valuation of the PROPERTY for the next twenty (20) years allocable to the CERTIFIED PROJECT.
  
5. By way of illustration, if the First Fiscal year is FY 2007, the base valuation for FY 2007 of \$1,626,350 is the assessed value of the PROPERTY in the fiscal year immediately prior to the First Fiscal Year in which the property becomes eligible for the EXEMPTION.
  
6. The CITY hereby agrees to reduce the OWNER'S real estate taxes it pays for its occupancy of the PROPERTY attributable to the CERTIFIED PROJECT according to Section A.2 and Section A.3 above.
  
7. The CITY hereby agrees to grant the OWNER a 100% exemption from personal property taxes (with respect to the CERTIFIED PROJECT and the personal property used in the CERTIFIED PROJECT) from the CITY for the duration of the AGREEMENT.



## **B. CONDITIONS**

The EXEMPTION granted to the OWNER by the CITY hereby is in consideration of the OWNER'S commitments stated hereafter (which the OWNER hereby affirms) as follows:

1. To meet the following employment targets ("EMPLOYMENT TARGETS") upon completion of the CERTIFIED PROJECT: 1) to continue the employment of the OWNER's current 270 employees within the City; and 2) to increase employees at the PROPERTY by 232 in accordance with the following schedule: Year 1 -- 40 new employees; Year 2 -- 30 new employees; Year 3 -- 35 new employees; Year 4 -- 40 new employees; Year 5 -- 42 new employees; Year 6 -- 45 new employees. For the purposes of this AGREEMENT, Year 1 shall be deemed to commence with fiscal year 2008 (which begins July 1, 2007) and shall end 365 days thereafter;
2. To invest approximately \$30,000,000 in the construction of the CERTIFIED PROJECT at the PROPERTY which improvements shall be placed in use by the end of Fiscal Year 2008, subject to force majeure (as hereinafter defined);
3. To work with the Regional Employment Board of Hampden County ("REB") to facilitate workforce development through the following means:
  - (a) The REB will assist the OWNER in coordinating all outreach and recruitment of prospective employees, including assistance with intake and assessment of all job applicants. The OWNER shall retain all authority regarding hiring decisions and recruitment activities;
  - (b) The REB will make provisions for training resources for employees who meet certain low income guidelines. The REB will provide "on the job" training funds in the amount of 50 percent of the wages of qualified new hires while in training;
  - (c) The REB will work with the OWNER to prepare an application to the Commonwealth of Massachusetts' Workforce Training Fund to provide grants of up to \$250,000 to upgrade employee skills; and
  - (d) The REB's "One Stop Career Center" will screen all applicants for applicable "targeted jobs tax credits" and other incentives available to employers for specifically qualified employees;
4. To work diligently with the Springfield Redevelopment Authority, the Springfield Finance Control Board and the CITY to first employ qualified Springfield residents for all new employee and replacement employee positions;

5. To pay all taxes owed the CITY relating to the OWNER'S premises in a timely fashion; and
6. To permit the CITY, through its Mayor, to manage, administer, monitor and enforce this AGREEMENT.

**C. ADDITIONAL PROVISIONS**

1. The OWNER agrees that the CITY has the right to petition to the EACC to decertify the project and revoke this AGREEMENT if the CITY, acting through its Finance Control Board, determines that the OWNER has failed in any material way to meet any of its obligations as set forth in this AGREEMENT. Upon decertification by the EACC, the CITY shall discontinue the EXEMPTION benefits described above, commencing with the fiscal year immediately following the year for which the OWNER so failed to meet its obligations. Prior to filing any such petition for decertification, however, the CITY shall give the OWNER written notice of the OWNER'S alleged defaults and an opportunity to be heard at a public hearing on the matter. If the CITY is satisfied that the OWNER has made a good faith effort to meet its obligations under this AGREEMENT, the parties will attempt to negotiate a mutually acceptable and reasonable resolution, which may result in amendments to the terms of this AGREEMENT, prior to the CITY filing a decertification petition.
2. The OWNER shall give the CITY two (2) months written notice prior to any proposed change in the use of, or proposed disposition of the PROPERTY by the OWNER. Said notice shall be given to the Mayor, Springfield City Hall, 36 Court Street, Springfield, MA 01103. The CITY shall not, except by required by law, disclose any information provided by the OWNER regarding the proposed change in the use of, or proposed disposition of, the PROPERTY by the OWNER.
3. Pursuant to 760 CMR 22.05(8)(d), this AGREEMENT shall be binding upon all parties to it, and be binding upon the OWNER and its successors and assigns and shall inure to the benefit of affiliates of the OWNER so long as the Project has not been decertified by the EACC. If the OWNER decides to sell the PROPERTY to a non-affiliated entity, it shall give the CITY at least two (2) month's written notice of said sale ("Notice of Sale"), whereupon the CITY shall have the option, upon proper decertification of CERTIFIED PROJECT by the EACC (which OWNER agrees not to contest), to terminate this Agreement by providing written notice to the OWNER within 45 days after the date of the Notice of Sale. Provided the CITY elects to seek and obtain decertification of the CERTIFIED PROJECT and thereafter terminates this Agreement as provided herein, this Agreement shall terminate effective upon the sale of the Property. Said notice shall be given to the Mayor, Springfield City Hall, 36 Court Street, Springfield, MA 01103.

4. The CERTIFIED PROJECT becomes eligible for the EXEMPTION on the July 1<sup>st</sup> following the date on which the EACC approves the TIF Plan pursuant to which this AGREEMENT is executed, as provided in 760 CMR 22.05 (4)(d).
5. If any provision of this AGREEMENT shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of this AGREEMENT shall be deemed to be amended to the minimum extent necessary to provide to the CITY and to the OWNER substantially the benefits set forth in this AGREEMENT.
6. All notices permitted or required under the provisions of this AGREEMENT shall be in writing, and shall be sent by registered or certified mail, postage prepaid, or shall be delivered by private express carrier to the addresses listed above or at such other address as may be specified by a party in writing and served upon the other in accordance with this section.
7. If and to the extent that either party is prevented from performing its obligations hereunder by an event of force majeure, such party shall be excused from performing hereunder and shall not be liable in damages or otherwise, and the parties instead shall negotiate in good faith with respect to appropriate modifications to the terms hereof. For purposes of this AGREEMENT, the term force majeure shall mean any supervening cause beyond the reasonable control of the affected party, including without limitation requirement of statute or regulation; action of any court, regulatory authority, or public authority having jurisdiction; acts of God, fire, earthquake, floods, explosion, actions of the elements, war, terrorism, riots, mob violence, inability to procure or a general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, actions of labor unions, condemnation, laws or orders of governmental or military authorities, denial of, refusal to grant or appeals of any permit, approval or action of any public or quasi public authority, official, agency or subdivision and any litigation relating thereto, or any other cause similar to the foregoing, not within the control of such party obligated to perform such obligation.
8. Failure by OWNER to perform any term or provision of this AGREEMENT shall not constitute a default under this AGREEMENT unless OWNER fails to commence to cure, correct or remedy such failure within thirty (30) days of the receipt of written notice of such failure from the CITY to OWNER and thereafter fails to complete such cure, correction or remedy within ninety (90) days of the receipt of such written notice, or, with respect to defaults which cannot be remedied within such ninety (90) day period, within such additional period of time as is required to reasonably remedy such default, provided OWNER exercises due diligence in the remedying of such default. Notwithstanding the foregoing, any late payments of property taxes due under

this AGREEMENT shall be subject to the same interest and penalty charges that would otherwise be levied in case of a failure to timely pay property taxes.

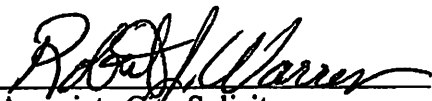
WITNESSETH the execution and delivery of this AGREEMENT by the CITY OF SPRINGFIELD and SPRINGFIELD FOODSERVICE CORPORATION as an instrument under seal as of the date first above written.

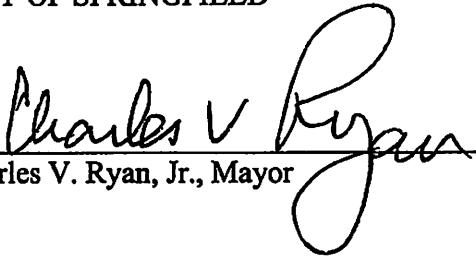
Attachments:

Exhibit A: CERTIFIED PROJECT DESCRIPTION


Approved As to Form:

CITY OF SPRINGFIELD

  
Associate City Solicitor

By:   
Charles V. Ryan, Jr., Mayor

Approved as to Appropriation: *N/A*

  
City Auditor

By: \_\_\_\_\_  
Alan LeBovidge, Chairman, Finance Control Board

Reviewed by:

  
Chief Financial Officer

SPRINGFIELD FOODSERVICE CORPORATION

By: \_\_\_\_\_  
Name:  
Title:

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Associate City Solicitor

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Charles V. Ryan, Jr., Mayor

Approved as to Appropriation:

\_\_\_\_\_  
City Auditor

By:   
Alan LeBovidge, Chairman, Finance  
Control Board

Reviewed by:

\_\_\_\_\_  
Chief Financial Officer

SPRINGFIELD FOODSERVICE  
CORPORATION

By: \_\_\_\_\_  
Name:  
Title:

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Associate City Solicitor

By: \_\_\_\_\_  
Charles V. Ryan, Jr., Mayor

Approved as to Appropriation:

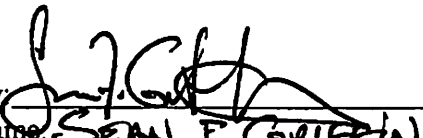
\_\_\_\_\_  
City Auditor

By: \_\_\_\_\_  
Alan LeBovidge, Chairman, Finance  
Control Board

Reviewed by:

\_\_\_\_\_  
Chief Financial Officer

SPRINGFIELD FOODSERVICE  
CORPORATION

By:   
Name: SEAN F. GRIFFIN  
Title: PRESIDENT

Certified Project Application -- Page 1

The Massachusetts Economic Development Incentive Program

CERTIFIED PROJECT APPLICATION

APPLICANT INFORMATION

- 1. Name and address of business(es) submitting this application (please list fiscal year end for each business):

Springfield Foodservice Corporation  
 340 Taylor Street  
 Springfield, MA 01105

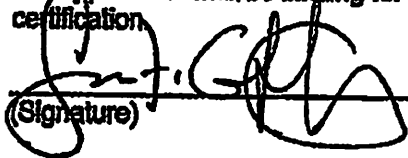
- 2. Name and address of project (if different from above):

Memorial Industrial Park II  
 Springfield, MA

- 3. Location of ETA: Springfield, MA

- 4. Location of EOA: Springfield Foodservice EOA

- 5. Authorization: IAA's (print) Sean F. Griffin, President of the business(es) applying for Certified Project designation, hereby certify that the information within this application is true and accurate, and reflects the project's intentions for job creation and investment. IAA's understand that the information provided within this application shall be binding for the duration of the project certification.

  
 (Signature) 6/20/06  
(Date)

\_\_\_\_\_  
 (Signature) (Date)

\_\_\_\_\_  
 (Additional Signatures, if necessary) (Date)

**6. Nature and Purpose of Project:** Describe briefly the nature and history of the business as well as the specific expansion/growth/relocation plans: the level of new investment (with a breakdown of type of expense: construction, renovation, acquisition of equipment, etc.) and employment levels – both current and projected. Provide time frames for both the projected total investment and job creation. As part of this narrative, please explain why the business is seeking Certified Project designation.

Springfield Foodservice Corporation, a wholly owned subsidiary of Performance Food Group is a broadline foodservice distributor serving approximately 3,300 restaurants, schools, hotels and other customers throughout New England.

Presently, Springfield Foodservice Corporation operates a 120,00 square foot distribution center at 340 Taylor Street in Springfield. In order to continue to grow and expand market share in the New England area it is necessary to expand current capacity.

Springfield Foodservice Corporation is engaged to purchase approximately 30 acres of land known as the Memorial Industrial Park II for the purposes of building a new distribution center.

The proposed distribution center will contain dry, refrigerated and frozen warehouse space with utilization to maintain and sell approximately 18,000 food and non-food products to our customer base. The first phase of construction is a build out to approximately 212,000 square feet with sales capacity of \$381M. There will also be approximately 21,000 square feet of office space. In the first phase of the project the distribution center will also contain an on-site maintenance facility, which will be utilized to service a fleet of up to 90 tractors and trailers. There will also be 298 parking spaces for the company's associates.

Springfield Foodservice Corporation expects to begin site work in August of 2006 and conclude Phase I on or before October of 2007.

Springfield Foodservice Corporation will be investing approximately \$31.4M in Phase I of this project with \$1.6M allocated to land acquisition and the balance in construction and equipment.

Through this new distribution center and the expansion of Springfield Foodservice Corporation's business the company expects to add 232 incremental jobs through 2013.

In Phase II of the project, sometime after 2013 and depending on growth and capacity, an expansion will take place adding an additional 144,000 square feet of warehouse and 8,000 square feet of office space. 227 additional associate parking spaces as well as additional parking for fleet expansion will also be added to the distribution center.

Springfield Foodservice Corporation is seeking Certified Project designation as part of an economic incentive that makes remaining in Springfield, Massachusetts viable.



7. Is this business new to Massachusetts?                   ⇒ Yes                   ✗ No

If no:

- Where are the existing Massachusetts facilities?  
340 Taylor Street  
Springfield, MA
- Will this project require/trigger the closing or consolidation of any Massachusetts facilities? If yes, please explain.  
Yes. We will be relocating and expanding our operations from 340 Taylor Street to Memorial Industrial Park II.

8. Is this project an expansion of an existing business?                   ✗ Yes                   ⇒ No

If yes, check the appropriate box:

- ⇒ at existing location
- ✗ at new location in same municipality
- ⇒ at new location in different municipality

9. **Job Creation**

In order to qualify for Certified Project Status, the governing statute and regulations require the creation of new, new, permanent full-time employees in Massachusetts. On the chart provided (see next page), please fill in the blanks provided.

2007 - Baseline 270 Full-Time Associates  
2008- 40 new F/T Associates  
2009- 30 new F/T Associates  
2010- 35 new F/T Associates  
2011- 40 new F/T Associates  
2012- 42 new F/T Associates  
2013- 45 new F/T Associates

232 Total incremental jobs in Phase I of project.



10. **Certification for Abandoned Buildings** -- Does the proposed project involve the renovation and reuse of an abandoned building?  
⇒ Yes      ✕ No      ⇒ Unsure

If yes or unused, please answer the following questions:

(a) How long has the building been vacant? (If know, state date)

(b) During this period of time, what percentage of the building was vacant and unused? If the percentage varied during this time period, provide information for each change in the percent of vacant space and the applicable time period.

11. **Local Employment** -- What actions will you take to recruit employees from among residents of the ETA?

Springfield Foodservice Corporation will work with the Regional Employment Board of Hampden County ("REB") to facilitate workforce development through the following means:

- a. Springfield Foodservice Corporation will post open positions with the REB.
- b. Springfield Foodservice Corporations will participate in REB job fairs.

Springfield Foodservice Corporation will advertise in local Springfield publications for open positions as well as actively recruit from local college campuses.

Springfield Foodservice Corporation will also work diligently with the Springfield Redevelopment Authority, the Springfield Finance Control Board and the City to employ qualified Springfield residents for all new employee and replacement employee positions.

Provide any information, documentation, or studies which demonstrate that:

- (a) the business has the intention and capacity to achieve the anticipated level of new permanent full-time jobs for residents of the municipality/Economic Target Area; and

See above.

- (b) taking into consideration existing economic conditions, the proposed project is likely to succeed in creating and retaining the anticipated level of new permanent full-time jobs for residents of the municipality/Economic Target Area.

See above.

12. **Affirmative Action -- Does the business have an Affirmative Action/Equal Employment Opportunity Plan or Statement?**     Yes     No

If yes, please attach a copy.

If no, describe the business' hiring policies and practices.

13. **Agreement Between the Business and Area Banks -- Describe briefly the business' local banking relationship(s), if any. Does the institution with which the business banks participate in the Massachusetts Capital Access Program, which is designed to commit a portion of the business' deposits to fund loans to local businesses?**

Springfield Foodservice Corporation has a local banking relationship with TD Banknorth.

14. **Economic Benefits of Project Certification -- Provide a description of the economic benefits that are anticipated for the business and the project, if the project is certified. For example, describe the anticipated state and local tax benefits, municipal road or infrastructure improvements, assistance for local job training programs, the impact of local permit streamlining and other benefits anticipated if the project is certified. Also, provide any information, documentation or studies demonstrating any additional benefits (i.e., reduction of blight, reuse of abandoned buildings, clean up of contaminated property, job training, provision of day care, any contributions to the community etc.) likely to accrue to the area as a result of Certified Project designation.**

State and local benefits - see form of TIF Agreement attached to the Land Disposition Agreement dated May 25, 2006, by and between the applicant and the Springfield Redevelopment Authority (the "LDA").

Municipal road and Infrastructure Improvements - in connection with the construction of the SFC facility, the city will be undertaking significant road and infrastructure improvements as more particularly described in the LDA.

Local job training assistance - The REB will provide significant assistance with workforce development as more particularly described in the form of TIF Agreement attached to the LDA.

**STATEMENT OF POLICY**  
**41 C.F.R. 60-741.44(a); - 250.1**

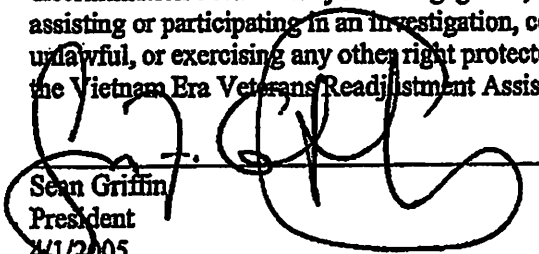
It is the policy of PFG - Broadline Division not to discriminate on the basis of a physical or mental disability or an individual's status as a disabled veteran, a veteran of the Vietnam Era, or any other protected veteran ("Covered Veterans") with regard to recruitment or recruitment advertising, hiring, training, promotion, and other terms and conditions of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job. The Company does and will take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities and Covered Veterans without discrimination based upon their physical or mental disability, or veterans' status, in all employment practices as follows:

Employment decisions at the Company are based only on job-related criteria. All personnel actions or programs that affect qualified individuals with disabilities or Covered Veterans, such as employment, upgrading, demotion or transfer, recruitment, advertising, termination, rate of pay or other forms of compensation, and selection for training, will be made without discrimination based upon the individual's physical or mental disability or veterans' status.

The Company makes, and will continue to make, reasonable accommodations to promote the employment of qualified individuals with disabilities and disabled veterans, unless such accommodations would impose an undue hardship on the Company's business.

Pamela J. Burns, Affirmative Action Officer for the Company, will manage PFG - Broadline Division's AAP for individuals with disabilities and Covered Veterans. The AAP includes an audit and reporting system, which, among other things, measures the effectiveness of the AAP. All managers and supervisors will take an active part in the Company's AAP to ensure that all qualified employees with disabilities and Covered Veterans and prospective employees are considered and treated in a non-discriminatory manner with respect to all employment decisions. Furthermore, PFG - Broadline Division will solicit the cooperation and support of all employees for the Company's policy and AAP. The Affirmative Action Officer has been assigned responsibility for periodically reviewing progress in the compliance and implementation of the policy of affirmative action for individuals with disabilities and Covered Veterans. In accordance with public law, the Company's plan of affirmative action for individuals with disabilities and Covered Veterans is available for inspection in the Human Resources Department during regular business hours upon request.

In addition, employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in, or may have engaged in, activities such as filing a complaint, assisting or participating in an investigation, compliance review or hearing, or opposing any act or practice made unlawful, or exercising any other right protected by Section 503 of the Rehabilitation Act of 1973, as amended or the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended.



Sean Griffin  
President  
4/1/2005

**SPECIAL REQUIREMENTS FOR REAL ESTATE PROJECTS**

1. Will the business own or lease/rent the facility?     Own                      
Lease/Rent

If leasing/renting, please identify the developer/landlord, and state who will be the taxpayer of record for the purpose of paying local real estate taxes.

If owning, will the business fully occupy the space?     Yes                     No

If no, does the business intend to lease/rent the remaining space?

2. Describe how the various tax benefits and other economic incentives that will result from Certified Project designation will be allocated among the business(es) developing the project (i.e., a developer or landlord) and the business(es) intending to purchase, lease or rent space at the facility (i.e., tenant or tenants).

The tax benefits will be realized solely by Springfield Foodservice Corporation.

**SUPPLEMENTAL INFORMATION**

1. Name(s) of the business(es) intending to take advantage of the state tax incentives:

**Business Name:** Springfield Foodservice Corporation  
**Federal Employer Identification #:** 06-1627258  
**Address:** 340 Taylor Street, Springfield, MA 01105

**Phone:** (413) 846-5423

**Fax:** (413) 272-1183

**Contact Person:** Sean F. Griffin

**Type of Organization (check all which applies):**

- |   |  |                                 |  |
|---|--|---------------------------------|--|
| <input checked="" type="checkbox"/> Corporation | <input checked="" type="checkbox"/> For-Profit | <input type="checkbox"/> S-Corp | <input type="checkbox"/> Non-profit          |
| <input type="checkbox"/> Business Trust         |  |                                 |  |
| <input type="checkbox"/> Partnership            | <input type="checkbox"/> General Partnership   |                                 | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Individual             |  |                                 |  |

**Level of Interest:**                     5% Investment Tax Credit  
    10% Abandoned Building Tax Deduction (if applicable)  
    Local real estate tax incentive beneficiary



## Request for a Certificate of Good Standing and/or Tax Compliance or Waiver of Corporate Tax Lien

Massachusetts  
Department of  
Revenue

This application may be used to request a Certificate of Good Standing/Letter of Compliance, Waiver of Corporate Tax Lien, or Certificate of Good Standing for a Non-Profit Organization.

If this matter is to be discussed with any third parties, complete the Power of Attorney section below. Mail your request as soon as possible to Massachusetts Department of Revenue, PO Box 7088, Boston, MA 02204 or fax to (617) 887-6262. For further information, call (617) 887-6550.

Name of organization <b>Springfield Foodservice Corporation</b>	Trade name or DEA	Federal ID or Social Security number <b>06-1627258</b>
Street address <b>340 Taylor Street</b>	City/Town <b>Springfield</b>	State      Zip <b>MA      01105</b>
Contact person <b>Sean F. Griffin</b>		Daytime telephone <b>413-846-5423</b>
Street address (if different from above)	City/Town	State      Zip

**Type of Application**

Type of organization (check one):

Corporation    Partnership    Sole proprietor    Individual    LLP    LLC    Other \_\_\_\_\_

Purpose of application (check one):

Certificate of Good Standing/Letter of Compliance    Certificate of Good Standing for a Non-Profit Organization  
 Waiver of Corporate Tax Lien

If requesting Waiver of Corporate Tax Lien, attach price and legal description of assets to be sold and complete the following:

Name of transferee	Date of transfer or sale
Street address	City/Town      State      Zip

**Affidavit**

Under the penalties of perjury, I declare that my company is not responsible for the following taxes (check all that apply):

Withholding    Sales/Use    Meals    Room Occupancy

Signature of taxpayer or corporate officer:

**Power of Attorney**

Complete this section if you wish to authorize another individual to sign documents on your behalf. In addition, that individual ("attorney-in-fact") must complete the Declaration of Representative section on reverse.

Name of attorney-in-fact	Daytime telephone
Street address	City/Town      State      Zip

I, \_\_\_\_\_, hereby authorize the above-named individual to represent me as attorney-in-fact before the Certificate Unit of the Massachusetts Department of Revenue for the following type(s) of tax, and for the period(s) of time indicated.

Type of tax	Period	Type of tax	Period

**Power of Attorney (cont'd.)**

The above-named attorney-in-fact is authorized, subject to any limitations set forth below or to revocation, to receive confidential information and to perform any and all acts that can be performed by the taxpayer with respect to the above-specified tax type(s), excluding the power to receive tax refund checks. The attorney-in-fact is not authorized to:

Restriction(s)

Signature of taxpayer

Date

**Declaration of Representative**

I declare that I am not currently under suspension or disbarment from practice within the Commonwealth or in any jurisdiction, that I am aware of regulations governing the practice of attorneys, certified public accountants, public accountants, enrolled agents and others, and that I am one of the following:

1. a member in good standing of the bar of the highest court of the jurisdiction shown below;
2. duly qualified to practice as a certified public accountant or public accountant in the jurisdiction shown below;
3. enrolled as an agent under the requirements of Treasury Department Circular No. 230;
4. a bona fide officer of the taxpayer organization;
5. a full-time employee of the taxpayer;
6. a member of the taxpayer's immediate family (spouse, parent, child, brother or sister);
7. a fiduciary for the taxpayer;
8. other (attach statement)

and that I am authorized to represent the above-named taxpayer for the above-specified tax type(s).

Designation (insert appropriate number from above list)	Jurisdiction (state, etc.) or enrollment card number	Signature	Date

**General Information**

If the applicant is a trust, a copy of each of the last two years of Form 3F, Income Tax Return of Corporate Trust, must be submitted.

If the applicant is a partnership, a copy of each of the last two years of Form 3, Partnership Return of Income, must be submitted.

If the applicant is a non-profit organization, a copy of your IRS letter of exemption under Section 501(c)(3) of the Internal Revenue Code must be submitted.

Note: Any correspondence or certificate will be sent to the legal address of the taxpayer recorded at the Department of Revenue. The corporate name printed on the certificate will be the same as the name recorded at the Secretary of State's office.



**2nd Business Name (if applicable):**  
**Federal Employer Identification #:**  
**Address:**

**Phone:**

**Fax:**

**Contact Person:**

**Type of Organization (check all which applies):**

- |   |  |                                 |  |
|---|--|---------------------------------|--|
| <input type="checkbox"/> Corporation    | <input type="checkbox"/> For-Profit          | <input type="checkbox"/> S-Corp | <input type="checkbox"/> Non-profit          |
| <input type="checkbox"/> Business Trust |  |                                 |  |
| <input type="checkbox"/> Partnership    | <input type="checkbox"/> General Partnership |                                 | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Individual     |  |                                 |  |

**Level of Interest:**

- 5% Investment Tax Credit
- 10% Abandoned Building Tax Deduction (if applicable)
- Local real estate tax incentive beneficiary

**\*\*\*If there are more than two businesses intending to take advantage of these state tax incentives associated with this project, please provide the above information for all such businesses.**

2. **A – If a corporation, please list the names and addresses of the officers and directors of said corporation, and any person and/or corporation with a financial interest of five percent or greater in said corporation.**  
**B – If a partnership, please list the names and addresses of all partners, and include the proportionate share owned by each partner.**  
**C – If a business trust, please name all members and beneficiaries of said trust.**

See attached list of officers and directors.

Springfield Foodservice Corporation is a wholly-owned subsidiary of Performance Food Group, a publicly traded company.

3. **Please provide the name, address, phone number and contact person for any organizations which may own or control the applicant organization, or who are affiliated with the applicant business organization.**

4. **Certificate of Good Standing – Please provide proof of good tax standing in the Commonwealth of Massachusetts via a Certificate of Good Standing, which is a letter issued by the Massachusetts Department of Revenue. To obtain a Certificate of Good Standing, please see Attachment I of this application.**

See attached application.



**The Commonwealth of Massachusetts  
William Francis Galvin**

Secretary of the Commonwealth  
One Ashburton Place, Boston, Massachusetts 02108-1512  
Telephone: (617) 727-9640

**SPRINGFIELD FOODSERVICE CORPORATION Summary Screen**



Help with this form

**Request a Certificate**

The exact name of the Domestic Profit Corporation: SPRINGFIELD FOODSERVICE CORPORATION

The name was changed from: SFC ACQUISITION, INC. on 9/12/2001

Merged with : SPRINGFIELD FOODSERVICE CORPORATION on 9/12/2001

Entity Type: Domestic Profit Corporation

Identification Number: 000761917

Old Federal Employer Identification Number (Old FEIN): 000000000

Date of Organization in Massachusetts: Jul 20 2001

Current Fiscal Month / Day: 12 / 31

Previous Fiscal Month / Day: 01 / 01

The location of its principal office in Massachusetts:

No. and Street: 340 TAYLOR ST.  
City or Town: SPRINGFIELD State: MA Zip: 01101 Country: USA

If the business entity is organized wholly to do business outside Massachusetts, the location of that office:

No. and Street:  
City or Town: State: Zip: Country:

The name and address of the Registered Agent:

Name: NATIONAL REGISTERED AGENTS, INC.  
No. and Street: 303 CONGRESS STREET, 2ND FLOOR  
City or Town: BOSTON State: MA Zip: 02110 Country: USA

The officers and all of the directors of the corporation:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code	Expiration of Term
PRESIDENT	SEAN GRIFFIN	220 CHACE HILL RD LANCASTER, MA 01523 USA	

TREASURER	JEFF FENDER	11012 TREYBURN DR GLENN ALLEN, VA 23059 USA	
SECRETARY	JOSEPH J TRAFICANTI	3612 WHISPERING WOOD CT. RICHMOND, VA 23233 USA	
CFO	ANGELA RANDALL	8 RYAN DRIVE ELLINGTON, CT 06029 USA	
VICE PRESIDENT	JEFF FENDER	11012 TREYBURN DR. GLEN ALLEN, VA 23059 USA	
DIRECTOR	STEVE SPINNER	13268 APDON COURT RICHMOND, VA 23233 USA	12/31/99

business entity stock is publicly traded:

The total number of shares and par value, if any, of each class of stock which the business entity is authorized to issue:

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CWP	\$0.01000	1,000	\$10.00	1,000

Consent   
 Manufacturer   
 Confidential Data   
 Does Not Require Annual Report  
 Partnership   
 Resident Agent   
 For Profit   
 Merger Allowed

Select a type of filing from below to view this business entity filings:

- ALL FILINGS
- Administrative Dissolution
- Annual Report
- Application for Reinstatement
- Application For Revival

Comments



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

# 06-27-16

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

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#### **An Executive Order Authorizing the Executive Director to File a Report with the House and Senate Ways and Means Committees and to Enter into a Contract with the Urban Land Institute.**

The Finance Control Board ("Board"), acting pursuant to Section 9(b) of the Acts of 2004 (the "Act"), finds as follows:

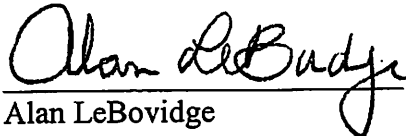
- 1) The Chief Development Officer, who is responsible for the overall economic development functions of the City of Springfield, asked the Board for authorization to enter into a contract with the Urban Land Institute ("ULI") to conduct an intensive analysis of the City's strengths, weaknesses and opportunities and to provide recommended strategies to improve the fundamental economic and social conditions in Springfield. The ULI, a nonprofit research and education organization, is an internationally recognized forum for the exchange of ideas among industry leaders and policy makers dedicated to creating better communities. The program will be underwritten through a public-private partnership of local businesses, institutions, the Chamber of Commerce, individuals and the City of Springfield, with the assistance of the Economic Development Council of Western Massachusetts.
- 2) The decision to retain the Urban Land Institute pursuant to Section 9(b) of the Act is based upon its unique experience and qualifications to provide expert advice and guidance for the City's revitalization and economic development, an essential service in the financial recovery of the City. The cost of this service is a flat rate charge of \$115,000, which will be shared through a public-private partnership. The Chief Development Officer is authorized to accept contributions from the private sector to defray the cost of this study. The provision of this service shall include a one day panel by the ULI-Boston Chapter, which shall be provided pro bono.
- 3) The Board certifies that it engaged in arms-length negotiations with the Urban Land Institute, being that the cost of the study is the standard fee charged to municipalities for one week panel

programs, and with the costs of the study being shared through a public-private partnership, represent the best possible arrangement for the city. The terms of the Agreement are provided on the attached application. In return for the advice and recommendations of the Institute, the cost of the study shall be \$115,000. The first installment of \$55,000 will be paid upon signing of the agreement. The second installment of \$55,000 will be paid one week prior to the panel's arrival on site. The third and final payment of \$5,000 will be paid when the Sponsor receives the final report.

In light of the above findings, the Board, acting pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, hereby authorizes the Executive Director to take the following action:

- 1) To file a report with the House and Senate Committees on Ways and Means indicating the Board's intent to award a contract for consultant services, without competitive bidding, to the Urban Land Institute. The report shall be filed at least five (5) days before the award of the contract, and shall disclose: (1) the terms of the anticipated contract, including but not limited to any monetary compensation; (2) the identity of the contractor and any subcontractor or affiliate of such contractor who would benefit under the contract; (3) a specific finding by the Board that not using a competitive bidding process under the circumstances is necessary to ensure the provision of essential services to the city; and (4) a certification by the Board that it engaged in arms-length negotiations with the contractor and that the terms of the contract represent the best possible arrangement for the city under the circumstances. Chapter 169 of the Acts of 2004, Section 9(b).
- 2) To execute the Advisory Services Agreement with the Urban Land Institute, on behalf of the Board, in substantially the same form as the draft contract attached hereto as Exhibit A, no earlier than five (5) days following the submission of the report to the House and Senate Committees on Ways and Means.

Approved this 27<sup>th</sup> day of June, 2006.



Alan LeBovidge  
Chairman  
Finance Control Board



Wayne Lee  
City Clerk

## **ULI-The Urban Land Institute Advisory Services Agreement**

This Agreement constitutes a binding contract between the City of Springfield (Sponsor) and ULI-the Urban Land Institute (Institute). As part of its purpose, the Institute maintains an Advisory Services Department for the purpose of benefiting the general public through improved planning and utilization of urban land. The Sponsor wishes to obtain advice and recommendations from the Institute regarding economic redevelopment of Springfield, Massachusetts.

Pursuant to this Agreement, the Institute agrees:

1. To provide a panel of persons composed of members of the Institute and others who collectively have a varied and broad experience and knowledge applicable to the particular problems to be considered, including the planning, development and redevelopment of land and the ownership, management and financing of real property.
2. To arrange for the panel members to visit the location upon which its recommendations are sought for a period of not less than five days, starting on or about September 24, 2006. During that time the panel, directly and through its staff, will study the designated area; consult with public and private officials, representatives of other relevant organizations, and other individuals familiar with the problems involved; and prepare its report, conclusions and recommendations which will be presented to the Sponsor and its invited guests in oral form at the close of the on-site assignment.
3. To provide the Sponsor with a written report of the study, its conclusions and recommendations. The Sponsor will be furnished 200 copies of the report, including such exhibits as may be necessary to augment the text. Additional copies of the report, if ordered before the termination of the panel assignment, will be provided at the cost of printing, mailing and handling.
4. To absorb the travel and living expenses of its panel and staff while on site.

**ULI Advisory Services Agreement (DRAFT)**  
**Page 2**

The Sponsor agrees, at its expense:

1. To furnish each panel member, in not less than 15 days in advance of the panel meeting, such pertinent background data in the form of reports, plans, charts, etc., as may be presently available or readily developed for the preliminary study of the panel, prior to its inspection on site. Two copies are to be sent to the Vice President of Advisory Services at ULI.
2. To arrange, insofar as possible, to have appropriate persons, including public and private officials, representatives of the relevant organizations, and others, available for the purpose of consulting with and furnishing information to the panel on specific matters relevant to the assignment as may be necessary and advisable during the period of the panel's visit.
3. To provide transportation and guides to be used by the panel for any necessary inspection of the study area and its environs and to assist the Institute staff in making advance arrangements for hotel accommodations for the Institute panel and staff and supporting the panels activities while they are on site.
4. In return for the advice and recommendations of the Institute, to pay the Institute the total sum of \$115,000. The first installment of \$55,000 will be paid upon signing of this agreement. The second installment of \$55,000 will be paid one week prior to the panel's arrival on site. The third and final payment of \$5,000 will be paid when the Sponsor receives the final report. In the event the Sponsor cancels the panel assignment, the initial payment is non-refundable and expenses incurred by the Sponsor becomes the responsibility of that party. The sponsor is responsible for submitting all payment. Unless previous arrangements are made, ULI will not accept payment from third parties.

It is understood that the fee paid by the Sponsor to the Institute is to be used to cover the costs of the panel assignment and to support and encourage the Institute's scientific and educational programs.

The Sponsor may make such use of the report as they may deem desirable. It is further understood that the Institute may make such use of the report prepared of the panel's findings and recommendations as it may deem desirable, and the Sponsor herewith specifically agrees that the Institute may publish and disseminate such report or any part thereof in conjunction with its research and educational programs.

ULI shall not be responsible for damages of any kind arising from the performance of services under this agreement, unless such damages arise from gross neglect on the part of ULI. ULI's aggregate liability for damages of any nature shall be limited to the amount of the fee under this agreement.

**Sponsor**

**ULI-the Urban Land Institute**

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

**# 5-03-01**

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

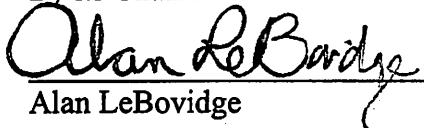
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**An Executive Order relative to taxation of personal property.**

Pursuant to its authority under sections 4(a), 4(b) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Control Board hereby accepts and adopts Massachusetts General Laws Chapter 59, section 5, clause 54, exempting from taxation personal property valued at less than \$500, establishing thereby a minimum value of personal property subject to taxation of \$500 or more.

Approved by vote of the Springfield Finance Control Board at its meeting held on May 3, 2006.

By its Chairman:

  
Alan LeBovidge

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 5-03-02

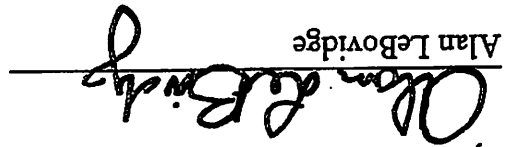
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield.*

AN EXECUTIVE ORDER

Pursuant to its authority under section 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Control Board hereby delegates to the Mayor the power to authorize the chief procurement officer to award contracts for terms exceeding three years, including any renewal, extension, or option, pursuant to Mass. Gen. Laws Chap. 30B, section 12(b).

Approved by vote of the Springfield Finance Control Board at its meeting held on May 3, 2006.

By its Chairman:

  
Alan LeBovidge

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 5-03-03

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

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**An Executive Order relative to the creation of a Park Banquet Facilities Revolving Fund**

Pursuant to its authority under sections 4(a), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Control Board hereby authorizes the creation of a "Park Banquet Facilities Revolving Fund" ("Fund") in accordance with Mass. Gen. Laws chapter 44, section 53E ½ ("Section 53E ½").

Monies in the Fund shall be accounted for separately from all other City monies and the Fund will be credited only with the departmental receipts received in connection with the programs supported by such Fund. Expenditures may be made from such Fund without further appropriation, subject to the provisions of Section 53E 1/2; provided, that expenditures shall not be made or liabilities incurred from the Fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such Fund, nor shall any expenditures be made unless approved in accordance with Mass. Gen. Laws ch. 41, sections 41, 42, 52 and 56.

No Fund expenditures shall be made for the purpose of paying any wages or salaries for full-time employees unless such Fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid.

Interest earned on the Fund balance shall be treated as general fund revenue of the City.

This authorization is made subject to the following:

- 1) The programs and purposes for which the revolving fund may be expended are the operation of the banquet, picnic and rental facilities at the Barney Carriage House and grounds at Forest Park, King Phillip's Stockade, and Camp Wilder.

2) The departmental receipts which shall be credited to the revolving fund are any and all income and revenue generated by banquet operations and rental of banquet and picnic facilities at the Barney Carriage House, King Phillip's Stockade, and Camp Wilder, which shall be under the control of the Department of Parks, Buildings and Recreation Management ("Department").

(3) The board, department, or officer authorized to expend money from the Fund is designated as the Director of Parks, Buildings, and Recreation Management ("Director").

(4) The total amount which may be expended from the Fund in each fiscal year shall be limited to the balance of the fund or the total authorized expenditures from such Fund, provided, further, that the Department shall not expend in any one fiscal year from all revolving funds under its direct control more than one percent (1%) of the amount raised by taxation by the city in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. In any fiscal year the limit on the amount that may be spent from the Fund may be increased with the approval of the Finance Control Board, provided that the one percent (1%) limit is not exceeded.

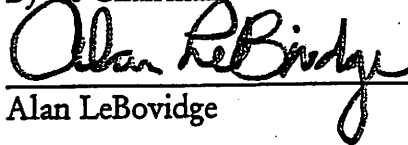
5) The Director shall report annually to the Finance Control Board the total amount of receipts and expenditures for the Fund for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the Finance Control Board may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the Finance Control Board may require by vote.

6) The Fund must be reauthorized for each fiscal year.

7) At the close of a fiscal year in which the Fund is not reauthorized for the following year, or in which the City changes the purposes for which money in the Fund may be spent in the following year, the balance in the Fund at the end of the fiscal year shall revert to surplus revenue unless the Finance Control Board votes to transfer such balance to another revolving fund established under Section 53E 1/2.

Approved by vote of the Springfield Finance Control Board at its meeting held on May 3, 2006.

By its Chairman:

  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

#2-28-04

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

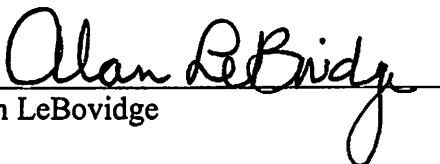
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The Finance Control Board hereby delegates to the Mayor of the City of Springfield its authority under Chapter 169 of the Acts of 2004, Section 4 (d) (13) to sell, lease or otherwise transfer tax title properties held by the City Treasurer taken or otherwise received pursuant to the provisions of Chapter 60 of the General Laws, such delegation of full and sufficient authority remains subject to the approval of the Secretary of the Executive Office for Administration and Finance.

The Mayor's authority shall also include but not be limited to the execution of all documents deemed pertinent and necessary in connection with the exercise of such authority.

Approved by vote of the Springfield Finance Control Board at its meeting held on February 28, 2006.

By its Chairman:

  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

**#2-28-03**

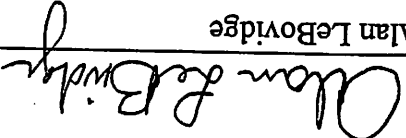
This Executive Order Authorizing the Mayor of City of Springfield to apply for, receive and expend Federal grant funds for the purposes of the Federal grant programs on eligible activities issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield.*

Pursuant to its authority under Section 4 of Chapter 169 of the Acts of 2004, the Finance Control Board hereby grants to the Mayor of the City of Springfield the authority to take all steps necessary to obtain and secure Federal funding for Springfield projects and activities.

The Mayor's authority shall include but not be limited to the execution of all documents pertinent and necessary to secure Federal funding on behalf of the City of Springfield, and it shall include, but not be limited to grant agreements, funding agreements, grant and funding applications.

Approved by vote of the Springfield Finance Control Board at its meeting held on February 28, 2006.

By its Chairman:

  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

**# 2-28-02**

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield*.

An Executive Order Authorizing the Executive Director to File a Report with the House and Senate Ways and Means Committees and to Enter into a Consultant Contract with Ms. Christine Saulnier

The Finance Control Board ("Board"), acting pursuant to Section 9(b) of the Acts of 2004, finds as follows:

- 1) The City's Chief Financial Officer, who is responsible for the overall budgetary and financial administration of the City of Springfield, and who has oversight responsibility over the City of Springfield Assessors Office, asked the Board for authorization to enter into a contract with a highly qualified consultant, Ms. Christine Saulnier, to review the operations and procedures of the City Assessors Office and make recommendations for improvements; and
- 2) Ms. Saulnier is uniquely qualified by her experience and education to perform the requested services for the City. She has over 27 years of experience in municipal assessment practices and procedures in Massachusetts. She was the Director of Assessing for the Town of Montague, MA, for 17 years (1986-1993), and was the Senior Clerk to the Board of Assessors in East Longmeadow, MA, for 10 years (1976-1986). She is currently a consultant to the Board of Assessors in Montague. She is a Massachusetts Accredited Assessor and is certified by the Department of Revenue. She has taken courses in real property appraisal practices, assessing procedures, assessment administration and assessment office procedures offered by professional organizations and the Department of Revenue; and
- 3) The decision to hire Ms. Saulnier without using a competitive bidding process is necessary to ensure that the Assessors Office continues to provide essential services to the City. Real estate values established by the Board of Assessors provide the basis for the City's tax rate, and are a prerequisite for the collection of approximately \$138,000,000 in real estate tax revenue, which accounts for 31% of the City's operating budget. The Assessors Office also processes hundreds of

applications for abatements and tax appeals annually. Staff must review and update the City's official records regarding property transfers and real estate values on a daily basis. The Assessors Office also serves as an important source of information for the public. Ms. Saulnier's recommendations for improvements will ensure the efficient operation of, and the provision of essential services by, the Assessors' Office.

The Board acknowledges that City officials and Board staff made an effort to utilize a competitive process and did search for qualified candidates. Staff did contact two other individuals, but they indicated they would not be available to perform the services requested.

Pending the submission of the report, and due to the urgent need for Ms. Saulnier's expertise in this field, the City has engaged her services under a short-term contract which was not required to be publicly bid under Mass. Gen. Laws ch. 30B. She is already providing invaluable advice to the Chief Financial Officer regarding improvements in the operations of the Assessors Office.

4) The Board certifies that it engaged in arms-length negotiations with Ms. Saulnier and that the terms of the Contract represent the best possible arrangement for the City under the circumstances. The hourly rate negotiated by the City is extremely reasonable for a consultant of Ms. Saulnier's qualifications and experience, the Scope of Services is sufficiently broad to meet the City's needs, and finally, the Contract is for less than one year. The terms may be summarized as follows:

a) Time - The Initial Term of the proposed Contract is for five (5) months, beginning on May 1, 2006, and ending on September 30, 2006. The Contract allows for a 6-month extension upon mutual agreement of the parties. Exhibit A, Article II.

b) Compensation - The maximum amount payable for the five (5) month period is Sixty-Five Thousand Eight Hundred Dollars (\$65,800.00), payable at a rate of Eighty Dollars (\$80.00) per hour, and includes up to One Thousand Dollars (\$1,000.00) for reasonable expenses, which must be approved by the Chief Financial Officer. Exhibit A, Article III.

c) Scope of Services - Ms. Saulnier will report directly to the Chief Financial Officer and will provide the following services:

1) Develop and assist in the implementation of processes and procedures to streamline and improve the daily operations of the Assessors Office;

2) Assist and advise the Chief Financial Officer in the identification and recommendation of a third member to serve on the Board of Assessors, and the selection of personnel to fill vacant positions in the Assessors Office.

3) Develop recommendations to the Chief Financial Officer regarding: appropriate training



and certification requirements for the Board of Assessors and their staff; streamlining the flow of work between the Assessors Office and other City departments; and strategies to manage operations within the Assessors' Office and their impact on other City departments.

4. Review processes, procedures and methodology related to new growth.

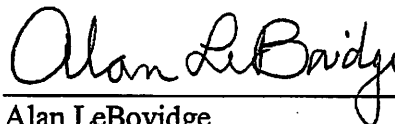
5. Assist in the implementation of approved changes and recommendations within the Assessors Office, and other tasks as requested by the Chief Financial Officer.

In light of the above findings, the Board, acting pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, hereby authorizes the Executive Director to take the following action:

1) To file a report with the House and Senate Committees on Ways and Means, in substantially the same form as the draft report attached hereto as Exhibit #1, indicating the Board's intent to award a contract for consultant services, without competitive bidding, to Ms. Christine Saulnier. The report shall be filed at least five (5) days before the award of the contract, and shall disclose: (1) the terms of the anticipated contract, including but not limited to any monetary compensation; (2) the identity of the contractor and any subcontractor or affiliate of such contractor who would benefit under the contract; (3) a specific finding by the Board that not using a competitive bidding process under the circumstances is necessary to ensure the provision of essential services to the city; and (4) a certification by the Board that it engaged in arms-length negotiations with the contractor and that the terms of the contract represent the best possible arrangement for the city under the circumstances. Chapter 169 of the Acts of 2004, Section 9(b).

2) To execute a contract with Ms. Christine Saulnier, on behalf of the Board, in substantially the same form as the draft contract attached hereto as Exhibit A, no earlier than five (5) days following the submission of the report to the House and Senate Committees on Ways and Means.

Approved this 28<sup>th</sup> day of February, 2006.



Alan LeBovidge  
Chairman  
Finance Control Board

**COMMONWEALTH OF MASSACHUSETTS  
CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#2-28-01

This Executive Order authorizing a residential tax factor, issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability in the City of Springfield.*

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WHEREAS, the Commissioner of Revenue of the Commonwealth of Massachusetts has certified, pursuant to chapter 369 of the Acts of 1982 of the Commonwealth of Massachusetts, that the board of assessors of the City of Springfield is assessing property at full and fair cash valuation; and

WHEREAS, the City Council together with the Mayor's approval, pursuant to said Act, is required to adopt a residential factor in order to determine the percentages of the local tax levy to be borne by each class of real property, as defined in M.G.L., c.59, s. 2A, and personal property for the next fiscal year; and

WHEREAS, as per the requirements §4(d)(17) of Chapter 169, Acts of 2004, any such residential tax factor shall not be valid until it has been approved by the Springfield Finance Control Board; and

WHEREAS, on February 23, 2006, the City Council held a public hearing, duly noticed, in accordance with the requirements of said Chapter 369, Acts of 1982, on the question of the adoption of said residential factor to determine the percentage of the local tax levy to be borne by each class of real and personal property; and

WHEREAS, at this hearing the City Council adopted a residential tax factor of 0.813619, the determined percentage of the local tax levy to be borne by each class of real and personal property.

**NOW, THEREFORE, BE IT ORDERED**, in accordance with the §4(d)(17) of Chapter 169, Acts of 2004, and provisions of the general law, that the residential factor for fiscal year 2006 shall be set at 0.813619 percent.

Approved by vote of the Springfield Finance Control Board at its meeting held on February 28, 2006.

By its Chairman:

Alan LeBovidge  
Alan LeBovidge

Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#12-21-01

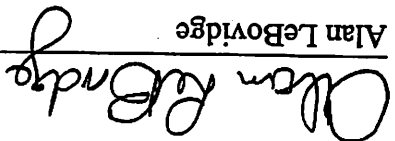
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

**An Appropriation Order**

Pursuant to its authority under section 4(c) of Chapter 169 of the Acts of 2004, the Control Board hereby appropriates Six hundred and sixty thousand (\$660,000) dollars from the supplemental reserve fund required under section 8 of chapter 169, Account # 0100-920-5800-06 to the Capital Reserve Fund 3402-192-5800-06 for School Building Repair.

Approved by vote of the Springfield Finance Control Board at its meeting held on December 15, 2005.

By its Chairman:

  
Alan LeBovidge

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY DELETING CHAPTER 2.56 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 2.56 - FIRE DEPARTMENT.

*Be it ordained by the Finance Control Board of City of Springfield as follows:*

Title 2, Chapter 2.56 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby deleted in its entirety and replaced by adding the following new Chapter 2.56 thereto.

Chapter 2.56

FIRE DEPARTMENT

Sections:

I. FIRE DEPARTMENT

- 2.56.010 Composition.
- 2.56.020 Appointment of members.
- 2.56.030 Qualification of members.
- 2.56.040 Composition of companies and duties of officers.
- 2.56.050 Pay for working out of grade.
- 2.56.060 Duties of chief.
- 2.56.070 Officers to act during absence or disability of chief.
- 2.56.080 Captains and lieutenants.

II. MEMBER--RECORDS

- 2.56.090 Individual records of members--New members.

III. INJURY IN PERFORMANCE OF DUTY

- 2.56.100 Full pay during disability.
- 2.56.110 Extending time for receiving full pay.
- 2.56.120 Giving notice of injury--Evidence of validity of claims.

## IV. INJURY NOT IN PERFORMANCE OF DUTY

- 2.56.130 Full pay during disability--Denying sick relief.
- 2.56.140 Extending time for receiving full pay.
- 2.56.150 Giving notice of injury--Evidence of validity of claim.
- 2.56.160 Giving notice of injury--Disregarding failure to give notice of injury.

## V. MISCELLANEOUS PROVISIONS

- 2.56.170 Suspension of officers and members--By commissioner.
- 2.56.180 Suspension of officers and members--By commissioner--Appeal to commissioner.
- 2.56.190 Supervisor of fire alarm.
- 2.56.200 Supervisor of repairs.
- 2.56.210 Pensions and annuities--Physical examinations.
- 2.56.220 Pensions and annuities--Statement of cause of disability.
- 2.56.230 Reimbursing members for damage to clothing.
- 2.56.240 Telephones in homes of officers and members.
- 2.56.250 Taking apparatus outside city.
- 2.56.260 Exclusion of persons from streets designated for use of department.
- 2.56.270 Tampering with fire alarm apparatus.
- 2.56.280 Obstructing of fire hydrants.
- 2.56.290 Vehicles obstructing private ways furnishing access for fire apparatus.

## I. FIRE DEPARTMENT

2.56.010 Composition. The fire department shall consist of one (1) fire commissioner, three (3) deputy chiefs, eight (8) district chiefs, one (1) supervisor of the fire alarm, one (1) assistant supervisor of the fire alarm, one (1) supervisor of repairs, one (1) assistant fire repair supervisor, one (1) administrative assistant, one (1) supervisor of the bureau of fire prevention, and such number of assistant inspectors of the bureau of fire prevention as may be appointed by fire commissioner, and such number of permanently employed members as may from time to time be authorized, all of whom shall be appointed by the fire commissioner.

2.56.020 Appointment of members. A. Subject to such rules as may be prescribed by the civil service commissioners of the Commonwealth, all appointments to the fire department except the fire commissioner shall be made by the fire commissioner.

2.56.030 Qualification of members. A. No person shall be a member of the fire department unless he is at the time a citizen of the city, and not less than twenty-one (21) years of age.

B. No person fully or permanently employed by the state or by the city in any other department shall be a member of the fire department, and any member of the fire department accepting a position requiring him to be so employed or removing from the city shall be considered thereby to have resigned his membership of the fire department.

2.56.040 Composition of companies and duties of officers. The composition of the various companies of the fire department, and the duties of all the officers and members of the fire department, shall be such as the fire commissioner may from time to time determine and establish.

2.56.050 Pay for working out of grade. A. A city employee who is performing, pursuant to assignment, temporary intermittent service in a position occupied by incumbent, which incumbent is classified in a grade higher than the grade of the position in which the performing employee performs regular service, and an employee occupying a vacant position of higher rank, shall be compensated for such service at the rate to which he would be entitled had he been promoted to such, position.

B. Compensation under this section shall be payable to the employee only for each full hour in which he so performs.

C. A period of performance of less than one (1) hour in the course of a working day shall not be compensable; however, if the same employee is required to perform for two (2) or more periods in a day, regardless of duration, he shall be compensated for time spent in the out of grade position. Notwithstanding the above, an employee so serving in a position of higher grade as aforesaid shall receive a minimum of thirty (30) cents per hour of service.

D. The provisions of this section do not apply to uniformed members of the fire department.

2.56.060 Duties of fire commissioner. It shall be the duty of the fire commissioner to make a report in writing to the building commissioner and police commissioner of any violations coming to his notice of any provision of any ordinance of the city establishing a fire district and regulating the construction of buildings, and he shall perform such other duties as the Mayor from time to time prescribe. He shall devote his whole time to the interests and business of the department.

2.56.070 Officers to act during absence or disability of fire commissioner. A. In case of the fire

commissioner's absence from the city, vacancy of office or disability from any cause to perform his duties, his powers shall vest in and his duties devolve upon the senior deputy chief.

B. In case of the absence from the city or disability to perform such duties on the part of both the fire commissioner and the senior deputy chief, the senior officer by date of appointment, shall be acting fire commissioner.

2.56.080 Captains and lieutenants. So many of the members permanently employed, as the commissioner may from time to time determine, shall hold the rank of captain and of lieutenant.

## II. MEMBERS--RECORDS

### 2.56.090 Individual records of members--New members.

A. There shall be established and maintained, under the direction of the fire commissioner, a suitable record system which shall contain all possible information concerning the efficiency and desirability of each individual member of the department.

B. All conspicuous acts and conduct of any permanent member shall be made a matter of record and all records shall show the date of each entry, and the date of any occurrence referred to therein, and the entry of any occurrence shall be made within two (2) weeks thereafter and shall be signed by the fire commissioner.

C. These records shall be accurately copied into a book permanently bound and kept for that purpose, within five (5) days next after the entry is made by the fire commissioner, which book shall remain at all times in the custody of the fire commissioner or such representative as he may appoint.

D. These individual records shall be compared and considered at least once in six (6) months by the fire commissioner, who shall justly assign each member to his proper class in accordance with such record.

E. Any change in the standing of members shall be noted with the reasons for the same and copied as already provided.

F. New members serving a six (6) month probationary period shall be considered at the expiration of two (2) months and again at the expiration of five (5) months, at which latter time the fire commissioner shall forward the Mayor, in each case, a recommendation as to their continuance in the service or otherwise."

## III. INJURY IN PERFORMANCE OF DUTY

2.56.100 Full pay during disability. Any member of the fire department in active service, injured, ill or disabled while in the performance of his duties as a member of the



department, if the injury, illness or disability renders him temporarily unable to attend to his regular duties, shall receive his full pay from the city during his temporary injury, illness or disability, not to exceed twelve (12) weeks in all for each such injury, illness or disability.

2.56.110 Extending time for receiving full pay. The time for receiving full pay during a temporary injury, illness or disability may be extended beyond such twelve (12) week period for each injury, illness or disability at the discretion of the commissioner.

2.56.120 Giving notice of injury--Evidence of validity of claims. A. Members of the fire department shall give notice in writing, or cause notice to be given to his respective district fire chief, in all cases of injury, illness or disability, within three (3) days of the date of the occurrence claimed to be the cause of the injury, illness or disability and all such claims shall be submitted to the fire commissioner for his approval.

B. The fire commissioner is empowered to take such steps and require such evidence as he deems necessary to be satisfied of the validity of the claim for injury, illness or disability.

#### IV. INJURY NOT IN PERFORMANCE OF DUTY

2.56.130 Full pay during disability--Denying sick relief. A. Any member of the fire department in active service who suffers an injury, illness or disability not connected with the performance of his duties as a member of such department, if the injury, illness or disability renders him temporarily unable to attend to his regular duties, shall receive his full pay from the city during his temporary injury, illness or disability, not to exceed a total of twelve (12) weeks in any twelve (12) month period.

B. The fire commissioner is directed and empowered, if the injury, illness or disability is self-inflicted or self-imposed, or if there is any other good cause, to deny a member of the department sick relief under this section."

2.56.140 Extending time for receiving full pay. The time for receiving full pay during and temporary illness, injury or disability may be extended beyond such total twelve (12) week period at the discretion of the fire commissioner."

2.56.150 Giving notice of injury--Evidence of validity of claim. A. Members of the fire department shall give notice in writing, or cause notice to be given to the fire commissioner in all cases of injury, illness or disability within three (3) days of the date of the commencement of such

injury, illness or disability, and all such claims shall be submitted to the fire commissioner for his approval,

B. The fire commissioner is empowered to take such steps and require such evidence as he deems necessary to be satisfied of the validity of the claim for injury, illness or disability.

2.56.160 Giving notice of injury--Disregarding failure to give notice of injury. A. In case any member, injured, ill or disabled fails to give notice in writing or cause notice to be given to the commissioner of the fire department, as required by Sections 2.56.120 and 2.56.150, within the required three (3) days, such failure may be disregarded by the commissioner in awarding payments during injury, illness or disability, if, in the discretion of the commissioner he is of the opinion that equity and fairness require it.

#### V. MISCELLANEOUS PROVISIONS

2.56.170 Suspension of officers and members--By commissioner. Subject to the laws, rules and regulations of the Commonwealth relating to the civil service, any officer or member of the fire department may, at any time, be suspended, removed or discharged by the fire commissioner.

2.56.180 Supervisor of fire alarm. The supervisor of the fire alarm shall perform all duties designated under the provisions of Chapter 276 of the Acts of 1900, as amended, and also the duties specified in Section 2.60.130, relating to the police signal system.

2.56.190 Supervisor of repairs. The supervisor of repairs shall have general charge of the care and repairs of the apparatus and equipment of the fire department subject to such rules and regulations as the commissioner may from time to time prescribe.

2.56.200 Pensions and annuities--Physical examinations. Every person recommended or petitioning for a pension under the provisions of General Laws, Chapter 32, Sections 81A and 81B, shall be examined by a medical panel consisting of three (3) physicians, as provided in General Laws, Chapter 32, Section 85F.

2.56.210 Pensions and annuities--Statement of cause of disability. When any member of the fire department makes application for a pension because of a permanent disability incurred in discharge of his duties as a fireman, the fire commissioner shall forthwith furnish to the Mayor a written statement of the circumstance under which the disability of the applicant for pension was incurred and the source of his information.

2.56.220 Reimbursing members for damage to clothing. The fire commissioner may, at his discretion, at the expense of the city, reimburse any member of the fire department for damage to his clothing received while on duty.

2.56.230 Telephones in homes of officers and members. Every officer and member of the fire department shall cause to be installed at his home means of communication by telephone which shall be satisfactory to the chief of the fire department or the officer lawfully exercising his powers.

2.56.240 Taking apparatus outside city. No engine or any part of the apparatus belonging to the fire department shall be taken from the city at any time, except for the purpose of having the same repaired; provided, however, that in case of a fire and such other emergencies or potential public disasters that might arise in a neighboring town, city or area under federal jurisdiction, the chief may order any engine, or any of such apparatus, to be taken to such town, city or area under federal jurisdiction for the purpose of assisting in the extinguishing of such fire.

2.56.250 Exclusion of persons from streets designated for use of department. No person not a member of the fire department or the police department shall, without the authority of some one (1) of the officers of one (1) of such departments, willfully remain or enter upon such part of any street, lane, alley or any other public or private area as is by the authority of the officers of either of such departments roped off, barricaded or plainly designated in any way for the use of the fire department and/or police department in extinguishing a fire or handling any other public safety emergency, or for the protection of persons present at any fire or other public safety emergency.

2.56.260 Tampering with fire alarm apparatus. A. No person shall, without authority from the supervisor of the fire alarm, open, or in any way interfere with, break or injure a signal box, wire or anything connected with the fire alarm apparatus, except for the purpose of giving an alarm in case of fire.

B. No person shall willfully or without cause destroy, injure or deface a signal box, wire or any other thing connected with the fire alarm apparatus.

2.56.270 Obstructing of fire hydrants. No person shall throw or put, or cause to be thrown or put, any snow or ice or any other thing or material upon or against any fire hydrant in any street, lane, alley, park or common in the city.

2.56.280 Vehicles obstructing private ways furnishing

access for fire apparatus. A. No person shall permit a vehicle in his charge or control to remain unattended within the limits of private ways furnishing means of access for fire apparatus to any building.

B. If any vehicle is found upon any private way in violation of this section, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

This ordinance shall take effect on January 1, 2006

**ENACTED BY THE FINANCE CONTROL BOARD ON DECEMBER 21, 2005**

**APPROVED:**

**January 6, 2006**

**ATTEST:**



**CLERK OF THE BOARD**

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

**#12-21-01**

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

**An Appropriation Order**

Pursuant to its authority under section 4(c) of Chapter 169 of the Acts of 2004, the Control Board hereby appropriates Six hundred and sixty thousand (\$660,000) dollars from the supplemental reserve fund required under section 8 of chapter 169, Account # 0100-920-5800-06 to the Capital Reserve Fund 3402-192-5800-06 for School Building Repair.

Approved by vote of the Springfield Finance Control Board at its meeting held on December 15, 2005.

By its Chairman:

*Alan LeBovidge*  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

**#11-28-04**

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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**An Executive Order Authorizing Master Loan Agreement Borrowing #6.**

**WHEREAS**, the City of Springfield had a structural deficit for fiscal year 2005;

**WHEREAS**, the City is expected to incur a smaller structural deficit in fiscal year 2006;

**WHEREAS**, as a result of such structural deficits, the City is unable to enact a balanced budget and is in fiscal crisis;

**WHEREAS**, the fiscal crisis poses an imminent danger to the safety of citizens of the City and their property;

**WHEREAS**, the City may be unable to obtain reasonable access to credit markets;

**WHEREAS**, the City's credit has been downgraded to a sub-investment grade credit rating;

**WHEREAS**, the City will receive during fiscal 2006 local aid from the commonwealth in excess of \$260,000,000, representing over 60 per cent of its operating budget, a proportion in keeping with that of recent years;

**WHEREAS**, special acts approved in 1989, 1991 and 1996 have not been successful in achieving fiscal stability for the City;

**WHEREAS**, in order to assure a comprehensive long-term solution to the City's financial problems, it is necessary to enact extraordinary remedies, including a finance control

board and, if necessary, a receiver, with the powers necessary to achieve the intent of this act;

**WHEREAS**, the governor recommended to the general court pursuant to section 8 of Article LXXXIX of the Amendments to the Constitution that legislation be enacted to resolve the financial emergency in the City and to restore financial stability to the City;

**WHEREAS**, the General Court enacted and the Governor signed Chapter 169 of the Acts of 2004 (the "Act"), "An Act Relative to the Financial Stability in the City of Springfield";

**WHEREAS**, section 2 of the Act appropriated \$52 million for the sole purpose of providing interest free loans to the City; and

**WHEREAS**, section 2 of the Act further allows for such loans to be disbursed to the City from time to time in such amount and upon terms and conditions by the financial control board and approved by the secretary of administration and finance.

**THEREFORE, BE IT RESOLVED**, that the City of Springfield (the "Borrower") and the Commonwealth of Massachusetts (the "Lender"), acting through the Financial Control Board, (together, the "Parties") agree to the following terms and conditions for the Master Loan Agreement (the "Agreement") and Borrowing Number 6 ("Borrowing No. 6").

**Section 1: Purpose, Amount, Term, Rate of Interest of the Borrowing**

- 1.1 The purpose of Borrowing No. 6 is to renew Borrowing Number P-1 in the amount of \$21,000,000 to fund operating deficits incurred in fiscal year 2005 and prior fiscal years, and to renew Borrowing Number 5 in the amount of \$1,625,000 to acquire real property at an advantageous price, specifically St. Michael's School and other buildings located at 90 Berkshire Street in Springfield, in order to continue essential City services for education.
- 1.2 The amount of Borrowing No. 6 is \$22,625,000.
- 1.3 The repayment date for Borrowing No. 6 is December 29, 2006 ("Maturity Date").
- 1.4 The rate of interest for Borrowing No. 6 is zero percent.

**Section 2: Repayment by Borrowing**

- 2.1 The Borrower shall repay to the Lender from all of its funds available the full amount of Borrowing No. 6.
- 2.2 The Financial Control Board will approve any repayments of Borrowing No. 6.
- 2.3 Repayments of Borrowing No.6 will restore the amount of funds available for future borrowings by the Borrower under the Act.

**Section 3: Defaults and Remedies**


- 3.1 Event of Default in this Agreement means the failure of the Borrower to repay the Borrowing by the Maturity Date.
- 3.2 If an Event of Default exists, the Treasurer and Receiver-General shall notify the Secretary of Administration and Finance, who shall, in agreement with state law and not in contravention with other agreements between the Borrower and other parties, take actions to deduct the unpaid amount from future so-called state aid payments from the Lender to the Borrower.

**Section 4: Miscellaneous**

- 4.1 This Agreement may be amended by the Parties, with the written approval of the Secretary of Administration and Finance.
- 4.2 Any amendments shall be in writing.
- 4.3 This Agreement is not intended for the benefit of and shall not be construed to create rights in parties other than the Borrower and the Lender.
- 4.4 In case any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.
- 4.5 This Agreement may be executed and delivered in any number of counterparts, each of which shall be deemed to be an original; but such counterparts together shall constitute one and the same instrument.
- 4.6 This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be duly executed as an instrument as of the date first above written.

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD



By: Alan LeBovidge, Chairman

Date: 11/28/05

**APPROVED BY THE SECRETARY FOR ADMINISTRATION AND FINANCE**

By: Thomas H. Trimarco, Secretary

Date:



**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

**#11-28-03**

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

**An Executive Order Eliminating the Personnel Policy Board**

Pursuant to its authority under section 4 of the Chapter 169 of the Acts of 2004, the Control Board hereby eliminates the City of Springfield's Personnel Policy Board as set out in the Revised Ordinances of the City of Springfield, 1986, as amended, and transfers its authority to the Personnel Director.

The Board hereby directs its staff to take all steps necessary to amend Chapter 3.04 of the Revised Ordinances of the City of Springfield, 1986, as amended to conform with these actions.

Approved by vote of the Springfield Finance Control Board at its meeting held on November 28, 2005.

By its Chairman:

  
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Alan LeBovidge

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

# 11-00-0102

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

#### **An Executive Order Establishing a Single Fire Commissioner**

Pursuant to its authority under section 4 of Chapter 169 of the Acts of 2004, the Control Board hereby eliminates the Board of Fire Chiefs and eliminates the Board of Fire Commissioners and transfers their individual authority to a single Fire Commissioner.

The Fire Commissioner shall have all the powers, duties, authority and responsibilities previously vested in the Board of Fire Chiefs and in the Board of Fire Commissioners now or previously conferred or imposed by law or otherwise reflected in the Revised Ordinances of the City of Springfield, 1986, as amended.

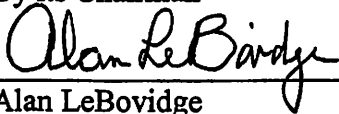
The Fire Commissioner shall report directly to the Mayor. Gary Cassanelli is hereby appointed to the position of Fire Commissioner. The position of Chief of the Fire Department is hereby abolished.

In furtherance of these actions, the Board, acting under the authority vested in it under section 4(d)(20), approves and adopts the following and hereby directs staff to take all action necessary to promulgate the following amendment and replacement of Chapter 2.54 and Chapter 2.56 of the Revised Ordinances of the City of Springfield, 1986, as amended, and is hereby replaced as with Exhibit A, attached hereto.

Furthermore the Board directs its staff to take all steps necessary to amend Chapter 2.54 (Board of Fire Commissioners) and Chapter 2.56 (Fire Department) of the Revised Ordinances of the City of Springfield, 1986, as amended to conform with these actions.

Approved by vote of the Springfield Finance Control Board at its meeting held on November 28, 2005.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

*no vote*

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

# 11-28-01

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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**An Executive Order Directing the Issuance of a Red Light RFP**

**WHEREAS**, the Control Board finds that many states and municipalities across the country have experienced substantial decreases in red light violations by using red light cameras;

**WHEREAS**, the implementation of a red light camera program will allow a more effective deployment of police officers,

**WHEREAS**, the Control Board finds that red light cameras produce scientifically precise evidence of red light violations;

**WHEREAS**, the Control Board finds that there is a significant risk to the health and safety of the community from drivers who run red lights;

**WHEREAS**, the Control Board recognizes that strong action is required to enforce local traffic laws;

AND

**WHEREAS**, the Control Board finds that red light cameras save lives.

**THEREFORE**, pursuant to its authority under section 4 of Chapter 169 of the Acts of 2004, the Control Board hereby directs its staff to issue a Request for Proposals for the provision of a comprehensive red light camera program for the City of Springfield.

Furthermore, the Board directs its staff to draft and submit for approval an ordinance that will allow for the implementation of a red light camera program that is consistent with the goals outlined above.

Approved by vote of the Springfield Finance Control Board at its meeting held on November 28, 2005.

By its Chairman

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Alan LeBovidge

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**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-27-12

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Authorizing the Eminent Domain Taking  
of a Temporary Easement over a portion of  
Parcel 24, Rear South Side Desrosiers Street, Springfield, MA.**

**ORDER OF TAKING**

The Finance Control Board, acting at the request of the Department of Public Works, and exercising the authority of the City Council as provided for in Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, **for purposes of constructing a landfill gas extraction system** (an appropriation of money having been duly made for said purposes), does hereby take by eminent domain in the name and on behalf of the said City of Springfield, a **temporary easement**, together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and all structures affixed to said land, excepting easements, rights, and interests specifically reserved herein, over a portion of a parcel of land (the "Temporary Easement Area") referred to as "**Rear South Side Desrosiers Street**" in said Springfield, Hampden County, Massachusetts (**Street/Parcel #03860-0024**), which Temporary Easement Area is bounded and described as follows:

**OWNER: PAUL M. DESROSIERS (or his heirs at law).**

**Easement "C-2"**

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is S 39°-01'-16"E a distance of seventeen and 63/100 (17.63) feet

- from an angle point in the southerly line of Desrosiers Street; thence
- N 50°-58'-44"E along land now or formerly of Cleophe Desrosiers a distance of five hundred eighty five and 35/100 (585.35) feet to a point; thence
  - S 55°-46'-24"E in land of Paul M. Desrosiers a distance of fifty five and 67/100 (55.67) feet to a point; thence
  - S 51°-06'-02"W along land of The Mercy Hospital a distance of thirty five and 72/100 (35.72) feet to a point; thence
  - N 55°-46'-24"W in land of Paul M. Desrosiers a distance of nineteen and 67/100 (19.67) feet to a point; thence
  - S 52°-22'-20"W in land of Paul M. Desrosiers a distance of four hundred thirty four and 20/100 (434.20) feet to a point; thence
  - S 42°-38'-16"E in land of Paul M. Desrosiers a distance of twenty eight and 52/100 (28.52) feet to a point; thence
  - S 51°-06'-02"W along land of The Mercy Hospital a distance of eighty and 16/100 (80.16) feet to a point; thence
  - N 42°-38'-16"W in land of Paul M. Desrosiers a distance of thirty and 31/100 (30.31) feet to a point; thence
  - S 52°-22'-20"W in land of Paul M. Desrosiers a distance of forty four and 63/100 (44.63) feet to a point; thence
  - N 39°-01'-16"W along land now or formerly Onil J. and Elsie J. Charest a distance of seventeen and 36/100 (17.36) feet to the point of beginning.

Said temporary construction easement contains 17,507 ± square feet more or less and is more particularly shown as Easement "C-2" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September, 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

This temporary easement term shall commence upon the recording of this Order in the Registry of Deeds, and shall terminate six (6) months thereafter.

### AWARD OF DAMAGES

The following is the award of damages made by the Finance Control Board for the above-described taking of the temporary easement ("C-2"), to the owner of said parcels and mortgagees, lienors or others having an interest in said parcels:

<u>Temporary Easement #</u>	<u>Award</u>	<u>Owner and Others Having Interest in Land</u>
"C-2"	\$870.00	Paul M. Desrosiers (or his heirs at law)

#### **THIS TEMPORARY EASEMENT OVER PARCEL 24 IS TAKEN SUBJECT TO THE FOLLOWING RESERVATIONS:**

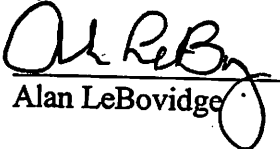
- (A) Subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield.
- (B) Subject to the zoning laws of the Commonwealth of Massachusetts and the zoning rules and regulations of the City of Springfield.
- (C) Subject to a Medical Assistance Lien by the Commonwealth of Massachusetts Division of Medical Assistance dated May 15, 1997 and recorded in the Hampden County Registry of Deeds at Book 9909, Page 388.
- (D) Subject to a Tax taking by the City of Springfield in the amount of \$454.61 recorded in the Hampden County Registry of Deeds at Book 11500, Page 241.

Although said parcels are stated above as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

The City Clerk of the City of Springfield is hereby directed to cause a certified copy of this Order to be recorded in the Hampden County Registry of Deeds within thirty (30) days of the date hereof, further that a notice be sent to all persons having any interest in the land herein taken all in compliance with Massachusetts General Laws Chapter 79.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005

By its Chairman

  
Alan LeBovidge

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# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#10-27-11

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

#### An Executive Order Appropriating Funds for the Eminent Domain Taking of a Temporary Easement (C-2) on Parcel 24, Rear South Side Desrosiers Street, Springfield, MA.

Pursuant to its authority under Chapter 169 of the Acts of 2004, sections 4(b), 4(c) and 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, the Finance Control Board ("Board") hereby appropriates the sum of **Eight-Hundred Seventy and 00/100 Dollars (\$870.00)** as damages for the anticipated eminent domain taking of a temporary easement over a parcel of land referred to as "**Rear South Side Desrosiers Street**" in said Springfield, Hampden County, Massachusetts (Street/Parcel #03860-0024), which Temporary Easement is more particularly described as:

#### Easement C-2

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is S 39°-01'-16"E a distance of seventeen and 63/100 (17.63) feet from an angle point in the southerly line of Desrosiers Street; thence

N 50°-58'-44"E along land now or formerly of Cleophe Desrosiers a distance of five hundred eighty five and 35/100 (585.35) feet to a point; thence

S 55°-46'-24"E in land of Paul M. Desrosiers a distance of fifty five and 67/100 (55.67) feet to a point; thence

S 51°-06'-02"W along land of The Mercy Hospital a distance of thirty five and 72/100 (35.72) feet to a point; thence

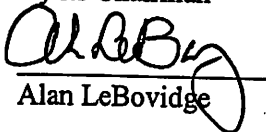
- N 55°-46'-24"W in land of Paul M. Desrosiers a distance of nineteen and 67/100 (19.67) feet to a point; thence
- S 52°-22'-20"W in land of Paul M. Desrosiers a distance of four hundred thirty four and 20/100 (434.20) feet to a point; thence
- S 42°-38'-16"E in land of Paul M. Desrosiers a distance of twenty eight and 52/100 (28.52) feet to a point; thence
- S 51°-06'-02"W along land of The Mercy Hospital a distance of eighty and 16/100 (80.16) feet to a point; thence
- N 42°-38'-16"W in land of Paul M. Desrosiers a distance of thirty and 31/100 (30.31) feet to a point; thence
- S 52°-22'-20"W in land of Paul M. Desrosiers a distance of forty four and 63/100 (44.63) feet to a point; thence
- N 39°-01'-16"W along land now or formerly Onil J. and Elsie J. Charest a distance of seventeen and 36/100 (17.36) feet to the point of beginning.

Said temporary construction easement contains 17,507 ± square feet more or less and is more particularly shown as Easement "C-2" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September, 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

The funding source for this appropriation is Account # 0100-433-5383.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
 Alan LeBovidge



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# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#10-27-10

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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**An Executive Order Authorizing the Eminent Domain Taking  
of a Temporary Easement over a portion of Parcel 25,  
South Side Desrosiers Street, Springfield, MA.**

#### **“ORDER OF TAKING”**

The Finance Control Board, acting at the request of the Department of Public Works, and exercising the authority of the City Council as provided for in Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, **for purposes of constructing a landfill gas extraction system** (an appropriation of money having been duly made for said purposes), does hereby take by eminent domain in the name and on behalf of the said City of Springfield, a **temporary easement**, together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and all structures affixed to said land, excepting easements, rights, and interests specifically reserved herein, over a portion of a parcel of land referred to as “**South Side Desrosiers Street**” in said Springfield, Hampden County, Massachusetts (**Street/Parcel #03860-0025**), which is temporary easement bounded and described as follows:

**OWNER: BENOIT DESROSIERS** (or his heirs at law), **MARK DESROSIERS**, **DENIS DESROSIERS**, **RICHARD DESROSIERS**, **GUY DESROSIERS**, **RACHEL RIOUX** (or her heirs at law), **LORAIN JOHNSON**, **PAUL DESROSIERS** (or his heirs at law), **CLAIRE ZACARRO**, **SUSAN BROWN**, AND **PAUL DESROSIERS**, **TENANTS IN COMMON**, AS **HEIRS UNDER THE ESTATE OF CATHERINE L. DESROSIERS** (Hampden County Probate Case #121989).

#### **Easement “C-3”**

A certain parcel of land located on the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

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Beginning at an angle point on the southerly side of Desrosiers Street said point being S 78°-22'-32"E a distance of one hundred seventy eight and 66/100 (178.66) feet from the intersection of the southerly line of Desrosiers Street with the easterly line of Carew Street; thence

N 52°-22'-20"E along the southerly side of Desrosiers Street and land now or formerly of G & B Associates, Inc. a distance of five hundred eighty four and 49/100 (584.49) feet to a point; thence

S 55°-46'-24"E in land of Cleophe Desrosiers a distance of three and 56/100 (3.56) feet to a point; thence

S 50°-58'-44"W along land now or formerly of Paul M. Desrosiers a distance of five hundred eighty five and 35/100 (585.35) feet to a point; thence

N 39°-01'-16"W along land now or formerly of Andree L. Charest a distance of seventeen and 63/100 (17.63) feet to the point of beginning.

Said construction easement contains 6,148 square feet more or less and is more particularly shown as Easement "C-3" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

This temporary easement term shall commence upon the recording of this Order in the Registry of Deeds, and shall terminate six (6) months thereafter.

**AWARD OF DAMAGES**

The following is the award of damages made by the Finance Control Board for the above-described taking of the temporary easement, to the owner of said parcels and mortgagees, lienors or others having an interest in said parcels:

<u>Temporary Easement</u>	<u>Award</u>	<u>Owner and Others Having Interest in Land</u>
#C-3	\$300.00	BENOIT DESROSIERS (or his heirs at law), MARK DESROSIERS, DENIS DESROSIERS, RICHARD DESROSIERS, GUY DESROSIERS, RACHEL RIOUX (or her heirs at law), LORAINÉ JOHNSON, PAUL DESROSIERS, CLAIRE ZACARRO, SUSAN BROWN, AND PAUL

DESROSIERS, TENANTS IN COMMON, AS  
HEIRS UNDER THE ESTATE OF CATHERINE  
L. DESROSIERS (Hampden County Probate Case  
#121989).

**THIS TEMPORARY EASEMENT OVER PARCEL 25 IS TAKEN SUBJECT TO THE  
FOLLOWING RESERVATIONS:**

- (A) Subject to prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield.
- (B) Subject to the zoning laws of the Commonwealth of Massachusetts and the zoning rules and regulations of the City of Springfield.
- (C) Subject to an easement of way taken by the City of Springfield for purpose of a public highway dated May 23, 1960, and recorded in Book 2750, Page 6. (NOTE: Parcel 25 is the remaining portion of land acquired by deed recorded in the Hampden County Registry of Deeds at Book 1224, page 508 and is shown on an assessment plan recorded in the Registry of Deeds in Plan Book 76, Page 83).
- (D) Subject to a tax taking by the City of Springfield in the amount of \$288.94 recorded in the Hampden County Registry of Deeds at Book 11500, page 240.

Although said parcels are stated above as belonging to the named owner/s, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

The City Clerk of the City of Springfield is hereby directed to cause a certified copy of this Order to be recorded in the Hampden County Registry of Deeds within thirty (30) days of the date hereof, further that a notice be sent to all persons having any interest in the land herein taken all in compliance with Massachusetts General Laws Chapter 79.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge

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**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-27-09

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

**An Executive Order Appropriating Funds  
for the Eminent Domain Taking of a Temporary Easement  
over a portion of Parcel 25, South Side Desrosiers Street, Springfield, MA**

Pursuant to its authority under Chapter 169 of the Acts of 2004, sections 4(b), 4(c) and 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, the Finance Control Board ("Board") appropriates the sum of **Three-Hundred Dollars (\$300.00)** as damages for the eminent domain taking of a **temporary easement** over a portion of a parcel of land referred to as "**South Side Desrosiers Street**" in said Springfield, Hampden County, Massachusetts (**Street/Parcel #03860-0025**), which Temporary Easement is more particularly described as:

**Easement "C-3"**

A certain parcel of land located on the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at an angle point on the southerly side of Desrosiers Street said point being S 78°-22'-32"E a distance of one hundred seventy eight and 66/100 (178.66) feet from the intersection of the southerly line of Desrosiers Street with the easterly line of Carew Street; thence

N 52°-22'-20"E along the southerly side of Desrosiers Street and land now or formerly of G & B Associates, Inc. a distance of five hundred eighty four and 49/100 (584.49) feet to a point; thence

S 55°-46'-24"E in land of Cleophe Desrosiers a distance of three and 56/100 (3.56) feet to a point; thence

S 50°-58'-44"W along land now or formerly of Paul M. Desrosiers a distance of five hundred eighty five and 35/100 (585.35) feet to a point; thence

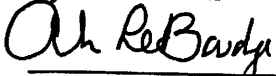
N 39°-01'-16"W along land now or formerly of Andree L. Charest a distance of seventeen and 63/100 (17.63) feet to the point of beginning.

Said construction easement contains 6,148 square feet more or less and is more particularly shown as Easement "C-3" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

The funding source for this appropriation is Account # 0100-433-5383.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge

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**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-27-08

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Authorizing the Eminent Domain Taking  
of Permanent Easements on a portion of Parcel 25,  
South Side Desrosiers Street, Springfield, MA.**

**“ORDER OF TAKING”**

The Finance Control Board, acting at the request of the Department of Public Works, and exercising the authority of the City Council as provided for in Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, **for purposes of operating, repairing and maintaining a landfill gas extraction system** (an appropriation of money having been duly made for said purposes), does hereby take by eminent domain in the name and on behalf of the said City of Springfield, **permanent easements**, together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and all structures affixed to said land, excepting easements, rights, and interests specifically reserved herein, over portions of a parcel of land referred to as **“South Side Desrosiers Street”** in said Springfield, Hampden County, Massachusetts (**Street/Parcel #03860-0025**), which permanent easements are bounded and described as follows:

**OWNER: BENOIT DESROSIERS** (or his heirs at law), **MARK DESROSIERS**, **DENIS DESROSIERS**, **RICHARD DESROSIERS**, **GUY DESROSIERS**, **RACHEL RIOUX** (or her heirs at law), **LORAINÉ JOHNSON**, **PAUL DESROSIERS** (or his heirs at law), **CLAIRE ZACARRO**, **SUSAN BROWN**, AND **PAUL DESROSIERS**, **TENANTS IN COMMON**, AS **HEIRS UNDER THE ESTATE OF CATHERINE L. DESROSIERS** (Hampden County Probate Case #121989).

**Easement "P-3"**

A certain parcel of land located on the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point on the southerly side of Desrosiers Street said point being N 52°-22'-20"E a distance of seventy two and 52/100 (72.52) feet from an angle point in Desrosiers Street; thence

N 52°-22'-20"E along the southerly line of Desrosiers Street a distance of twenty and 08/100 (20.08) feet to a point; thence

S 42°-38'-16"E in land now or formerly of Cleophe Desrosiers a distance of fifteen and 40/100 (15.40) feet to a point; thence

S 50°-58'-44"W along land now or formerly of Paul M. Desrosiers a distance of twenty and 04/100 (20.04) feet to a point; thence

N 42°-38'-16"W in land of Cleophe Desrosiers a distance of fifteen and 89/100 (15.89) feet to the point of beginning.

Said permanent easement contains 313 ± square feet more or less and is more particularly shown as Easement "P-3" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

**Easement "P-4"**

A certain parcel of land located on the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point on the southerly side of Desrosiers Street said point being N 52°-22'-20"E a distance of five hundred seventeen and 92/100 (517.92) feet from an angle point in the southerly line of Desrosiers Street; thence

N 52°-22'-20"E along land now or formerly of G&B Associates, Inc. a distance of sixty two and 17/100 (62.17) feet to a point; thence

- S 55°-46'-24"E in land of Cleophe Desrosiers a distance of three and 67/100 (3.67) feet to a point; thence
- S 50°-58'-44W along land now or formerly of Paul M. Desrosiers a distance of eighty three and 34/100 (83.34) feet to a point; thence
- N 37°-37'-40"W in land of Cleophe Desrosiers a distance of five and 52/100 (5.52) feet to a point; thence
- N 52°-22'-20"E along the southerly line of Desrosiers Street a distance of twenty and 00/100 (20.00) feet to the point of beginning.

Said permanent easement contains 373 square feet more or less and is more particularly shown as Easement "P-4" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

### AWARD OF DAMAGES

The following is the award of damages made by the Finance Control Board for the above-described taking of the permanent easement, to the owner of said parcels and mortgagees, lienors or others having an interest in said parcels:

<u>Permanent Easement #</u>	<u>Award</u>	<u>Owner and Others Having Interest in Land</u>
"P-3"	\$ 520.00	
"P-4"	\$ 620.00	
<b>TOTAL DAMAGES</b>	<b>\$1,140.00</b>	

BENOIT DESROSIERS (or his heirs at law),  
 MARK DESROSIERS, DENIS DESROSIERS,  
 RICHARD DESROSIERS, GUY DESROSIERS,  
 RACHEL RIOUX (or her heirs at law), LORAINÉ  
 JOHNSON, PAUL DESROSIERS (or his heirs at  
 law), CLAIRE ZARCARO, SUSAN BROWN,  
 AND PAUL DESROSIERS, TENANTS IN  
 COMMON, AS HEIRS UNDER THE ESTATE OF  
 CATHERINE L. DESROSIERS (Hampden County  
 Probate Case #121989).



**THIS PERMANENT EASEMENT OVER PORTIONS OF PARCEL 25 IS TAKEN  
SUBJECT TO THE FOLLOWING RESERVATIONS:**

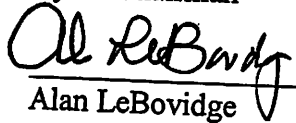
- (A) Subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield.
- (B) Subject to the zoning laws of the Commonwealth of Massachusetts and the zoning rules and regulations of the City of Springfield.
- (C) Subject to an easement of way taken by the City of Springfield for purpose of a public highway dated May 23, 1960, and recorded in Book 2750, Page 6. (NOTE: Parcel 25 is the remaining portion of land acquired by deed recorded in the Hampden County Registry of Deeds at Book 1224, page 508 and is shown on an assessment plan recorded in the Registry of Deeds in Plan Book 76, Page 83).
- (D) Subject to a tax taking by the City of Springfield in the amount of \$288.94 recorded in the Hampden County Registry of Deeds at Book 11500, page 240.

Although said parcels are stated above as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

The City Clerk of the City of Springfield is hereby directed to cause a certified copy of this Order to be recorded in the Hampden County Registry of Deeds within thirty (30) days of the date hereof, further that a notice be sent to all persons having any interest in the land herein taken all in compliance with Massachusetts General Laws Chapter 79.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge

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**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-27-07

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Appropriating Funds for  
the Eminent Domain Taking of Permanent Easements  
over portions of Parcel 25, South Side Desrosiers Street, Springfield, MA.**

Pursuant to its authority under Chapter 169 of the Acts of 2004, sections 4(b), 4(c) and 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, the Finance Control Board ("Board") appropriates the sum of **One Thousand One Hundred Forty and 00/100 Dollars (\$1,140.00)** as damages for the eminent domain taking of permanent easements over portions of a parcel of land (the "Permanent Easement Area") referred to as "**South Side Desrosiers Street**" in said Springfield, Hampden County, Massachusetts (Street/Parcel #03860-0025), which permanent easements are more particularly described as follows:

**Easement "P-3"**

A certain parcel of land located on the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point on the southerly side of Desrosiers Street said point being N 52°-22'-20"E a distance of seventy two and 52/100 (72.52) feet from an angle point in Desrosiers Street; thence

N 52°-22'-20"E along the southerly line of Desrosiers Street a distance of twenty and 08/100 (20.08) feet to a point; thence

S 42°-38'-16"E in land now or formerly of Cleophe Desrosiers a distance of fifteen and 40/100 (15.40) feet to a point; thence

S 50°-58'-44"W along land now or formerly of Paul M. Desrosiers a distance of twenty and 04/100 (20.04) feet to a point; thence

N 42°-38'-16"W in land of Cleophe Desrosiers a distance of fifteen and 89/100 (15.89) feet to the point of beginning.

Said permanent easement contains 313 ± square feet more or less and is more particularly shown as Easement "P-3" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

#### Easement "P-4"

A certain parcel of land located on the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point on the southerly side of Desrosiers Street said point being N 52°-22'-20"E a distance of five hundred seventeen and 92/100 (517.92) feet from an angle point in the southerly line of Desrosiers Street; thence

N 52°-22'-20"E along land now or formerly of G&B Associates, Inc. a distance of sixty two and 17/100 (62.17) feet to a point; thence

S 55°-46'-24"E in land of Cleophe Desrosiers a distance of three and 67/100 (3.67) feet to a point; thence

S 50°-58'-44"W along land now or formerly of Paul M. Desrosiers a distance of eighty three and 34/100 (83.34) feet to a point; thence

N 37°-37'-40"W in land of Cleophe Desrosiers a distance of five and 52/100 (5.52) feet to a point; thence

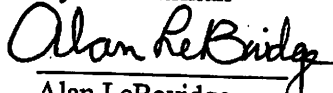
N 52°-22'-20"E along the southerly line of Desrosiers Street a distance of twenty and 00/100 (20.00) feet to the point of beginning.

Said permanent easement contains 373 square feet more or less and is more particularly shown as Easement "P-4" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans  
\_\_\_\_\_ Page \_\_\_\_\_.

The funding source for this appropriation is Account # 0100-433-5383.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005

By its Chairman

  
Alan LeBovidge

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#10-27-06

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Authorizing  
the Eminent Domain Taking of a Permanent Easement  
over portions of Parcel 24, Rear South Side Desrosiers Street, Springfield, MA.**

### ORDER OF TAKING

The Finance Control Board, acting at the request of the Department of Public Works, and exercising the authority of the City Council as provided for in Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, **for purposes of operating, repairing and maintaining a landfill gas extraction system** (an appropriation of money having been duly made for said purposes), does hereby take by eminent domain in the name and on behalf of the said City of Springfield, **permanent easements**, together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and all structures affixed to said land, excepting easements, rights, and interests specifically reserved herein, **over two (2) portions of a parcel of land (the "Permanent Easement Area")** referred to as **"Rear South Side Desrosiers Street"** in said Springfield, Hampden County, Massachusetts (**Street/Parcel #03860-0024**), which Permanent Easement Area is bounded and described as follows:

**OWNER: PAUL M. DESROSIERS (or his heirs at law).**

#### **Easement "P-2"**

A certain parcel of land located southerly of the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is N 52°-22'-20"E a distance of seventy two and 52/100 (72.52) feet and S 42°-38'-16"E a distance of fifteen and 89/100 (15.89) feet from an angle point in Desrosiers Street; thence

- N 50°-58'-44"E along land now or formerly of Cleophe Desrosiers a distance of twenty and 04/100 (20.04) feet to a point; thence
- S 42°-38'-16"E in land of Paul M. Desrosiers a distance of forty eight and 93/100 (48.93) feet to a point; thence
- S 51°-06'-02"W along land now or formerly of The Mercy Hospital of Springfield, Inc. a distance of twenty and 04/100 (20.04) feet to a point; thence
- N 42°-38'-16"W in land of Paul M. Desrosiers a distance of forty eight and 88/100 (48.88) feet to the point of beginning.

Said permanent easement contains 978 ± square feet more or less and is more particularly shown as Easement "P-2" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

#### **Easement "P-5"**

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is N 52°-22'-20"E a distance of four hundred ninety seven and 92/100 (497.92) feet and S 37°-37'-40"E a distance of five and 52/100 (5.52) feet from an angle point in the southerly line of Desrosiers Street; thence

- N 50°-58'-44"E along land now or formerly of Cleophe Desrosiers a distance of eighty three and 34/100 (83.34) feet to a point; thence
- S 55°-46'-24"E in land of Paul M. Desrosiers a distance of fifty two and 10/100 (52.10) feet to a point; thence
- S 51°-06'-02"W along land now or formerly of The Mercy Hospital of Springfield, Inc. a distance of twenty and 90/100 (20.90) feet to a point; thence
- N 55°-46'-24"W in land of Paul M. Desrosiers a distance of thirty five and 22/100 (35.22) feet to a point; thence
- S 52°-22'-20"W in land of Paul M. Desrosiers a distance of sixty seven and 68/100 (67.68) feet to a point; thence

N 37°-37'-40"W in land of Paul M. Desrosiers a distance of fourteen and 48/100 (14.48) feet to the point of beginning.

Said permanent easement contains 2,035 square feet more or less and is more particularly shown as Easement "P-5" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans

Page \_\_\_\_\_.

### AWARD OF DAMAGES

The following is the award of damages made by the Finance Control Board for the above-described taking of the permanent easements, to the owner of said parcels and mortgagees, lienors or others having an interest in said parcels:

<u>Easement</u>	<u>Award</u>	<u>Owner and Others Having Interest in Land</u>
Permanent Easement P-2	\$1,610.00	Paul M. Desrosiers (or his heirs at law)
Permanent Easement P-5	<u>\$3,360.00</u>	Paul M. Desrosiers (or his heirs at law)
TOTAL DAMAGES	\$4,970.00	

### THE PERMANENT EASEMENTS OVER PORTIONS OF PARCEL 24 ARE TAKEN SUBJECT TO THE FOLLOWING RESERVATIONS:

- (A) Subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield.
- (B) Subject to the zoning laws of the Commonwealth of Massachusetts and the zoning rules and regulations of the City of Springfield.
- (C) Subject to a Medical Assistance Lien by the Commonwealth of Massachusetts Division of Medical Assistance dated May 15, 1997 and recorded in the Hampden County Registry of Deeds at Book 9909, Page 388.
- (D) Subject to a Tax taking by the City of Springfield in the amount of \$454.61 recorded in the Hampden County Registry of Deeds at Book 11500, Page 241.

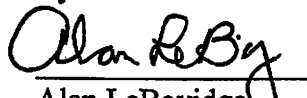
Although said parcels are stated above as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined

by the Finance Control Board, and accordingly, is so stated and shown only as a matter of information and belief.

The City Clerk of the City of Springfield is hereby directed to cause a certified copy of this Order to be recorded in the Hampden County Registry of Deeds within thirty (30) days of the date hereof, further that a notice be sent to all persons having any interest in the land herein taken all in compliance with Massachusetts General Laws Chapter 79.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#10-27-05

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

**An Executive Order Appropriating Funds for the Eminent Domain Taking  
of Permanent Easements over portions of Parcel 24,  
Rear South Side Desrosiers Street, Springfield, MA.**

Pursuant to its authority under Chapter 169 of the Acts of 2004, sections 4(b), 4(c) and 4(d)(20), and pursuant to Massachusetts General Laws Chapter 43, Section 30, and Massachusetts General Laws Chapter 79, the Finance Control Board ("Board") appropriates the sum of **Four Thousand Nine-Hundred Seventy and 00/100 Dollars (\$4,970.00)** as damages for the anticipated eminent domain taking of permanent easements over portions of a parcel of land referred to as "**Rear South Side Desrosiers Street**" in said Springfield, Hampden County, Massachusetts (Street/Parcel #03860-0024), which Permanent Easements are more particularly described as:

**Easement P-2**

A certain parcel of land located southerly of the southerly side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is N 52°-22'-20"E a distance of seventy two and 52/100 (72.52) feet and S 42°-38'-16"E a distance of fifteen and 89/100 (15.89) feet from an angle point in Desrosiers Street; thence

N 50°-58'-44"E along land now or formerly of Cleophe Desrosiers a distance of twenty and 04/100 (20.04) feet to a point; thence

S 42°-38'-16"E in land of Paul M. Desrosiers a distance of forty eight and 93/100 (48.93) feet to a point; thence

S 51°-06'-02"W along land now or formerly of The Mercy Hospital of Springfield, Inc. a distance of twenty and 04/100 (20.04) feet to a point; thence

N 42°-38'-16"W in land of Paul M. Desrosiers a distance of forty eight and 88/100 (48.88) feet to the point of beginning.

Said permanent easement contains 978 ± square feet more or less and is more particularly shown as Easement "P-2" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 to be filed in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

#### Easement "P-5"

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is N 52°-22'-20"E a distance of four hundred ninety seven and 92/100 (497.92) feet and S 37°-37'-40"E a distance of five and 52/100 (5.52) feet from an angle point in the southerly line of Desrosiers Street; thence

N 50°-58'-44"E along land now or formerly of Cleophe Desrosiers a distance of eighty three and 34/100 (83.34) feet to a point; thence

S 55°-46'-24"E in land of Paul M. Desrosiers a distance of fifty two and 10/100 (52.10) feet to a point; thence

S 51°-06'-02"W along land now or formerly of The Mercy Hospital of Springfield, Inc. a distance of twenty and 90/100 (20.90) feet to a point; thence

N 55°-46'-24"W in land of Paul M. Desrosiers a distance of thirty five and 22/100 (35.22) feet to a point; thence

S 52°-22'-20"W in land of Paul M. Desrosiers a distance of sixty seven and 68/100 (67.68) feet to a point; thence

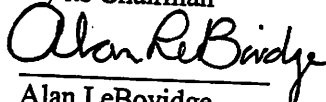
N 37°-37'-40"W in land of Paul M. Desrosiers a distance of fourteen and 48/100 (14.48) feet to the point of beginning.

Said permanent easement contains 2,035 square feet more or less and is more particularly shown as Easement "P-5" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page.

The funding source for this appropriation is Account # 0100-433-5383.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-27-04

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Appropriating Funds for  
and Approving the Acquisition of  
30-Year Easements from the Mercy Hospital, Inc.**

Pursuant to its authority under Chapter 169 of the Acts of 2004, Section 4(b), 4(c), 4(d)(14) and 4(d)(20), the Finance Control Board hereby appropriates the sum of **Ten Dollars (\$10.00)** as payment for 30-Year Easements to be acquired from the Mercy Hospital, Inc., dba Mercy Medical Center ("Mercy"), as described herein, to be paid out of Account # 0100-433-5383.

Pursuant to its authority under Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(14) and 4(d)(20), the Finance Control Board, acting at the request of the Department of Public Works, hereby grants to the Mayor the authority to take all steps necessary to acquire on behalf of the City three (3) **Thirty (30) Year Easements** over portions of property owned by Mercy at 271 Carew Street, Springfield, MA., which are more particularly described herein. The Mayor's authority shall include entering into an "Easement Agreement" with Mercy, in substantially the same form as the draft agreement attached hereto as Exhibit B.

The purpose of the easements is to allow the City to operate, repair and maintain a landfill gas extraction system to be constructed by the City in part on property owned by Mercy, pursuant to an order from the Massachusetts Department of Environmental Protection.

The Thirty (30) Year Easements to be acquired are described as follows:

**Easement "P-1"**

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which is N 52°-22'-20"E a distance of seventy two and 52/100 (72.52) feet and S 42°-38'-16"E a distance of sixty four and 77/100 (64.77) feet from an angle point in the southerly line of Desrosiers Street; thence

- N 51°-06'-02"E along land now or formerly of Paul M. Desrosiers a distance of twenty and 04/100 (20.04) feet to a point; thence
- S 42°-38'-16"E in land of The Mercy Hospital of Springfield, Inc. a distance of five hundred thirty six and 53/100 (536.53) feet to a point; thence
- S 52°-42'-31"W in land of The Mercy Hospital of Springfield, Inc. a distance of seventy seven and 79/100 (77.79) feet to a point; thence
- S 37°-37'-03"E in land of The Mercy Hospital of Springfield, Inc. a distance of forty one and 93/100 (41.93) feet to a point; thence
- S 52°-22'-57"W in land of The Mercy Hospital of Springfield, Inc. a distance of twenty and 00/100 (20.00) feet to a point; thence
- N 37°-37'-03"W in land of The Mercy Hospital of Springfield, Inc. a distance of sixty two and 04/100 (62.04) feet to a point; thence
- N 52°-42'-31"E in land of The Mercy Hospital of Springfield, Inc. a distance of seventy five and 95/100 (75.95) feet to a point; thence
- N 42°-38'-16"W in land of The Mercy Hospital of Springfield, Inc. a distance of five hundred sixteen and 33/100 (516.33) feet to the point of beginning.

Said permanent easement contains 11,815 ± square feet more or less and is more particularly shown as Easement P-1 on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

Easement P-1 is located on land owned by Mercy which is more particularly described in a deed recorded in the Hampden County Registry of Deeds at Book 3337, Page 175.

**Easement - "P-6"**

A certain parcel of land located southerly of the south side of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point located N 52°-22'-20"E a distance of five hundred eighty and 09/100 (580.09) feet and S 55°-46'-24"E a distance of fifty five and 77/100 (55.77) feet from an angle point in the southerly line of Desrosiers Street; thence

- S 55°-46'-24"E in land of The Mercy Hospital of Springfield, Inc. a distance of two hundred ninety seven and 18/100 (297.18) feet to a point; thence
- S 53°14'-29"W along land of the Springfield Housing Authority a distance of seventeen and 17/100 (17.17) feet to a point; thence
- S 38°-00'-50" E along land of the Springfield Housing Authority a distance of twelve and 35/100 (12.35) feet to a point; thence
- N 55°-46'-24"W in land of The Mercy Hospital of Springfield, Inc. a distance of three hundred nine and 39/100 (309.39) feet to a point; thence
- N 51°-06'-02"E along land now or formerly of Paul M. Desrosiers a distance of twenty and 90/100 (20.90) feet to the point of beginning.

Said permanent easement contains 5,960 square feet more or less and is more particularly shown as Easement P-6 on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

Easement P-6 is located on land owned by Mercy which is more particularly described in a deed recorded in the Hampden County Registry of Deeds at Book 8093, Page 470.

#### Easement "P-7"

A certain parcel of land located in land of The Mercy Hospital of Springfield, Inc. in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point located S 38°-00'-50"E a distance of thirty five and 79/100 (35.79) feet from the northwest corner of land of the Springfield Housing Authority; thence

- S 54°-07'-31"W in land of The Mercy Hospital of Springfield, Inc. a distance of ninety five and 57/100 (95.57) feet to a point; thence
- S 41°-47'-12"E in land of The Mercy Hospital of Springfield, Inc. a distance of fifty and 27/100 (50.27) feet to a point; thence

N 54°-07'-31"E in land of The Mercy Hospital of Springfield, Inc. a distance of ninety two and 25/100 (92.25) feet to a point; thence

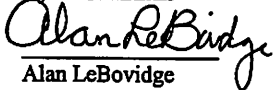
N 38°-00'-50"W in land of The Mercy Hospital of Springfield, Inc. a distance of fifty and 03/100 (50.03) feet to the point of beginning.

Said permanent easement contains 4,695 square feet more or less and is more particularly shown as Easement P-7 on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

Easement P-7 is located on land owned by Mercy which is more particularly described in a deed recorded in the Hampden County Registry of Deeds at Book 8093, Page 470.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#10-27-03

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Appropriating Funds for  
and Approving the Acquisition of  
Temporary Easements from The Mercy Hospital, Inc.**

Pursuant to its authority under Chapter 169 of the Acts of 2004, Section 4(b), 4(c), 4(d)(14) and 4(d)(20), the Finance Control Board hereby appropriates the sum of Three Thousand Dollars (\$3,000.00) for the acquisition of Temporary Easements from The Mercy Hospital Inc., dba Mercy Medical Center ("Mercy"), pursuant to a "Temporary Construction Access Agreement", to be paid out of Account # 0100-433-5383.

Pursuant to its authority under Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(14) and 4(d)(20), the Finance Control Board, acting at the request of the Department of Public Works, hereby grants to the Mayor the authority to take all steps necessary to acquire on behalf of the City temporary easements over portions of property owned by Mercy at 271 Carew Street, Springfield, MA., which are more particularly described herein. The Mayor's authority granted herein shall include entering into a "Temporary Construction Access Agreement" with Mercy, in substantially the same form as the draft agreement attached hereto as Exhibit A.

The purpose of the temporary easements is to allow the City to construct portions of a landfill gas extraction system on property owned by Mercy, pursuant to an order from the Massachusetts Department of Environmental Protection.

The temporary easements to be acquired are described as follows:

**Easement "C-1"**

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:



Beginning at a point which is N 52°-22'-20"E a distance of seventy two and 52/100 (72.52) feet and S 42°-38'-16"E a distance of sixty four and 77/100 (64.77) feet from an angle point in the southerly line of Desrosiers Street; thence

- N 51°-06'-02"E along land now or formerly of Paul M. Desrosiers a distance of fifty and 10/100 (50.10) feet to a point; thence
- S 42°-38'-16"E in land of The Mercy Hospital a distance of forty one and 61/100 (41.61) feet to a point; thence
- S 03°-38'16"E in land of The Mercy Hospital a distance of thirty one and 78/100 (31.78) feet to a point; thence
- S 42°-38'-16"E in land of The Mercy Hospital a distance of four hundred fourteen and 92/100 (414.92) feet to a point; thence
- S 52°-42'-31"W in land of The Mercy Hospital a distance of seventy eight and 71/100 (78.71) feet to a point; thence
- S 37°-37'-03"E in land of The Mercy Hospital a distance of forty one and 87/100 (41.87) feet to a point; thence
- S 52°-22'-57"W in land of The Mercy Hospital a distance of forty and 00/100 (40.00) feet to a point; thence
- N 37°-37'-03"W in land of The Mercy Hospital a distance of eighty two and 10/100 (82.10) feet to a point; thence
- N 52°-42'-31"E in land of The Mercy Hospital a distance of seventy five and 02/100 (75.02) feet to a point; thence
- N 42°-38'-16"W in land of The Mercy Hospital a distance of three hundred seventy one and 00/100 (371.00) feet to a point; thence
- N 81°-38'-16"W in land of The Mercy Hospital a distance of thirty one and 78/100 (31.78) feet to a point; thence
- N 42°-38'-16"W in land of The Mercy Hospital a distance of forty six and 84/100 (46.84) feet to a point; thence

N 51°-06'-02"E along land now or formerly of Paul M. Desrosiers a distance of thirty and 06/100 (30.06) feet to the point of beginning.

Said construction easement contains 26,292 square feet more or less and is more particularly shown as Easement C-1 on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans

Page \_\_\_\_\_.

Easement C-1 is located on land owned by Mercy which is more particularly described in a deed recorded in the Hampden County Registry of Deeds at Book 3337, Page 175.

#### Easement "C-4"

A certain parcel of land located southerly of the southerly line of Desrosiers Street in the City of Springfield, Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point which N 51°-06'-02"E a distance of six and 08/100 (6.08) feet from the southwest corner of land now or formerly of Springfield Boys Club, Inc.; thence

S 55°-46'-24"E in land of The Mercy Hospital of Springfield, Inc. a distance of two hundred ninety seven and 59/100 (297.59) feet to a point; thence

S 53°-16'-30"W along land of The Springfield Housing Authority a distance of twenty seven and 75/100 (27.75) feet to a point; thence

S 38°-00'-50"E along land of The Springfield Housing Authority a distance of one hundred thirty four and 03/100 (134.03) feet to a point; thence

S 47°-56'-55"W along land of The City of Springfield a distance of twelve and 25/100 (12.25) feet to a point; thence

N 38°-10'-05"W in land of The Mercy Hospital of Springfield, Inc. a distance of thirty nine and 53/100 (39.53) feet to a point; thence

S 54°-07'-31"W in land of The Mercy Hospital of Springfield, Inc. a distance of eighty nine and 31/100 (89.31) feet to a point; thence

N 41°-47'-12"W in land of The Mercy Hospital of Springfield, Inc. a distance of seventy and 37/100 (70.37) feet to a point; thence

N 54°-07'-31"E in land of The Mercy Hospital of Springfield, Inc. a distance of one hundred and 00/100 (100.00) feet to a point; thence

N 55°-46'-24"W in land of The Mercy Hospital of Springfield, Inc. a distance three hundred forty two and 76/100 (342.76) feet to a point; thence

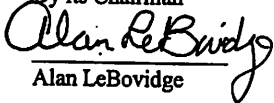
N 51°-06'-02"E along land now or formerly of Paul M. Desrosiers and Springfield Boys Club, Inc. a distance of forty one and 80/100 (41.80) feet to the point of beginning.

Said construction easement contains 19,892 square feet more or less and is more particularly shown as Easement "C-4" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

Easement C-4 is located on land owned by Mercy which is more particularly described in a deed recorded in the Hampden County Registry of Deeds at Book 8093, Page 470.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#10-27-02

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Appropriating Funds for and Approving the Acquisition of a 30-Year Easement from The Springfield Housing Authority**

Pursuant to its authority under Chapter 169 of the Acts of 2004, Sections 4(b), 4(c), 4(d)(14) and 4(d)(20), the Finance Control Board hereby **appropriates the sum of Ten Dollars (\$10.00)** as consideration for the acquisition of a 30-Year Easement from the Springfield Housing Authority, to be paid out of Account # 0100-433-5383.

Pursuant to its authority under Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(14) and 4(d)(20), the Finance Control Board, acting at the request of the Department of Public Works, hereby grants to the Mayor the authority to take all steps necessary to acquire on behalf of the City a **30-Year Easement** over a portion of property owned by **The Springfield Housing Authority ("SHA")**, referred to as the Sullivan Apartments, located at 160-196 Nursery Street and 104-120 Stafford Street, Springfield, MA . 01104, which is more particularly described herein. The Mayor's authority granted herein shall include entering into an "Easement Agreement" with SHA in substantially the same form as the draft agreement attached hereto as Exhibit A.

The purpose of the 30-Year Easement is to allow the City to operate, maintain and repair portions of a landfill gas extraction system on property owned by SHA pursuant to an order from the Massachusetts Department of Environmental Protection.

The 30-Year Easement to be acquired is described as follows:

#### **Easement "P-8"**

A certain parcel of land located on the westerly side of Nursery Street in the City of Springfield,

49557

Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point on the westerly line of Nursery Street said point being N 28°-02'-51"W a distance of eighty eight and 37/100 (88.37) feet from the intersection of the northerly street line of Stafford Street and the westerly street line of Nursery Street; thence

- S 59°-42'-36"W in land of the Springfield Housing Authority a distance of one hundred eighty and 27/100 (180.27) feet to a point; thence
- S 61°-50'-31"W in land of the Springfield Housing Authority a distance on one hundred twenty four and 31/100 (124.31) feet to a point; thence
- N 31°-43'-27"W in land of the Springfield Housing Authority a distance of fifty seven and 86/100 (57.86) feet to a point; thence
- S 69°-15'-56"W in land of the Springfield Housing Authority a distance of twenty one and 67/100 (21.67) feet to a point; thence
- S 00°-00'-00"W in land of the Springfield Housing Authority a distance of seven and 50/100 (7.50) feet to a point; thence
- S 02°-18'-42"W in land of the Springfield Housing Authority a distance of twenty eight and 84/100 (28.84) feet to a point; thence
- S 16°-41'-15"W in land of the Springfield Housing Authority a distance of twenty two and 20/100 (22.20) feet to a point; thence
- S 16°-15'-53"W in land of the Springfield Housing Authority a distance of twenty eight and 62/100 (28.62) feet to a point; thence
- S 09°-41'-04"W in land of the Springfield Housing Authority a distance of fifty and 10/100 (50.10) feet to a point; thence
- N 38°-00'-50"W in land of the Springfield Housing Authority a distance of thirty two and 45/100 (32.45) feet to a point; thence
- N 16°-15'-53"E in land of the Springfield Housing Authority a distance of thirty and 09/100 (30.09) feet to a point; thence
- N 16°-41'-15"E in land of the Springfield Housing Authority a distance of nineteen and 26/100 (19.26) feet to a point; thence

- N 02°-18'-42"E in land of the Springfield Housing Authority a distance of twenty five and 33/100 (25.33) feet to a point; thence
- N 00°-00'-00"E in land of the Springfield Housing Authority a distance of twenty and 26/100 (20.26) feet to a point; thence
- N 60°-28'-21"W in land of the Springfield Housing Authority a distance of one hundred seventy six and 56/100 (176.56) feet to a point; thence
- N 50°-47'-38"W in land of the Springfield Housing Authority a distance of sixty eight and 64/100 (68.64) feet to a point; thence
- N 38°-00'-50"W along land of the City of Springfield and The Mercy Hospital of Springfield, Inc. a distance of seventy and 56/100 (70.56) feet to a point; thence
- N 38°-00'-50"W along land of The Mercy Hospital of Springfield, Inc. a distance of fifty and 03/100 (50.03) feet to a point; thence
- N 54°-07'-31"E in land of the Springfield Housing Authority a distance of seven and 60/100 (7.60) feet to a point; thence
- N 55°-46'-24"W in land of the Springfield Housing Authority a distance of twenty four and 91/100 (24.91) feet to a point; thence
- N 38°-00'-50"W along land of The Mercy Hospital of Springfield, Inc. a distance of twelve and 35/100 (12.35) feet to a point; thence
- N 53°-16'-30"E along land of The Mercy Hospital of Springfield, Inc. a distance of seventeen and 17/100 (17.17) feet to a point; thence
- S 55°-46'-24"E in land of the Springfield Housing Authority a distance of sixty three and 13/100 (63.13) feet to a point; thence
- N 51°-47'-46"E in land of the Springfield Housing Authority a distance of six and 76/100 (6.76) feet to a point; thence
- S 38°-12'-14"E in land of the Springfield Housing Authority a distance of forty and 00/100 (40.00) feet to a point; thence

- S 51°-47'-46"W in land of the Springfield Housing Authority a distance of five and 62/100 (5.62) feet to a point; thence
- S 38°-10'-05"E in land of the Springfield Housing Authority a distance of one hundred fifteen and 19/100 (115.19) feet to a point; thence
- S 60°-28'-21"E in land of the Springfield Housing Authority a distance of one hundred sixty one and 31/100 (161.31) feet to a point; thence
- N 00°-27'-24"W in land of the Springfield Housing Authority a distance of twenty one and 69/100 (21.69) feet to a point; thence
- N 01°-22'-05"E in land of the Springfield Housing Authority a distance of seventy five and 78/100 (75.78) feet to a point; thence
- N 01°-24'-27"E in land of the Springfield Housing Authority a distance of ninety two and 27/100 (92.27) feet to a point; thence
- N 00°-40'-25"W in land of the Springfield Housing Authority a distance of sixty three and 08/100 (63.08) feet to a point; thence
- N 00°-55'-24"W in land of the Springfield Housing Authority a distance of forty four and 48/100 (44.48) feet to a point; thence
- N 07°-22'-50"W in land of the Springfield Housing Authority a distance of thirty seven and 82/100 (37.82) feet to a point; thence
- N 10°-52'-40"W in land of the Springfield Housing Authority a distance of thirty eight and 85/100 (38.85) feet to a point; thence
- N 10°-17'-37"W in land of the Springfield Housing Authority a distance of forty seven and 70/100 (47.70) feet to a point; thence
- N 53°-15'-30"E in land of the Springfield Housing Authority a distance of eighty nine and 07/100 (89.07) feet to a point; thence
- S 36°-45'-31"E in land of the Springfield Housing Authority a distance of twenty and 00/100 (20.00) feet to a point; thence
- S 53°-15'-30"W in land of the Springfield Housing Authority a distance of seventy six and 68/100 (76.68) feet to a point; thence

- S 10°-17'-37"E in land of the Springfield Housing Authority a distance of thirty five and 21/100 (35.21) feet to a point; thence
- S 10°-52'-40"E in land of the Springfield Housing Authority a distance of thirty nine and 35/100 (39.35) feet to a point; thence
- S 07°-22'-50"E in land of the Springfield Housing Authority a distance of thirty nine and 56/100 (39.56) feet to a point; thence
- S 00°-55'-24"E in land of the Springfield Housing Authority a distance of forty five and 65/100 (45.65) feet to a point; thence
- S 00°-40'-25"E in land of the Springfield Housing Authority a distance of sixty three and 48/100 (63.48) feet to a point; thence
- S 01°-24'-27"W in land of the Springfield Housing Authority a distance of ninety two and 62/100 (92.62) feet to a point; thence
- S 01°-22'-05"W in land of the Springfield Housing Authority a distance of seventy five and 45/100 (75.45) feet to a point; thence
- S 00°-27'-24"E in land of the Springfield Housing Authority a distance of twenty three and 72/100 (23.72) feet to a point; thence
- N 84°-58'-24"E in land of the Springfield Housing Authority a distance of sixteen and 46/100 (16.46) feet to a point; thence
- S 85°-16'-14"E in land of the Springfield Housing Authority a distance of forty three and 26/100 (43.26) feet to a point; thence
- S 05°-10'-44"W in land of the Springfield Housing Authority a distance of thirty seven and 49/100 (37.49) feet to a point; thence
- S 31°-12'-50"E in land of the Springfield Housing Authority a distance of twenty five and 23/100 (25.23) feet to a point; thence
- N 61°-50'-30"E in land of the Springfield Housing Authority a distance of one hundred two and 28/100 (102.28) feet to a point; thence
- N 59°-42'36"E in land of the Springfield Housing Authority a distance of one hundred



eighty and 47/100 (180.47) feet to a point; thence

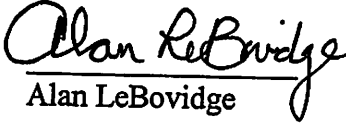
S 28°-02'-51"E

along the westerly line of Nursery Street a distance of ten and 01/100  
(10.01) feet to the point of beginning.

Said permanent easement contains 30,820 square feet more or less and is more particularly shown as Easement "P-8" on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans  
\_\_\_\_\_ Page \_\_\_\_\_.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
Alan LeBovidge

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#10-27-01

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.**

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#### **An Executive Order Appropriating Funds for and Approving the Acquisition of a Temporary Easement from The Springfield Housing Authority**

Pursuant to its authority under Chapter 169 of the Acts of 2004, Sections 4(b), 4(c), 4(d)(14) and 4(d)(20), the Finance Control Board hereby **appropriates** the sum of **Ten Dollars (\$10.00)** as consideration for the acquisition of a Temporary Easement from the Springfield Housing Authority, to be paid out of Account # 0100-433-5383.

Pursuant to its authority under Chapter 169 of the Acts of 2004, Section 4(b), 4(d)(14) and 4(d)(20), the Finance Control Board, acting at the request of the Department of Public Works, hereby grants to the Mayor the authority to take all steps necessary to acquire on behalf of the City a **temporary easement** over a portion of property owned by **The Springfield Housing Authority ("SHA")**, referred to as the Sullivan Apartments, located at 160-196 Nursery Street and 104-120 Stafford Street, Springfield, MA . 01104, which is more particularly described herein. The Mayor's authority granted herein shall include entering into a "Temporary Construction Access Agreement" with SHA in substantially the same form as the draft agreement attached hereto as Exhibit A.

The purpose of the temporary easement is to allow the City to construct portions of a landfill gas extraction system on property owned by SHA pursuant to an order from the Massachusetts Department of Environmental Protection.

The temporary easement to be acquired is described as follows:

#### **Easement "C-5"**

A certain parcel of land located on the westerly side of Nursery Street in the City of Springfield,

Hampden County, Massachusetts, bounded and described as follows:

Beginning at a point on the westerly line of Nursery Street said point being N 28°-02'-51"W a distance of eighty five and 87/100 (85.87) feet from the intersection of the northerly street line of Stafford Street and the westerly street line of Nursery Street; thence

- S 59°-42'-36"W in land of the Springfield Housing Authority a distance of one hundred eighty and 22/100 (180.22) feet to a point; thence
- S 61°-50'-31"W in land of the Springfield Housing Authority a distance of nineteen and 76/100 (19.76) feet to a point; thence
- S 61°-59'-40"W along land of Crocker Building Company a distance of one hundred thirty three and 17/100 (133.17) feet to a point; thence
- S 13°-42'-56"W in land of Springfield Housing Authority a distance of one hundred and 41/100 (100.41) feet to a point; thence
- N 38°-00'-50"W along land of the City of Springfield a distance of two hundred thirty five and 05/100 (235.05) feet to a point; thence
- N 03°-59'-07"W in land of Springfield Housing Authority a distance of forty and 57/100 (40.57) feet to a point; thence
- N 60°-28'-21"W in land of Springfield Housing Authority a distance of forty four and 73/100 (44.73) feet to a point; thence
- N 50°-47'-38"W in land of Springfield Housing Authority a distance of twenty five and 40/100 (25.40) feet to a point; thence
- N 38°-00'-50"W along land of the City of Springfield and The Mercy Hospital of Springfield, Inc. a distance of two hundred one and 59/100 (201.59) feet to a point; thence
- N 53°-16'-30"E along land of The Mercy Hospital of Springfield, Inc. a distance of thirty eight and 62/100 (38.62) feet to a point; thence
- S 55°-46'-24"E in land of the Springfield Housing Authority a distance of one hundred thirteen and 21/100 (113.21) feet to a point; thence
- S 88°-35'-33"E in land of the Springfield Housing Authority a distance of one hundred

fifty five and 87/100 (155.87) feet to a point; thence

N 00°-40'-25"W in land of the Springfield Housing Authority a distance of sixty two and 37/100 (62.37) feet to a point; thence

N 00°-55'-24"W in land of the Springfield Housing Authority a distance of forty two and 43/100 (42.43) feet to a point; thence

N 07°-22'-50"W in land of the Springfield Housing Authority a distance of thirty four and 78/100 (34.78) feet to a point; thence

N 10°-52'-40"W in land of the Springfield Housing Authority a distance of thirty seven and 96/100 (37.96) feet to a point; thence

N 10°-17'-37"W in land of the Springfield Housing Authority a distance of forty seven and 27/100 (47.27) feet to a point; thence

N 53°-14'-29"E along land of The Mercy Hospital of Springfield, Inc. and the City of Springfield School Department a distance of one hundred fifty five and 66/100 (155.66) feet to a point; thence

S 36°-45'-31"E in land of the Springfield Housing Authority a distance of seventy and 06/100 (70.06) feet to a point; thence

S 53°-14'-29"W in land of the Springfield Housing Authority a distance of ninety and 00/100 (90.00) feet to a point; thence

S 10°-17'-37"E in land of the Springfield Housing Authority a distance of thirteen and 36/100 (13.36) feet to a point; thence

S 10°-52'-40"E in land of the Springfield Housing Authority a distance of forty and 24/100 (40.24) feet to a point; thence

S 07°-22'-50"E in land of the Springfield Housing Authority a distance of forty two and 60/100 (42.60) feet to a point; thence

S 00°-52'-24"E in land of the Springfield Housing Authority a distance of forty seven and 70/100 (47.70) feet to a point; thence

S 00°-40'-25"E in land of the Springfield Housing Authority a distance of sixty four and 20/100 (64.20) feet to a point; thence

- S 01°-24'-27"W in land of the Springfield Housing Authority a distance of one hundred twenty and 39/100 (120.39) feet to a point; thence
- S 36°-21'-17"E in land of the Springfield Housing Authority a distance of forty nine and 15/100 (49.15) feet to a point; thence
- S 05°-10'-44"W in land of the Springfield Housing Authority a distance of seventy and 74/100 (70.74) feet to a point; thence
- S 31°-12'-50"E in land of the Springfield Housing Authority a distance of twenty two and 04/100 (22.04) feet to a point; thence
- N 61°-50'-31"E in land of the Springfield Housing Authority a distance of ninety nine and 86/100 (99.86) feet to a point; thence
- N 59°-42'-36"E in land of the Springfield Housing Authority a distance of one hundred eighty and 53/100 (180.53) feet to a point; thence
- S 28°-02'-51"E along the southwesterly line of Nursery Street a distance of fifteen and 01/100 (15.01) feet to the point of beginning.

Said construction easement contains 103,716 square feet more or less and is more particularly shown as Easement C-5 on a plan entitled "Plan of Land showing easements to be acquired by the City of Springfield" dated September 2005 on file in the Hampden County Registry of Deeds Book of Plans \_\_\_\_\_ Page \_\_\_\_\_.

Approved by vote of the Springfield Finance Control at its meeting held on October 27, 2005.

By its Chairman

  
 Alan LeBovidge

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

**# 08-05-02**

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Expediting Remediation and Development at the Memorial Industrial Park II**

**Whereas** MassDevelopment has agreed to make a \$900,000 loan to the Springfield Redevelopment Authority (SRA) for the purposes of remediation and/or reimbursement of eligible remediation costs, and

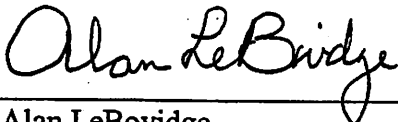
**Whereas** the SRA previously borrowed \$2,000,000 from the City pursuant to a federal Housing and Urban Development (HUD) Section 108 loan, and

**Whereas** a condition of the MassDevelopment loan is that it will have, as of record, first priority for security and payment.

**Therefore** the Finance Control Board pursuant to its authority under sections 4(b), 4(c) and 4(d)(3) of Chapter 169 of the Acts of 2004, hereby authorizes the subordination of the City's \$2,000,000 HUD Section 108 Loan and authorizes the Mayor and Chairman to execute the First Amendment to the Intercreditor Agreement effectuating the subordination and granting first priority for security and payment to the \$900,000 MassDevelopment Loan.

Approved by vote of the Springfield Finance Control Board at its meeting held on August 5, 2005.

By its Chairman



Alan LeBovidge

AMENDING TITLE 4, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER 4.36 THERETO: MUNICIPAL TAX REPAYMENT AGREEMENT REGULATIONS.

Title 4, of the Revised Ordinances of the City of Springfield, 1986, as amended, hereby further amended by adding the following new Chapter 4.36 thereto:

Chapter 4.36

MUNICIPAL TAX REPAYMENT AGREEMENT REGULATIONS

Sections:

- 4.36.010 Authority.
- 4.36.020 Purpose and intent.
- 4.36.030 Definitions.
- 4.36.040 Residential eligibility requirements.
- 4.36.050 Financial hardship agreements.
- 4.36.060 Community Re-investment tax repayment agreements.
- 4.36.070 Penalties.

4.36.010 Authority. This chapter is adopted pursuant to the authority of Chapter 60, Section 62A of the General Laws, as amended, which authorizes municipalities to enact ordinances to authorize payment agreements between the City Treasurer/Collector and persons entitled to redeem parcels in tax title.

4.36.020 Purpose and intent. The purpose and intent of this chapter is to foster the collection of unpaid taxes and assessments, promote residential stability and community reinvestment. The City finds and determines that such a program will mitigate the social cost and consequences of property seizures and will help delinquent taxpayers meet their obligations to the city while avoiding the legal expenses and time delays of taking the property to land court. During the term of any municipal tax repayment agreement the treasurer/collector may not bring an action to foreclose the tax title account unless the taxpayers fails to comply with the terms and conditions of the municipal tax repayment agreement

4.36.030 Definitions. For the purpose of this chapter, the following definitions shall be applicable.

A. "Commercial taxpayer" means the owner of record of a commercial use or rental property greater than three (3) units.

B. "Documentation" means supporting documentation including, but not limited to, the following:

1. Federal and state income tax returns;
2. Savings and checking accounts statements;
3. Social security and pension fund statements;
4. Records of public assistance;
5. Schedule of assets; and
6. Outstanding bills.

C. "Financial resources" means income of the delinquent taxpayer, delinquent spouse, other adult household members, and any co-owner not members of the household.

D. "Fixed income" means total income that does not change over time or varies marginally over time and for the purpose of this ordinance the fixed income shall be statutory amount as determined by the Massachusetts Department of Revenue pursuant to section 6(k)(4) of Chapter 62 of the General Laws on an annual basis.

E. "Immediate household family", means the delinquent taxpayer and their spouse, and their parents, children, brothers and sisters residing together.

F. "Income" means receipts from all sources regardless of the income tax status under federal or state law, including wages, salaries, and bonuses, public and private pensions, retirement income, Social Security, alimony, child support, interest and dividends income, net income from business, public assistance, disability and unemployment insurance, regular contributions/support/gifts from children or other parties outside the household, military pay, savings and other investments.

G. "Residential taxpayer" means the owner of record of an owner-occupied property that is the owner principal place of residence of less than four (4) units.

4.36.040 Residential eligibility requirements. A. All delinquent residential taxpayers may enter into a residential tax repayment agreement upon execution of such agreement with the City Treasurer/Collector shall make a minimum payment of twenty-five percent (25%) of the total amount to redeem the parcel.

B. The term of a residential tax repayment agreement cannot exceed three (3) years for residential taxpayers. During the term of the residential tax repayment agreement the taxpayer must make timely payments in accordance with a written payment schedule and must remain current on all other tax payments, fees and licenses issued by the City. Failure to stay current on all other tax payments, fees and licenses issued by the City shall be deemed a violation of the agreement

4.36.050 Residential Hardship Agreement. A. Any residential delinquent taxpayer or a member of their immediate household family who has demonstrated a financial hardship by providing supporting documentation as further described in section 4.36.030 (B) above and subsection D below.

B. The maximum term of a financial hardship tax repayment agreement cannot exceed four (4) years for residential delinquent taxpayers.

C. In case of a demonstrated financial hardship the city treasurer/collector may waive fifty percent (50%) of the interest that has accrued on the amount of the tax title account.



D. The treasurer/collector is hereby authorized to enter into a financial hardship tax repayment agreement under the following criteria:

1. A senior citizen taxpayer over the age of sixty (60) who documented that he or she or them are living on a fixed income.
2. A recently unemployed (in the past six (6) months) or re-employed individual expressing a desire and wiliness to pay.
3. A taxpayer with a recent (in the past twelve (12) months) deceased spouse or partner.
4. A taxpayer with a permanent or short term disability or recent (in the past six (6) months) loss of pay due to documented chronic illness or medical bills.
5. Any taxpayer on activated military status.

4.36.060 Community Re-investment Agreement. A. Any delinquent commercial, industrial or institutional taxpayer may enter into a community re-investment tax repayment agreement and upon execution of such agreement with the City Treasurer/Collector shall make a minimum payment of twenty-five percent (25%) of the total amount to redeem the parcel. The maximum term of a community re-investment agreement cannot exceed two (2) years for a commercial, institutional, or industrial delinquent taxpayer.

B. The Treasurer/Collector is authorized to grant and to waive fifty percent (50%) of the interest that has accrued on the amount of tax the tax title account in a community re-investment agreement to commercial, institutional, or industrial taxpayer under the following criteria:

1. A commercial/industrial delinquent taxpayer that is based in an area of Springfield documented to be located on an environmental contaminated site in accordance with state or federal environmental protection regulations, wherein the owner commits in writing to specific steps towards remediation and property improvements.
2. In cases where the commercial, institutional or industrial user commits in writing to implement specific investments in the property during the term of the repayment agreement worth at least twice the amount of taxes, excluding interest and penalties, owed on the property, upon completion of such improvements.

4.36.070 Penalties. A. The taxpayer must pay all current taxes owned when due. Any failure to stay current on taxes, payments, fees, and licenses issued by or otherwise owed to the City when due would cause the municipal tax repayment agreement to be terminated immediately.

This ordinance shall take effect on September 1, 2005.

APPROVED

SEPTEMBER 16, 2005

ATTEST:



CITY CLERK

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY DELETING CHAPTER 2.58 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 5.28 – POLICE COMMISSIONER.

Title 2, Chapter 2.58 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby deleted in its entirety and replaced by adding the following new Chapter 2.58 thereto.

### CHAPTER 2.58

#### POLICE COMMISSIONER

##### Section:

- 2.58.010 Established—Police Commissioner.
- 2.58.020 Term of office
- 2.58.030 Qualification for office.
- 2.58.040 Authority
- 2.58.050 Absence—Disability—Vacancy.

2.58.010 Police Commissioner. The position of police commissioner is hereby established. The mayor shall appoint a single police commissioner for the city of Springfield.

2.58.020 Term of office. Said police commissioner shall be appointed for a term of not less than three (3) years, and the term of said commissioner shall not be co-terminus with the mayor. The police commissioner shall hold office until a successor is appointed and qualified, and any vacancy occurring shall be filled by the mayor. Said police commissioner may be removed from office by the mayor for cause.

2.58.030 Qualifications for office. Such police commissioner at the time of appointment shall have had at least seven (7) years experience as a captain, or equivalent rank, in a federal, state or local police force or law enforcement agency, or in any combination thereof. Such police commissioner shall not engage in any other business and shall be sworn to the faithful performance of the office before entering upon the same. The police commissioner at the time of appointment shall possess a Master's degree in a field related to his or her duties from an accredited institution of higher learning or an equivalent degree.

2.58.040 Authority. The police commissioner shall have the authority to appoint, establish and organize the police department of the city. The police commissioner shall have control of the government, administration, disposition and discipline of the police department, and of the police force of the department and shall make all rules and regulations as are proper for the efficiency of the department and its force. Except as otherwise provided herein, all the powers and duties of the police commission of the city of Springfield now or previously conferred or imposed by law or otherwise reflected in city ordinances are hereafter conferred and imposed upon said police commissioner, including but not limited to those otherwise vested in the mayor and city council by chapter 244 of the Acts of 1909.

2.58.050 Absence--Disability or Vacancy. In case of absence, disability or vacancy of office by the police commissioner, then the next highest ranking officer in the department shall serve as acting police commissioner. If there are two such officers of equal rank, the senior officer in date of appointment, shall be acting police commissioner.

**ENACTED BY THE FINANCE CONTRL BOARD ON AUGUST 5, 2005**

**EFFECTIVE:**

**AUGUST 25, 2005**

**ATTEST:**



**CLERK OF THE BOARD**

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#08-05-01

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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#### **An Executive Order Authorizing the Purchase of Property**

Pursuant to its authority under Chapter 169 including sections 4(b), 4(c) and 4(d)(14), the Finance Control Board (Board), acting at the request of the Superintendent of Schools, hereby grants to the Mayor the authority to take all steps necessary to acquire on behalf of the City certain property owned by the Roman Catholic Bishop of Springfield ("Grantor") at 90 Berkshire Street, Springfield, MA., as more particularly described in Exhibit A, for consideration of One Million Six Hundred Twenty-Five Thousand and 00/100 Dollars (\$1,625,000.00).

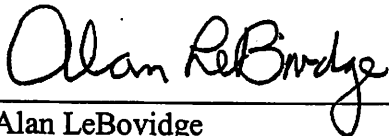
The Board hereby appropriates the sum of \$1,625,000 for the purchase of St. Matthew's School and other buildings located at 90 Berkshire Street in Springfield, Ma, and to meet this appropriation the Board authorizes the Treasurer, with the approval of the Mayor and the Board, is authorized to borrow pursuant to provisions of General Laws Chapter 44, section 7, and to the extent required the Board also authorizes the Chairman to approve a borrowing for this purchase from the Springfield Fiscal Recovery Trust Fund.

The Mayor is further authorized to pay the above-referenced consideration to the Grantor, and to accept a deed in substantially the same form as the draft deed attached hereto as Exhibit B,

The Board hereby transfers care, custody, management, and control of said property, once acquired, to the School Department, to be used for school purposes.

Approved by vote of the Springfield Finance Control Board at its meeting held on August 5, 2005.

By its Chairman



Alan LeBovidge

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-29-03

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

Recognizing the need to revitalize the City neighborhoods and eliminate blight, the Control Board pursuant to its authority under Chapter 169 of the Acts of 2004, hereby, upon recommendation of the Mayor, establishes a Blight Removal revolving fund under M.G.L. c. 44, sec. 53E1/2 for fiscal year 2006 for the purpose of funding building demolition, enforcement and related blight removal activities of all City Departments, including but not limited to, the Building Department, Housing Code Enforcement Department, Treasurer's Office and the Department of Public Works.

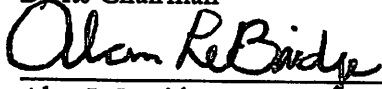
All departmental receipts received in payment for such demolition or other blight removal activities, including those sums carried pursuant to a municipal lien and thereafter redeemed, shall be credited to the Blight Removal revolving fund. To the extent allowed by law, such departmental receipts shall take first priority upon the City's sale of applicable foreclosed property.

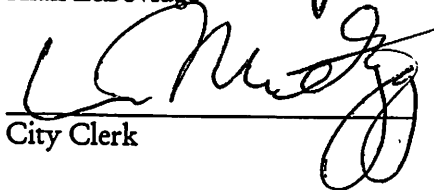
With the approval of Executive Director, or his designee, the Housing Director, City Solicitor, Building Inspector, City Treasurer and/or the DPW Director are hereby authorized to expend from this fund for demolition, enforcement or other blight removal activities. The limit on total amount that may be expended from the Blight Removal revolving fund in fiscal year FY06 shall be \$5,000,000.

Furthermore the Board orders that \$1,800,000 from the Receipts Reserved for Appropriation line item be hereby transferred to the Blight Removal Revolving Fund.

Approved by vote of the Springfield Finance Control Board at its meeting held on June 29, 2005.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

  
\_\_\_\_\_  
City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

# 06-29-02

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

#### **An Executive Order Establishing a Single Police Commissioner**

Pursuant to its authority under section 4 of Chapter 169 of the Acts of 2004, the Control Board hereby reorganizes the Springfield Police Commission and consolidates its authority into a single Police Commissioner. The position of Police Commissioner shall report to the Mayor and have all the powers, duties, authority and responsibilities previously vested in the Police Commission now or previously conferred or imposed by law or otherwise reflected in the Revised Ordinances of the City of Springfield, 1986, as amended, including but not limited to those otherwise vested in the mayor and city council by chapter 244 of the Acts of 1909.

The Executive Director and Mayor are hereby directed to undertake a nationwide search for qualified applicants for the position of Police Commissioner. The Executive Director and Mayor shall appoint an interim Police Commissioner who shall serve until the position is permanently filled. Further the Executive Director is directed to work closely with the Mayor and his staff to ensure a smooth transition.

Pursuant to the authority of the Control Board under section 4 of Chapter 169 of the Acts of 2004, upon the appointment of an interim Police Commissioner the position of Chief of Police, being vacant, shall be abolished.

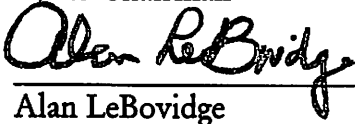
Furthermore the Board endorses the recommendation of the Mayor to form a Mayor's Advisory Committee to assist during the transition from a five member Police Commission to a single permanent Police Commissioner. Recognizing their dedication, interest and involvement the Board, upon recommendation of the Mayor, hereby appoints Carol Caulton, Eva Gomez, William Hurley, Joanne Morales and Timothy Ryan to said Advisory Committee.

In furtherance of these actions, the Board acting under the authority vested in it under section 4(d)(20) approves and adopts the following and hereby directs staff to take all action necessary to promulgate the following amendment and replacement of Chapter 2.58 of the Revised Ordinances of the City of Springfield, 1986, as amended, and is hereby replaced as with Exhibit A, attached hereto.

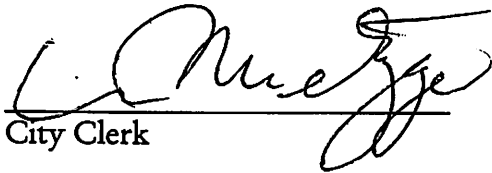
Furthermore the Board directs its staff to take all steps necessary to amend Chapter 2.60 (Police Department) of the Revised Ordinances of the City of Springfield, 1986, as amended to conform with these actions.

Approved by vote of the Springfield Finance Control Board at its meeting held on June 29, 2005.

By its Chairman

  
\_\_\_\_\_

Alan LeBovidge

  
\_\_\_\_\_

City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-29-0103

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

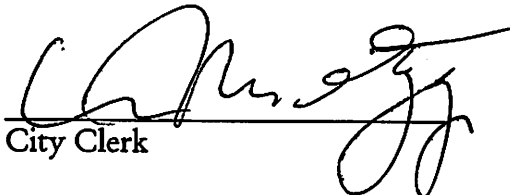
=====

Resolved that the Control Board authorize its Chairman to execute bonds or notes on behalf of the Control Board pursuant to the Boards' authority under Chapter 169 of the Acts of 2004.

Resolved that the Control Board recognizes that the appropriation contained in the foregoing Appropriation Order authorizing General Fund expenditures for fiscal year 2006 totaling \$452,774,290 will likely result in an operating deficit in fiscal year 2006 of approximately \$6,503,297 and that such deficit may be addressed by borrowing pursuant to Section 2 of Chapter 169 of the Acts of 2004, in the same manner that the deficit of approximately \$21,000,000 for fiscal year 2005 shall be addressed.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

  
\_\_\_\_\_  
City Clerk



# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### APPROPRIATIONS ORDER

#06-29-04

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

**ORDERED:** That from the sum of \$13,257,250 transferred in September of 2004 to capital projects undesignated, the following shall be appropriated for purposes as identified below:

Fund	Description	Amount
3019	Radio Tower	56,000
3134	School Upgrades	777,581
3127	Chestnut Middle School	298,372
3137	Balliet School	664,813
3139	Forest Park School	1,803,595
3545	Sewer Construction	28,532
3551	Conn River Interceptor	1,174,146
3554	Bondi's Island	1,953,458
3555	Court Square	1,700,000
3556	West Columbus Urban	1,620,000

The total amount transferred totaling: \$10,076,497

Approved by vote of Springfield Finance Control Board at its meeting held on June 29, 2005.

By its Chairman

  
Alan LeBovidge

  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#06-29-03

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

Budget Appropriations Order

July 1, 2005 to June 30, 2006

Date of Vote: June 29, 2005

PARKING METER FUND

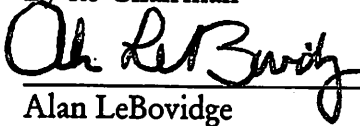
ORDERED: That, to meet the expenses of the City of Springfield for the fiscal year commencing July 1, 2005 and ending June 30, 2006, General Fund Appropriations in the amount of \$537,531 as itemized on the attached Schedule of Appropriations, are hereby voted from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32 and the recommendations of the Mayor and the Executive Director of the Control Board.

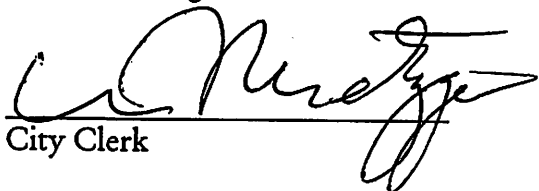
Estimated FY 2006 Parking Meter Fund Revenue \$ 537,531

Total Parking Meter Fund Financing \$ 537,531

Approved by vote of the Springfield Finance Control Board at its meeting held on June 29, 2005.

By its Chairman

  
Alan LeBovidge

  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#06-29-02

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

**Budget Appropriations Order**

**July 1, 2005 to June 30, 2006**

**Date of Vote: June 29, 2005**

INTERFUND


ORDERED: That, for purposes of implementing the FY 2006 General Fund Budget, the City Auditor is hereby authorized to make the following interfund transfers from fiscal year 2006 appropriations voted in the general fund to the following funds:

To	Purpose	Amount
Capital Project Fund	Capital Reserve Requirement	\$1,953,507

Approved by vote of the Springfield Finance Control Board at its meeting held on June 29, 2005.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

  
\_\_\_\_\_  
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#06-29-01

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====  
Budget Appropriations Order July 1, 2005 to June 30, 2006


Date of Vote: June 29, 2005

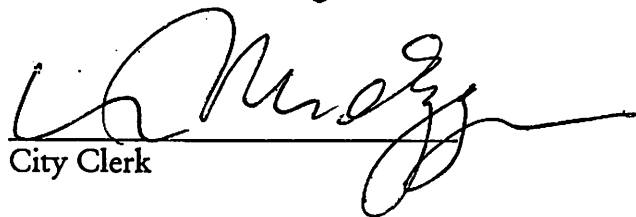
GENERAL FUND

ORDERED: That, to meet the expenses of the City of Springfield, including the School Department, for the fiscal year commencing July 1, 2005 and ending June 30, 2006, General Fund Appropriations in the amount of \$ 452,774,290 as itemized on the attached Schedule of Appropriations, are hereby voted from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32 and the recommendations of the Mayor and the Executive Director of the Control Board.

Approved by vote of the Springfield Finance Control Board at its meeting held on June 29, 2005.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

  
\_\_\_\_\_  
City Clerk

**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

# 06-13- 1

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====  
**An Executive Order related to and authorizing certain bond issuances.**

The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby:

- 1) Authorizes the issuance a \$30,206,000 state qualified bond anticipation note dated June 17, 2005 which will become due on July 22, 2005, at an interest rate not to exceed 4.00%, for purposes of refunding a portion of a state qualified bond anticipation note dated September 24, 2004 which is due June 17, 2005,
- 2) Authorizes the issuance of \$49,236,000 of state qualified bonds to be dated July 1, 2005 which will become due on August 1, 2025, at an interest rate not to exceed 5.00%, for the purposes of refunding all or portions of bond anticipation notes which will become due on July 8, 2005 and July 22, 2005,
- 3) Authorizes the issuance of refunding bonds to be dated July 1, 2005, at an interest rate not to exceed 5.00%, for the purposes of refunding all or any portion of the City's existing general obligation bonds outstanding as of the date of this meeting, and
- 4) Appropriates and transfers, pursuant to its authority under section 4(d) of Chapter 169 of the Acts of 2004, the sums of \$738,000 and \$46,000 from unexpended bond proceeds to be used for the purpose of paying portions of principal of bond anticipation notes becoming due on June 17, 2005 and July 8, 2005, in lieu of selling additional bonds or notes.

Furthermore, the Board authorizes its Executive Director to file an application with the Municipal Finance Oversight Board of the Commonwealth of Massachusetts to qualify under

Chapter 44A of the General Laws any and all notes and bonds of the City to be issued pursuant to the Orders adopted by the Board; and to obtain the consent of the Municipal Finance Oversight Board to a term of up to twenty-one (21) years for the bonds to be issued pursuant to such Orders; and to provide such information and execute such documents as the Municipal Finance Oversight Board may require.

The Board authorizes the Executive Director to negotiate with and enter into contracts for individuals or firms as are necessary to provide underwriting and selling group services in conjunction with bonds to be issued by the City:

Approved by vote of the Springfield Finance Control Board at its meeting held on June 13, 2005.

By its Chairman

  
Alan LeBovidge



ALAN LEBOVIDGE  
CHAIRMAN

*The Commonwealth of Massachusetts*

*Springfield Finance Control Board*

*436 Dwight St.*

*Springfield, MA 01103*

*Signed copy*

MEMORANDUM

To: Bill Metzger  
From: Ann-Marie Mahnken  
Date: June 17, 2005  
Re: SFCB Executive Order # 06-13-1

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Included with this memo is the original Executive Order signed by Alan LeBovidge to authorize bond issuances. Please keep this document with your files. Thank you.

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 05-05-04

*Not approved*

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====  
An Executive Order regarding the recent assessment of the Police Department.

The Board hereby accepts the management study of the Springfield Police Department dated May 4, 2005, prepared by Carroll Buracker and Associates. The Board hereby directs the Executive Director to implement the recommendations of the study at a time and in a manner as in his judgement is deemed most effective and appropriate.

Approved by vote of the Springfield Finance Control Board at its meeting held on May 6, 2005.

By its Chairman

\_\_\_\_\_  
Alan LeBovidge



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 05-05-03

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004,  
*An Act Relative to the Financial Stability of the City of Springfield.*

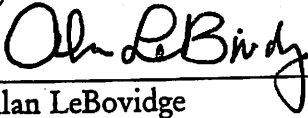
=====

**An Executive Order regarding Sidewalk Improvements**

Pursuant its authority under Chapter 169 of the Acts of 2004, and in order to promote public safety in the neighborhoods and school areas the Finance Control Board authorizes the expenditure up to \$1.5M from available capital project funds for sidewalk improvements.

Approved by vote of the Springfield Finance Control Board at its meeting held on May 6, 2005.

By its Chairman



Alan LeBovidge

## SCHOOL SIDEWALKS

LFD 5/3/05

STREET	FROM	TO	SIDE	WALK TYPE	LENGTH (LF)	CONTRACT YEAR	CONTRACT YEAR
ACORN STREET	Girls' Club	Cortland Street	NLY	ASPHALT	700	2005	
ALTON STREET	State Street	Roosevelt Avenue	WLY	ASPHALT	1,650	2005	
BRECKWOOD CIRCLE	N. Branch Parkway	Breckwood Boulevard	SLY	ASPHALT	1,580	2005	
COOLEY STREET	Brook's Pharmacy	Malibu Drive	NLY	CONCRETE	366	2005	
CORTLAND STREET	Malcolm Road	Shattuck Street	WLY	ASPHALT	1,556	2005	
ISLAND POND ROAD	Surrey Road	General Edward's Bridg	WLY	CONCRETE	2,408	2005	
MERRIMAC AVENUE	Carew St.	Nottingham Street	WLY	CONCRETE	1,843	2005	
NEWBURY STREET	#746	Athol Street	WLY	CONCRETE	718	2005	
WILBRAHAM ROAD	Old Acre Road	Tinkham Road	SLY	CONCRETE	1,184	2005	
ALLEN STREET	Roosevelt Avenue	Eddywood Street	NLY		550		
DICKINSON STREET	Texel Drive	Trafton Road	WLY		1,035		2006
LIBERTY STREET	???	Springfield Plaza	ELY				2006
							2006
N. BRANCH PARKWAY	Parker Street	Breckwood Circle	SLY	ASPHALT	5,580	2005	
PARKER STREET	#615	Ellery Street	ELY	CONCRETE	768	2005	
SUNRISE TERRACE	N. Branch Parkway	Creswell Drive	NLY	ASPHALT	256	2005	
BAY STREET	???	Boston Road	ELY				
CATALINA STREET	Cooley Street	Parker Street	NLY		1,400		2006
COOLEY STREET	E. Longmeadow Line	Allen Street	ELY		2,140		2006
GLENOAK DRIVE	Wilbraham Road	Past Joan Street	???		3,000		2006
PARKER STREET	Oak Street	Main Street	???		3,600		2006
KENT ROAD	Boston Road	Fernbank Road	WLY	CONCRETE	2,640	2005	
NOTTINGHAM STREET	Drexel Street	Mcbride Street	NE'LY	CONCRETE	1,024	2005	
TINKHAM ROAD	Penncastle Street	West Colonial Road	ELY	CONCRETE	1,952	2005	
BRADLEY ROAD	Burt Road	Allen Street	WLY		360		
BRADLEY ROAD	Allen Street	S. Branch Parkway	ELY		2,000		2006
CAREW STREET	???	???	NLY				2006
CAREW STREET	???	???	SLY				2006
LONGHILL STREET	Warner Street	Longhill Street Ext.	WLY		1,800		2006
???	Goodwin Street	Odessa Street	???				2006
WILBRAHAM ROAD	Jonquil Drive	Ashland Avenue	SLY		200		2006
							2006
BERKSHIRE AVENUE	County Street	Page Boulevard	NLY	CONCRETE	2,026	2005	
MASCO ROAD	Loon Pond Entrance	Page Boulevard	ELY	ASPHALT	1,415	2005	
WINDTREE ROAD	S. Branch Parkway	Chesterfield Avenu	NLY	CONCRETE	2,008	2005	

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

# 05-05-02

This Executive Order is issued pursuant to the provisions of Chapter 169, Section 4 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

#### Executive Orders Rescinding Authorized Debt.

ORDERED That the sum of Two Million Dollars (\$2,000,000) Authorized under M.G.L. C.44, S. 7 approved by the City Council On May 1, 1995 and approved by the Mayor on May 2, 1995 for the design and construction of a Baseball Stadium is hereby rescinded.

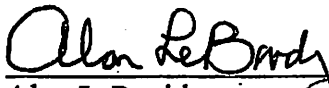
ORDERED That the sum of Seven Million Dollars (\$7,000,000) Authorized under M.G.L. C. 44 and C. 29 C approved by the City Council on January 16, 1996 and approved by the Mayor on January 17, 1996 for the purpose of construction of water pollution abatement facilities: relocation of the interceptor sewer and related modifications to the York Street Pumping Station as well as the relocation and modernization of Union Street Pumping Station is hereby rescinded.

ORDERED That the sum of Forty Thousand (\$ 40,000) Authorized under M.G.L. C.44, S.7 approved by the City Council On April 15, 1993 and approved by the Mayor on April 16, 1993 for sewer construction is hereby rescinded.

ORDERED That the sum of Ninety-Four Thousand (\$94,000) Authorized under M.G.L. C 44, S. 7 (a portion of a total authorization of \$150,000) approved by the City Council on December 4, 1995 and approved by the Mayor on December 6, 1995 for the purpose of departmental equipment for the police department to replace a radio tower is hereby rescinded.

Approved by vote of the Springfield Finance Control Board at its meeting held on May 6, 2005.

By its Chairman

  
\_\_\_\_\_  
Alan LeBovidge

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

# 05-05-01

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

=====

#### An Executive Order regarding Capital Project Fund Balances

Pursuant its authority under Chapter 169 of the Acts of 2004, the Finance Control Board directs that there be created a "Bond Balances" Capital Project Fund (the "Fund"). The Fund shall hold "closed out" balances of any capital project funds until they are appropriated for future use consistent with the requirements of Massachusetts General Law. The Fund balance will be available for future appropriation for capital projects of equal or longer term. Closed out project balances will be retained in sub funds for projects of similar terms (5 years, 10 years, 20 years, 30 years) to assure that future appropriations of balances are consistent with Massachusetts General Law and are only for capital projects of an equal or longer term.

Be it further ordered that the Capital Projects balances as stated on *Attachment A* be transferred to the Fund. The term of the bond authorization for each capital project is also noted and transfers are summarized by the term/period of the bond. The total balance as stated in *Attachment A* to be transferred from individual Capital Projects funds to the Fund is \$1,997,379. The amounts by sub fund are:

Authorization for Five Year Term	\$ 176,911
Authorization for Ten Year Term	\$ 825,581
Authorization for Twenty Year Term	\$ 815,153
Authorization for Thirty Year Term	\$ 179,734

Approved by vote of the Springfield Finance Control Board at its meeting held on May 6, 2005.

By its Chairman

  
Alan LeBovidge

3/7/05

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 05-3

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====  
An Executive Order authorizing the expenditure of funds for Capital Improvements in the City.

The Board, pursuant to its authority under section 4 of Chapter 169 of the Acts of 2004, hereby authorizes the expenditure of \$ 1,706,000 for capital improvement needs of the City as outlined on the Capital Improvement Plan dated March 7, 2005 attached herewith. This expenditure shall be from funds held pursuant to Section 7 of Chapter 169 of the Acts of 2004, which may be appropriated only for purposes for which the city could borrow for ten years or longer under Chapter 44 of the General Law.

Approved by vote of the Springfield Finance Control Board at its meeting held on March 7, 2005.

By its Chairman

\_\_\_\_\_  
Alan LeBovidge

Approved  
3/7/05

**City of Springfield  
Capital Improvement Request FY'05**

MARCH 7, 2005

**Police Department**

Police Cruisers  
11 Cruisers @ \$25,123 300,000

**Fire Department**

Headquarters		
Kitchen Upgrade	32,000	
Enlarge Watch Desk Area	25,000	
Mason Square Station		
Paint Station	4,000	
Repair Division		
Portable Lift System Repair	30,000	
Alarm Division		
New Boiler	20,000	
Oakland Station		
Replace Windows (20units@500ea)	10,000	
Parker Street Station		
Roof and Gutter Replacement	20,000	
Various Stations		
Emergency Stops Overhead (31unit@500ea)	15,000	
<b>Total:</b>		<b>156,000</b>

**Department of Public Works**

Various Street		
Street Replacements	500,000	
Side Replacements*	150,000	<b>650,000</b>

**Facilities Management**

Windows Lincoln School	600,000	<b>600,000</b>
<b>Total:</b>		<b>1,706,000</b>

**Notes:**

**Police Department**

Metropolitan area Planning Council	18,738	
Police Equipment Add-On	3936	
Installation of Equipment	785	
Power Drivers Seat/Side Air Bag/Limited		
Slip Differential	890	
Painting	489	
Sign Vehicle	285	
Cost Per Vehicle:*		<b>25,123</b>
Laptops to be purchased through grant.	8,000	
<b>Total Cost</b>		<b>33,123</b>

**Sidewalk Replacement**

A 25% charge for sidewalk replacement will be charged to the resident.

**SECTION 8.** In addition to the supplemental reserve fund under section 7 of chapter 656 of the acts of 1989, there shall be in the city of Springfield a capital reserve fund into which the city shall appropriate in each fiscal year at least 1.5 per cent of the amount of property taxes committed for the preceding fiscal year. The fund may be appropriated only for purposes for which the city could borrow for 10 years or longer under chapter 44 of the General Laws.

3/2/05

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 05-2

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====  
An Executive Order increasing the limit on borrowing from the Springfield Fiscal Recovery Trust Fund.

The Board, pursuant to its authority under section 2 of Chapter 169 of the Acts of 2004, hereby authorizes the Chairman to approve, with the consent of the Secretary of Administration and Finance as required by the Act, one or more temporary borrowings from the Springfield Fiscal Recovery Trust Fund ("Trust Fund"), as from time to time may be necessary to meet the short term expenses of the City in an aggregate amount of borrowings not to exceed \$46,000,000. If any such temporary borrowing is not expected to be repaid to the Trust Fund within one month after the close of the quarter within which the borrowing occurred, the Chairman shall notify the Secretary of Administration and Finance of the anticipated alternate date of repayment.

Approved by vote of the Springfield Finance Control Board at its meeting held on March 7, 2005.

By its Chairman

\_\_\_\_\_  
Alan LeBovidge

Approved  
3/7/05

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# 05-1

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004.

=====  
**An Executive Order Making the Appointments to the Springfield Council on Aging.**

Pursuant to the Board 's authority under section 4(d)(8) of Chapter 169 of the Acts of 2004, the Board hereby approves an exception to the ordinance requiring residency requirement for appointments for Sister Mary Caritas of Providence Place in Holyoke, MA , Attorney James Tourtelotte of Longmeadow and Ms. Nancy Morales of West Springfield who because of their willignness to bring their extensive experience and expertise to the benefit of the residents of Springfield are hereby appointed to the City of Springfield Council on Aging.

Approved by vote of the Springfield Finance Control Board at its meeting held on January 31, 2005.

By its Chairman

\_\_\_\_\_  
Alan LeBovidge

Approved 1/31/05



# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

# \_\_\_\_\_

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

-----  
An Executive Order establishing a public safety advisory council for the city of Springfield.

Section 1. There is hereby established a public safety advisory council to consist of three (3) members. One member shall be the secretary of the Executive Office of Public Safety or a designee; one member shall be the colonel of the Massachusetts State Police or a designee; and one member shall be the fire marshal or a designee. The secretary of the Executive Office of Public Safety shall serve as chairman.

Section 2. The public safety advisory council shall advise the Finance Control Board and its staff on public safety policies and procedures and the overall administration and effectiveness of the public safety agencies and programs of the city of Springfield. Public safety agencies shall include the departments of police, fire, emergency preparedness and code enforcement, the board of license commissioners, animal control and the school safety and security division of the school department.

Section 3. The public safety advisory council shall oversee the consulting services provided by individuals or firms retained by the Finance Control Board to study the management and operations of public safety agencies.

Section 4. The public safety advisory council shall review and comment on the annual operating and capital budgets and any supplementary appropriations thereto of the public safety agencies of the city of Springfield.

Approved by vote of the Springfield Finance Control Board at its meeting held on

\_\_\_\_\_  
By its Chairman

\_\_\_\_\_  
Alan LeBovidge

Approved 12/17/04.

COMMONWEALTH OF MASSACHUSETTS

RECEIVED  
DEC 6 10 22 AM '04

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

# \_\_\_\_\_

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

An Executive Order delegating certain powers of the Finance Control Board to its executive director.

Section 1. The following powers prescribed by Chapter 169 of the Acts of 2004 are hereby delegated to the executive director. The executive director may further delegate these powers with the approval of the Finance Control Board.

*To reorganize, consolidate or abolish departments, offices or functions of the city, in whole or in part, and to establish such new departments, offices or functions as it deems necessary, and to transfer the duties, powers, functions and appropriations of 1 department or office or function to another.*

Further the Board delegates to the Executive Director the authority to transfers funds within department budgets, reduce or increase funds and personnel and alter compensation within the approved FY 05 budget.

Specifically exempt from this authority is the ability to direct or transfer funds identified as part of a "wage freeze". The power to direct the aforementioned funds shall reside solely with the Board.

The Executive Director will notify the Board of actions taken in this regard within seven business days and the Board will have up to twenty-one calendar days to rescind those actions.

RECEIVED

Dec 6 10 22 AM '04

Approved by vote of the Springfield Finance Control Board at its meeting held on

\_\_\_\_\_

Attest:

\_\_\_\_\_

Alan LaBovidge

Chairman

\_\_\_\_\_

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

# \_\_\_\_\_

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

An Executive Order establishing a public safety advisory council for the city of Springfield.

Section 1. There is hereby established a public safety advisory council to consist of three (3) members: One member shall be the secretary of the Executive Office of Public Safety or a designee; one member shall be the colonel of the Massachusetts State Police or a designee; and one member shall be the fire marshal or a designee. The secretary of the Executive Office of Public Safety shall serve as chairman.

Section 2. The public safety advisory council shall advise the Finance Control Board and its staff on public safety policies and procedures and the overall administration and effectiveness of the public safety agencies and programs of the city of Springfield. Public safety agencies shall include the departments of police, fire, emergency preparedness and code enforcement, the board of license commissioners, animal control and the school safety and security division of the school department.

Section 3. The public safety advisory council shall oversee the consulting services provided by individuals or firms retained by the Finance Control Board to study the management and operations of public safety agencies.

Section 4. The public safety advisory council shall review and comment on the annual operating and capital budgets and any supplementary appropriations thereto of the public safety agencies of the city of Springfield.

Approved by vote of the Springfield Finance Control Board at its meeting held on

\_\_\_\_\_  
By its Chairman

\_\_\_\_\_  
Alan LeBovidge

Approved 12/17/04.

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

#05-11-05A

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

**An Executive Order Appropriating Funds for the Eminent Domain Taking  
Of Temporary Construction Easements and Permanent Easements  
for the Roosevelt Avenue Traffic Improvement Project**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. Gen. Laws Chapter 43, Section 30, and Mass. Gen. Laws Chapter 79, the Finance Control Board appropriates the sum of One-Hundred Twenty-Two Thousand One Hundred and 00/100 Dollars (\$122,100.00) as damages for the anticipated eminent domain takings of temporary construction easements and permanent easements over certain parcels of land described in the Order of Taking, for the purposes of constructing and maintaining the Roosevelt Avenue Traffic Improvement Project in Springfield, MA., to be paid from the following accounts:

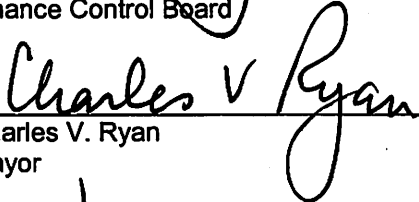
Account # #2324-400-5383-06 (\$90,000.00), and

Account #0100-151-5810-07 (\$32,100.00).

Approved by the Finance Control Board May 11, 2007:



Alan LeBovidge, Chairman  
Finance Control Board



Charles V. Ryan  
Mayor

  
Wayman Lee,  
Clerk of the Board

A TRUE COPY  
ATTEST.



CITY CLERK



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#05-11-06

This Appropriations Order is issued pursuant to the provisions of Section 4 (c) of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

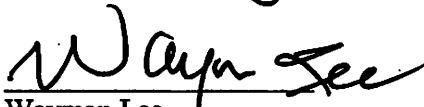
That the Control Board appropriates as follows, pursuant to Massachusetts General Law Chapter 40, Section 5:

FROM                    2007 Bond Premium, in the amount of \$135,000

TO                      Economic Development Plans and Analyses, to be expended at the  
direction of the Chief Development Officer, in the amount of \$135,000

Approved by the Finance Control Board on May 11, 2007:

  
Alan LeBovidge Chairman  
Springfield Finance Control Board

  
Wayman Lee  
Clerk of the Board

A TRUE COPY  
ATTEST



CITY CLERK





# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#05-11-07


**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

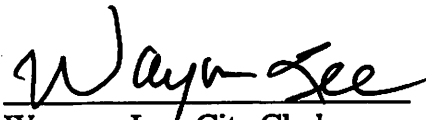
### **An Executive Order Authorizing the Borrowing of \$22,287,416 million from the Fiscal Recovery Trust Fund**

Pursuant to the authority granted under Section 2 and Section 4 (c) of Chapter 169 of the Acts of 2004, the Chairman of the Springfield Finance Control Board is hereby authorized, in conjunction with the Director of Accounts at the Department of Revenue, to request that the Secretary for Administration and Finance transfer to the City of Springfield an amount not to exceed \$22,287,416 from the Springfield Fiscal Recovery Trust, and that said transfer be made on or before June 30, 2007.

Approved this 11<sup>th</sup> day of May, 2007.



Alan LeBovidge  
Chairman  
Finance Control Board



Wayman Lee, City Clerk

A TRUE COPY  
ATTEST.

CITY CLERK



**COMMONWEALTH OF MASSACHUSETTS**

**CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD**

**EXECUTIVE ORDER**

#05-11-07A

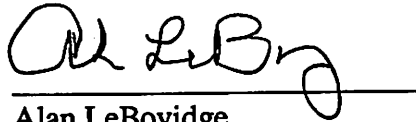
**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

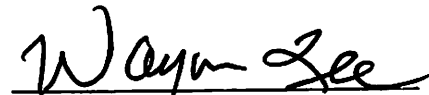
**An Executive Order Authorizing the Borrowing of \$2,486,000 million from the Fiscal Recovery Trust Fund**

Pursuant to the authority granted under Section 2 and Section 4 (c) of Chapter 169 of the Acts of 2004, the Chairman of the Springfield Finance Control Board is hereby authorized, in conjunction with the Director of Accounts at the Department of Revenue, to request that the Secretary for Administration and Finance transfer to the City of Springfield an amount not to exceed \$ 2,486,000 from the Springfield Fiscal Recovery Trust, and that said transfer be made on or before June 30, 2007.


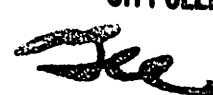
Approved this 11<sup>th</sup> day of May, 2007.



Alan LeBovidge  
Chairman  
Finance Control Board

  
Wayman Lee, City Clerk

A TRUE COPY  
ATTEST:

  
  
CITY CLERK

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#5-11-08

This Appropriations Order is issued pursuant to the provisions Section 4 (c) of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

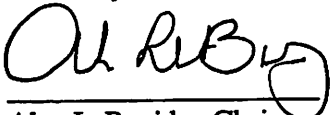
Date of Vote: May 11, 2007

That the Control Board establishes a Stabilization Reserve Fund for purposes of economic development, pursuant to Massachusetts General Law Chapter 40 Section 5B and appropriates as follows, pursuant to Massachusetts General Law Chapter 40, Section 5:

FROM Springfield Fiscal Recovery Trust Fund, in the amount of \$22,287,416

TO Stabilization Reserve Fund (Economic Development), in the amount of \$22,287,416

Voted, by two-thirds majority:



Alan LeBovidge Chairman, Control Board



Wayman Lee, City Clerk

A TRUE COPY  
ATTEST:



CITY CLERK



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#5-11-08A

This Appropriations Order is issued pursuant to the provisions Section 4 (c) of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

Date of Vote: May 11, 2007

That the Control Board establishes a Stabilization Reserve Fund for purposes of economic development, pursuant to Massachusetts General Law Chapter 40 Section 5B and appropriates as follows, pursuant to Massachusetts General Law Chapter 40, Section 5:

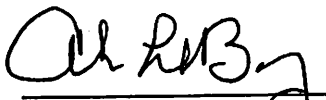
FROM Springfield Fiscal Recovery Trust Fund, in the amount of \$2, 486,000

TO Stabilization Reserve Fund (Economic Development), in the amount of \$2,486,000

Furthermore that in the event that the state funds are otherwise provided or appropriated such funds or remaining portion thereof shall hereby transferred

TO Stabilization Reserve Fund (Economic Development) established as of this same date

Voted, by two-thirds majority:



Alan LeBovidge Chairman, Control Board



Wayman Lee, City Clerk



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#12-18-08

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

Date of Vote: December 18, 2006

GENERAL FUND

ORDERED:

That to meet the expenses of the City of Springfield, including the School Department, for the fiscal year commencing July 1, 2006, and ending June 30, 2007, General Fund Appropriations in the amount of \$(2,625,000) as itemized on the attached Schedule of Appropriations, are hereby reduced from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32, Massachusetts General Law Chapter 59 section 23 and the recommendations of the Mayor and the Executive Director of the Control Board.

SOURCES

Estimated Revenue (Trash Fee) \$ (2,625,000)

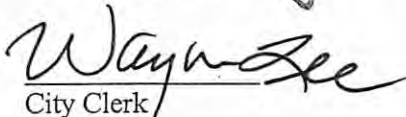
USES

General Fund Financing (DPW Solid Waste) \$ (2,625,000)

Voted:



Alan LeBovidge Chairman, Control Board

  
City Clerk

A TRUE COPY  
ATTEST.

CITY CLERK



Mark J. Ianello  
City Auditor

City Auditor's Office  
36 Court Street, Room 400  
Springfield, MA 01103  
Office: (413) 787-6150  
Fax: (413) 787-6159

Email: [mianello@springfieldcityhall.com](mailto:mianello@springfieldcityhall.com)



THE CITY OF SPRINGFIELD, MASSACHUSETTS

December 18, 2006

Finance Control Board  
436 Dwight Street  
Springfield, Massachusetts 01103

Re: Trash Fee related orders

Dear Board Members:

As City Auditor I am entrusted with the receipt, custody or expenditure of money, as well as the complete set of accounting records for the City of Springfield which show the amount of each specific appropriation, the amounts and purposes of expenditures made there from, and the receipts from each source of income. In furtherance of my duties, I report to you concerning a number of financial orders submitted to you this date for your consideration. These orders are necessitated as a result of a court order dated November 20, 2006, in which the City is enjoined from collecting the Trash Fee enacted by the Finance Control Board in Executive Order #8-11-04.

By way of background, the City of Springfield annual budget for Fiscal Year 2007 estimated total revenues of \$486,545,473 as indicated on the Budget Appropriation Order. This included estimated trash fee revenues of \$2,625,000 as indicated on the budget summary contained in the FY 2007 budget. As shown in budget documents, all estimated revenues were appropriated in the City Budget with expenditures totaling \$486,545,473. As such, the City had a balanced budget for FY2007 at the time of appropriation.

A breakdown of budget appropriation by departments for FY 2007 shows the City appropriated a total of \$8,018,979 for the Solid Waste Division of DPW. This appropriation included direct expenditures. It did not include fringe benefits or overhead expenses, which are included elsewhere in the City's budget.

Based on the number of containers provided for use by the city together with the number of condominium units for which the City provides solid waste collection and disposal services, a Ninety (\$90) Dollar trash fee paid by users results in potential annual revenue from said Trash Fee, based on expected usage, at approximately \$4.5 million dollars annually. Because the Trash Fee for 2007 only contemplated a portion of the potential annual revenue being collected, the solid waste

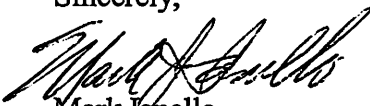
budget expenditures far exceed the revenues estimated to be generated by the trash fee. As a result of the injunction, the budget as appropriated would not be balanced with the loss of estimated Trash Fee revenue. As a result, the City must either, find alternative revenue sources, or reduce its appropriation by the amount of the trash fee estimated in the budget in the amount of \$2,625,000 in order to maintain a balanced budget and establish the tax rate for approval by the Commonwealth of Massachusetts Department of Revenue before the tax bills can be mailed on or about January 1, 2007.

As indicated in the orders submitted for your consideration, and in order to meet the expenses of the City of Springfield, General Fund Appropriations in the amount of \$(2,625,000) as itemized on the Schedule of Appropriations attached to the orders, need to be reduced. The sources and uses as shown on the schedules attached to the proposed order for your consideration relate to the DPW Solid Waste Budget.

Pursuant to the authority granted under Sections 2, 4(c) and 4(d)(1) of Chapter 169 of the Acts of 2004, the Control Board may request of the Secretary for Administration and Finance to borrow the deficit amount to meet the financial needs of the City. An order for this purpose is included, as is an order appropriating those funds to fill the gap in the Solid Waste budget.

In order to prevent the City from being forced to cease the collection and disposal of non-bulky solid waste when the balance of the appropriation runs out, I am recommending approval of these orders.

Sincerely,

  
Mark Iannello  
City Auditor

A TRUE COPY  
ATTEST

CITY CLERK



# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#12-18-09

This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

---

#### An Executive Order Authorizing the Borrowing of \$2.625 Million Dollars from the Fiscal Recovery Trust Fund

WHEREAS, the City's Fiscal Year 2007 budget approved by the Finance Control Board was based upon anticipated revenues from the Trash Fee established by the Control Board in Executive Order 8-11-04, in the amount of \$2,625,000, to pay for a portion of the costs of collection and disposal of non-bulky solid waste by the Department of Public Works; and

WHEREAS, the Finance Control Board acknowledges that a preliminary injunction issued on November 20, 2006 by the Hampden County Superior Court in Case No. 06-1010, *Cheryl Coakley-Rivera et al v. City of Springfield, et al*, currently prevents the City from collecting \$2,625,000 in estimated Trash Fee revenue during Fiscal Year 2007; and

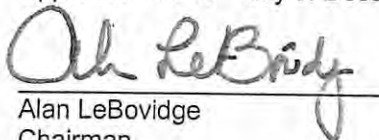
WHEREAS, the City's inability to collect the Trash Fee revenue creates a deficit of \$2,625,000 in the Fiscal Year 2007 budget, as appropriated, which otherwise would force the City to cease the collection and disposal of non-bulky solid waste on or before March 3, 2007; and

WHEREAS, in light of the uncertainty regarding the outcome of the Trash Fee litigation, the Finance Control Board has determined that it is prudent to borrow the \$2,625,000 from the Springfield Fiscal Recovery Trust Fund ("Trust") to balance the Fiscal Year 2007 budget and restore the funds to the Department of Public Works Solid Waste program; and

WHEREAS, Section 2 of Chapter 169 of the Acts of 2004 grants the Finance Control Board authority to borrow from the Trust, in such amounts and on such terms and conditions determined by the Finance Control Board and approved by the Secretary for Administration and Finance, subject to the applicable provisions of Mass. Gen. Laws ch. 44;

NOW THEREFORE, pursuant to the authority granted under Sections 2, 4(c) and 4(d)(1) of Chapter 169 of the Acts of 2004, the Chairman of the Springfield Finance Control Board is hereby authorized, in conjunction with the Director of Accounts at the Department of Revenue, to request of the Secretary for Administration and Finance an amount up to \$2,625,000 to meet the financial needs of the City.

Approved this 18<sup>th</sup> day of December, 2006.



Alan LeBovidge  
Chairman  
Finance Control Board

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ATTEST







# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### APPROPRIATIONS ORDER

#12-18-10

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

---

**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

Date of Vote: December 18, 2006

GENERAL FUND

ORDERED:

That to meet the expenses of the City of Springfield, including the School Department, for the fiscal year commencing July 1, 2006, and ending June 30, 2007, General Fund Appropriations in the amount of \$2,625,000 as itemized on the attached Schedule of Appropriations, are hereby voted from the following sources, pursuant to Massachusetts General Law Chapter 44, Section 32, Massachusetts General Law Chapter 59 section 23 and the recommendations of the Mayor and the Executive Director of the Control Board.

SOURCES

Chapter 169 State Loan Fund	\$ 2,625,000
-----------------------------	--------------

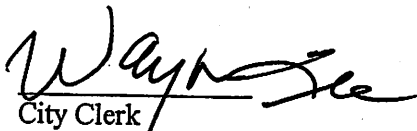
USES

General Fund Financing (DPW Solid Waste)	\$ 2,625,000
--	--------------

Voted:



Alan LeBovidge Chairman, Control Board

  
City Clerk

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ATTEST.



CITY CLERK



**SUPPLEMENTAL BUDGET**  
**\*\* FISCAL YEAR 2007 \*\***  
**SCHEDULE A**

SFCB # 12-18-02

<u>Fund</u>	<u>Dept</u>	<u>Object</u>	<u>Classification</u>	DEPARTMENT FISCAL 2007 GENERAL FUND
0100	433	0000	DPW-SOLID WASTE	2,625,000.00
0100	433	5200	Purchases of Services	2,625,000.00

A TRUE COPY  
ATTEST

*Wayne*

CITY CLERK

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE AND APPROPRIATIONS ORDER

#12-18-04

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

=====

WHEREAS, pursuant to Executive Order 11-27-05, the Springfield Finance Control Board has approved the issuance of bonds in an amount not to exceed \$15,500,000 to finance energy improvements for the City of Springfield, and that said investments are projected to save the City an average of \$1,590,000 in energy costs per year over the next twenty years, and

WHEREAS, the Springfield Finance Control Board has endeavored to structure the energy improvement bonds in the most efficient manner possible, and that doing so will save the taxpayers an estimated \$1,161,583 in interest costs over the life of the bonds, and

WHEREAS, between Fiscal Year 2008 and Fiscal Year 2011, the efficient structuring of the energy improvement bonds is projected to result in debt service costs in excess of projected financial savings of \$667,000, but that this represents a cash flow issue only and does not reduce the savings to be achieved by the City of Springfield, and

WHEREAS, the City of Springfield is projected to receive a bond premium of approximately \$670,000 associated with the issuance of energy improvement bonds, and

WHEREAS, the Springfield Finance Control Board finds that dedicating the anticipated bond premium on energy improvement bonds to funding the cash flow issue associated with the efficient structuring of the energy improvement bonds will allow the City of Springfield to afford the most efficient structure for the bonds, which will save the taxpayers of Springfield an estimated \$1,161,583.

NOW, THEREFORE, BE IT ORDERED:

That, pursuant to Massachusetts General Law Chapter 40 Section 5B, there is hereby established a stabilization reserve fund to be known as the Energy Services Contract Stabilization Reserve Fund, the proceeds of which may be expended for the purpose of paying debt service costs on energy improvement bonds when said costs are greater than the estimated financial savings associated with the energy improvements made pursuant to Executive Order 11-27-05, and

That the Springfield Finance Control Board hereby votes to raise and appropriate to the Energy Services Contract Stabilization Reserve Fund \$675,000 from local receipts, and

That the Treasurer shall be the custodian of all funds deposited into the Energy Services Contract Stabilization Reserve Fund and shall invest the proceeds thereof pursuant to the provisions of Section 5B of Chapter 40 of the Massachusetts General Laws.



Approved, by two-thirds vote, at its meeting held on December 18, 2006.

By its Chairman

  
Alan LeBovidge

  
City Clerk

A TRUE COPY  
ATTEST:



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD* *FINANCE CONTROL BOARD*

### APPROPRIATIONS ORDER

#12-18-05

This Appropriations Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, An Act Relative to the Financial Stability of the City of Springfield.

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**Budget Appropriations Order**

**July 1, 2006 to June 30, 2007**

GENERAL FUND

ORDERED:

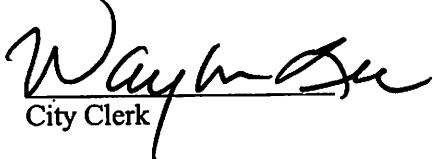
Date of Vote: December 18, 2006

Pursuant to Massachusetts General Law Chapter 40, Section 5, the Springfield Finance Control Board hereby votes to raise and appropriate an amount not to exceed \$2,000,000 for the purposes of conducting an arbitrage review and paying any fines or rebates to the Internal Revenue Service resulting there from.

Voted, by majority:




Alan LeBovidge Chairman, Control Board



City Clerk

A TRUE COPY  
ATTEST:



CITY CLERK



# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#12-18-07

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

#### **An Executive Order Appropriating Funds for the Eminent Domain Taking of Land for Park and Playground Purposes**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. Gen. Laws Chapter 45, Section 14, Mass. Gen. Laws Chapter 43, Section 30, and Mass. Gen. Laws Chapter 79, the Finance Control Board appropriates the sum of Six-Hundred Twenty-Five Thousand and 00/100 Dollars (\$625,000.00) as damages for the anticipated eminent domain taking of a fee simple interest in two parcels of land at 419 Pasco Road (Street 09540, Parcel 145), and East Side Pasco Road (Street 09540, Parcel 154), in Springfield, MA., totaling approximately 4.27 acres, for park and playground purposes, from account # 0100-920-5810-07-0650.

Approved by the Finance Control Board December 18, 2006:

  
Alan LeBovidge, Chairman  
Finance Control Board

A TRUE COPY  
ATTEST.

  
CITY CLERK

**COMMONWEALTH OF MASSACHUSETTS**

***CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD***

**EXECUTIVE ORDER**

**# 5-03-01**

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

---

**An Executive Order relative to taxation of personal property.**

Pursuant to its authority under sections 4(a), 4(b) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Control Board hereby accepts and adopts Massachusetts General Laws Chapter 59, section 5, clause 54, exempting from taxation personal property valued at less than \$500, establishing thereby a minimum value of personal property subject to taxation of \$500 or more.

Approved by vote of the Springfield Finance Control Board at its meeting held on May 3, 2006.

By its Chairman:

  
Alan LeBovidge

A true copy

Attest:



City Clerk



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-10

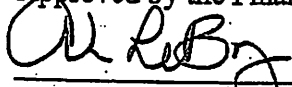
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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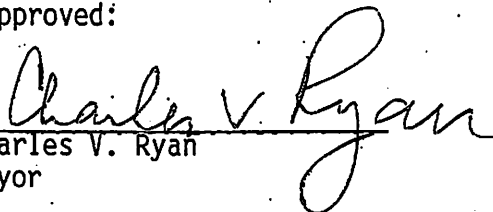
An Executive Order Authorizing the Creation of an  
Enterprise Fund For Solid Waste

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(7), 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 44, Section 53F ½, and Mass. General Laws Chapter 44, Section 28C(f), the Finance Control Board hereby votes to accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing an Enterprise Fund for the City of Springfield Solid Waste Program, a public utility, effective in fiscal year 2007.

Approved by the Finance Control Board November 27, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman

Approved:

  
\_\_\_\_\_  
Charles V. Ryan  
Mayor

A True Copy

Attest:

City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## CITY OF SPRINGFIELD FINANCE CONTROL BOARD

### EXECUTIVE ORDER

#11-27-10

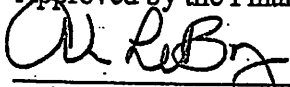
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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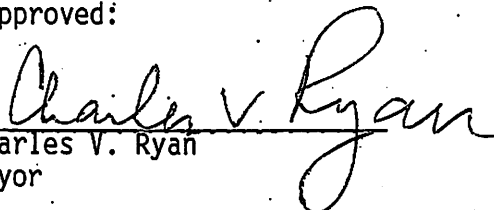
#### An Executive Order Authorizing the Creation of an Enterprise Fund For Solid Waste

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(7), 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 44, Section 53F ½, and Mass. General Laws Chapter 44, Section 28C(f), the Finance Control Board hereby votes to accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing an Enterprise Fund for the City of Springfield Solid Waste Program, a public utility, effective in fiscal year 2007.

Approved by the Finance Control Board November 27, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman

Approved:

  
\_\_\_\_\_  
Charles V. Ryan  
Mayor

A True Copy

Attest:

City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-10

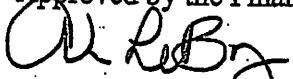
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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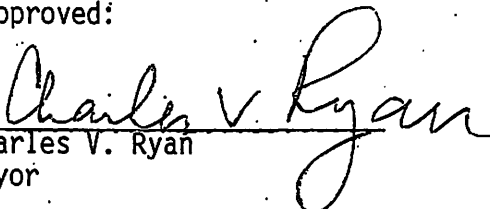
An Executive Order Authorizing the Creation of an  
Enterprise Fund For Solid Waste

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(7), 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 44, Section 53F ½, and Mass. General Laws Chapter 44, Section 28C(f), the Finance Control Board hereby votes to accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing an Enterprise Fund for the City of Springfield Solid Waste Program, a public utility, effective in fiscal year 2007.

Approved by the Finance Control Board November 27, 2006:

  
\_\_\_\_\_  
Alan LeBovidge, Chairman

Approved:

  
\_\_\_\_\_  
Charles V. Ryan  
Mayor

A True Copy

Attest:

City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD  
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#11-27-10

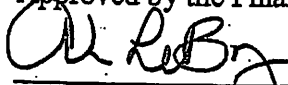
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield*.

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An Executive Order Authorizing the Creation of an  
Enterprise Fund For Solid Waste

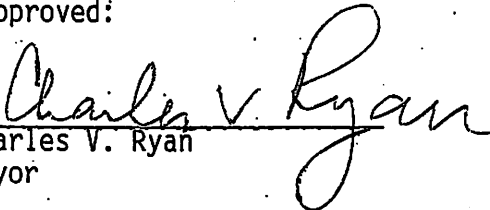
Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(7), 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 44, Section 53F ½, and Mass. General Laws Chapter 44, Section 28C(f), the Finance Control Board hereby votes to accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing an Enterprise Fund for the City of Springfield Solid Waste Program, a public utility, effective in fiscal year 2007.

Approved by the Finance Control Board November 27, 2006:



Alan LeBovidge, Chairman

Approved:

  
Charles V. Ryan  
Mayor

A True Copy

Attest:

City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

### EXECUTIVE ORDER

#12-18-11

**This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.***

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**An Executive Order Implementing a Trash Fee for  
Non Bulky Item Solid Waste Collection and Disposal Services  
Effective as of July 1, 2007  
(Amending Executive Order #8-11-04)**

WHEREAS, Solid Waste collection and disposal services is in accordance with the government's police power to protect the public health, the State Sanitary Code, 105 Code of Massachusetts Regulations Section 410, Sections 410.601, 410.602 and 410.603, and City Ordinances that require proper disposal of solid waste; and

WHEREAS, the City of Springfield provides services which include the curbside collection and disposal of non-bulky item solid waste, recyclables, and yard waste ("City Services"); and

WHEREAS, Mass. Gen. Laws ch. 44, sec. 28C authorizes the City to charge a fee to cover the costs of said City Services; and

WHEREAS, Section 4(d)(7) of Chapter 169 of the Acts of 2004 authorizes the Finance Control Board to establish fees for any service, license, permit or other municipal activity, otherwise within the authority of the City; and

WHEREAS, the costs of providing the City Services in Fiscal Year 2007 are estimated to exceed \$8 million dollars, and the costs in Fiscal Year 2008 are expected to increase; and

WHEREAS, the Finance Control Board has determined that the City should charge a fee to property owners who voluntarily elect to use the City Services to defray in part, the costs of providing the City Services; and

WHEREAS, the Finance Control Board has determined that as of July 1, 2007, and continuing thereafter until amended or revoked, the amount of the fee for City Services shall be Ninety Dollars (\$90.00) per each fiscal year; and

WHEREAS, the potential revenue from said Trash Fee based on expected usage has been estimated at approximately \$4.5 million dollars for the entire fiscal year 2008; and

WHEREAS, on November 27, 2006, the Finance Control Board approved the creation of a Solid Waste Enterprise Fund pursuant to Mass. Gen. Laws ch. 44, section 53F ½;

NOW THEREFORE,

Pursuant to the authority granted under section 4(d)(7) of Chapter 169 of the Acts of 2004, and Mass. Gen. Law ch. 44, §28C, and in order to defray a portion of the costs of providing Solid Waste Collection and

Disposal Services in the City of Springfield, effective July 1, 2007, the Finance Control Board hereby amends the previously enacted fee as set forth under the provisions of Executive Order #8-11-04, and establishes a Solid Waste Collection and Disposal Fee, ("Trash Fee") of Ninety Dollars (\$90.00), payable for each fiscal year, to be charged to the owner of each dwelling unit and commercial unit who voluntarily elects to receive such City Services from the City of Springfield (hereinafter referred to as the "Customer").

The Control Board delegates to the Mayor or the Executive Director the power to adopt rules and regulations for the implementation and administration of the Trash Fee.

The Fee will be subject to the following terms and conditions:

- A. The Trash Fee shall be charged to Customers of DPW solid waste collection and disposal services who own property that is particularized as a recipient or user of the City Services, and will not be charged to property owners who do not elect to use the City Services for their properties.
- B. The City will issue bills to all individuals or entities that own property and currently receive the City Services. Such owners may choose to use the City's Services by paying the Trash Fee, or may choose not to use the Services and avoid the Trash Fee. Owners who choose to utilize the City Services must return the bills with payment by June 1, 2007. The City will no longer provide City Services after July 1, 2007 for those owners who notify the City's Department of Public Works (DPW) that they will not use the City's trash collection and disposal services, and for those owners who do not pay the Trash Fee by the due date, which shall constitute an election not to use the Services.
- C. Individuals or entities who do not use the City's Services may utilize any other method of disposal which does not endanger any person and complies with the State Sanitary Code and City Ordinances.
- D. Owners who choose not to use the City Service shall be responsible for returning the City-provided container to the Department of Public Works. Persons who are unable to return the City-provided container may request the DPW pick up the container.
- E. Trash Fees collected pursuant to this order shall be deposited in the Solid Waste Enterprise Fund, to be used to defray a portion of the City's costs of providing the Services.
- F. Effective July 1, 2007, and in each fiscal year thereafter, the Trash Fee shall be charged for each City-provided container used by a Customer, and for each condominium unit where the condominium association utilizes a dumpster which is collected by the City or its contractors. If a Customer requests one or more additional City-provided containers per dwelling or commercial unit, the Customer will be charged a Trash Fee for each additional container.
- G. The Trash Fee will be payable to the City in four (4) quarterly installments, due and payable thirty (30) days from the billing date. The Fee may also be paid in one lump sum payment.
- H. The City shall grant a single twenty-five per cent (25%) annual Trash Fee discount for the household of the owner of a single family home, condominium, mobile home or owner occupied multi-family home who is: (a) veteran with a war-service connected disability; (b) a legally blind person; (c) an indigent individual; or (d) an individual over 65 years of age; as defined in rules and regulations established by the Mayor or Executive Director. Such discount will only apply to the owner-occupied primary residence, and will not apply to other trash services, such as bulky item stickers. Decisions on applications for discounts will be made by the DPW.
- I. Property units owned by any government agency shall be exempt from the Trash Fee with the exception of property units owned by a housing authority.
- J. The City reserves the right to refuse a request by a property owner to provide the City Services to any commercial unit, government property, condominium unit or multi-family buildings with more than three (3) dwelling units.

- K. Property owners aggrieved by the denial of a discount or any other decision concerning the Trash Fee may appeal such determination to the Trash Fee Review Board, consisting of representatives designated by the Mayor or the Executive Director.

Approved by the Finance Control Board on December 18, 2006:

  
Alan LeBovidge, Chairman  
Finance Control Board

**Finance Control Board  
Springfield, Massachusetts  
November 27, 2006**

The **twentieth-fifth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Monday, November 27, 2006** at 11:00 A.M. in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Jose F. Tosado, Chairperson Alan LeBovidge, Member Thomas F. Gloster III and Member Michael J. Jacobson.

I. The Board voted to approve the minutes of the October 20, 2006 meeting as amended. Member Jacobson amendment was to add "fund" after revolving in section eight (8). On motion by Council President Tosado and seconded by Jacobson minutes approved as amended by a unanimous voice vote. Board Chairperson LeBovidge announced that the Board would be going into Executive Session at the end of the meeting and would not be returning to open session.

II. Executive Director Philip Puccia and Police Commissioner Edward A. Flynn made a verbal report to the Board relative to staff changes/reorganization of the Police Department. Commissioner Flynn stated that he has created three new positions and divided the city into three geographical patrol areas. Capt. William J. Noonan and Capt. William C. Cochrane were promoted to acting deputy chiefs, serving as north and central division commanders, respectively. Capt. Mark S. Anthony was promoted to acting deputy chief, serving as operational support division commander. Deputy Chief William J. Fitchet, will serve as the south division commander. Commissioner Flynn said the reorganization will work to target crime aggressively at the neighborhood level. The north, central and south division deputies will have 24-7 responsibility for managing policing activities in their area and that the deputy chiefs' duties will include addressing residents' concerns. Commissioner Flynn said the geographical districts are: North, with a population of about 56, 000 peoples containing the neighborhoods of Brightwood, Memorial Square, Liberty Heights, East Springfield, Indian Orchard and Boston Road; Central, with a population of about 54, 000 peoples covering Metro Center, South End, Six Corners, McKnight, Old Hill, Upper Hill, Bay and Pine Point; and South, with a population of about 58, 000 peoples encompassing Sixteen Acres, Forest Park and East Forest Park. The operational support division commander will be responsible for managing the department's investigative operations and tactical support units and for supporting daily operations of the geographic divisions. Commissioner Flynn said that the Police Department received over 32,000 calls for services so far in 2006. Chairman LeBovidge asked would there be different staffing bases on crime levels? Commissioner Flynn said that he would deploy between 60 to 80 officers per sector with the assigned Deputy responsible for 24-7 activities. Finally, Commissioner Flynn said he considers the creation of a civilian advisory board a priority. Mayor Ryan and Council President Tosado both expressed pleasure with the new "model" and the accountability of one person for each sector. The Board took action but received the report.

Executive Director Philip Puccia and Police Commissioner Edward A. Flynn then introduced Jack McDevitt and Amy Farrell of the Institute on Race and Justice at Northeastern University to discuss and make recommendations on a "Civilian Review Board." Mr. McDevitt and Amy Farrell made a verbal and written presentation to the Board. Executive Director Puccia said that



the City has hired a Boston-based team of experts to study the City and then recommend a model of civilian oversight of police that suits the needs of citizens and the department. Mr. McDevitt said that he had just completed a report for Boston and that they have looked at civilian review models from all over the nation to determine what might work for the City. McDevitt and Farrell said a national study of civilian oversight boards reveals four distinct models. They are: (1) external boards that conduct investigations and recommend discipline; (2) external boards that review police-conducted investigations; (3) external boards which review investigations conducted by monitors; and (4) a combination, which might include a monitor and a citizen review panel. Ms. Farrell said that the team would be looking at problems in Springfield, both real and perceived, in trying to determine which model is best for this city. The study and recommendation carries a price tag of about \$24,000 according to Control Board Executive Director Philip Puccia.

Chairman LeBovidge asked how long would it be before the City would get the full report? Mr. McDevitt stated that the full report would be ready in February, 2007. Member Gloster asked what would be the police role in the report and recommendations. Mr. McDevitt said that the police role would be to review the forms and make comments for changes. Council President asked if the team would be interviewing key players and stakeholders. Mr. McDevitt stated that the team would be interviewing community leaders, members of the Police Department, key players and stakeholders but the new model should be decided by Mayor. The Board took no action but received the report.

III. Executive Director Philip Puccia made a presentation to the Board relative to a budget appropriations order pursuant to M.G.L. c. 40, § 5 transferring for the Stabilization Fund to the Armory Street Landfill Closing Project the amount of \$35,000.00. The Board on a motion by Mayor Ryan and seconded by Tosado, approved Executive Order #11-27-01 (Budget Appropriation Order), by a unanimous voice vote.

IV. Executive Director Philip Puccia made a presentation to the Board relative to the establishment of a Tax Title Custodial Account Revolving Fund pursuant to M.G. L. c. 44, § 53E½ for fiscal year 2007 which includes all rents, leases payments or other revenue derived from tax title properties held by the Treasurer/Collector received during fiscal year 2007. provided, however that expenditures from the Fund shall not exceed the balance of the Fund at the time of the expenditures. The Board on a motion by Tosado and seconded by Mayor Ryan, approved Executive Order #11-27-02 (Tax Title Custodial Account Revolving Fund), by a unanimous voice vote.

V. Executive Director Philip Puccia and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to an ordinance for Fire Alarm Master Boxes and Fire Inspection fees. Attorney Breck offers three (3) amendments to the proposal ordinance: (1) amending sections 7.13.035C; (The owner(s) of the property where the Master Box is located shall be responsible for any and all costs of compliance with this ordinance), 7.13.050; (Any one who fails to comply with any of the requirements of section 7.13.035 of this ordinance shall be punished by a fine of one hundred dollars (\$100.00) per calendar day. Each calendar day on which the violation exists shall be deemed to be a separate offense); and 7.13.060A (All fees are charged annually unless otherwise indicated). On a Motion by Gloster and seconded by Mayor Ryan the Board approved the amendments offered by Attorney Breck, by a unanimous voice

vote. The Board on a motion by Mayor Ryan, seconded by Tosado, approved Executive Order #11-27-07, as amended, (Alarm System Regulations and Inspection Fees Ordinance, approved 2<sup>nd</sup> and 3<sup>rd</sup> steps), by a unanimous voice vote.

VI. Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to eminent domain takings for the Sumner Avenue and Longhill Street for Sidewalk Construction Purposes, and the appropriation order of \$250.00 for payments for the takings of the permanent easements. The Board on a motion by Mayor Ryan and seconded by Gloster, approved Executive Order #11-27-09 (Appropriating Funds for the Eminent Domain Taking of Permanent Easements at Sumner Avenue and Longhill Street for Sidewalk Construction Purposes), by a unanimous voice vote.

VII. Executive Director Philip Puccia and Deputy Executive Director Stephen P. Lisauskas made a presentation to the Board relative to the creation of an Enterprise Fund for Solid Waste pursuant to M.G.L. c. 44, § 53F½ and M.G.L. c. 44, § 28C(f) for Fiscal Year 2007. The Board on a motion by Mayor Ryan and seconded by Tosado approved Executive Order #11-27-10 (Solid Waste Enterprise Fund), by a unanimous voice vote.

VIII. Executive Director Philip Puccia and Deputy Executive Director Stephen P. Lisauskas made a presentation to the Board relative to impact of the Superior Court's decision on the trash fee would have on the budget for fiscal year 2006. Executive Director Puccia stated that the decision has caused a reduction in spending plans, a delay in capital improvement plans, a delay in construction and demolitions plans, a delay in going to market for the sale of bonds, a hiring freeze on new jobs but that he hoped to avoid layoffs but he could not give any guarantees. Executive Director Philip Puccia asked the Board to approve an order related to certain bond authorization for the Court Square Urban Renewal Amendment #9, thereby authorizing the sum of \$4.7 million to defray the development, acquisition, demolition and site preparation costs and authorizing the Mayor to borrow \$4.7 million pursuant to M.G.L. c. 121B, § 20, as amended or any other enabling authority. The Board on a motion by Tosado and seconded by Mayor Ryan approved Executive Order #11-17-03 (Certain Bond Authorization - Court Square Urban Renewal Amendment #9), by a unanimous voice vote.

Executive Director Philip Puccia asked the Board to approve an order related to certain bond authorization the issuance refunding bonds pursuant to M.G.L. c. 44, § 21A to refund all or portion of all outstanding bonds of the city in an amount not to exceed \$130,000,000 in order to pay the principal, redemption premium and interest on bonds to be refunded, and costs of issuance of the refunding bonds all in according with Chapter 44 and the Municipal Finance Oversight Board or as otherwise required by law. Court Square Urban Renewal Amendment #9, thereby authorizing the sum of \$4.7 million to defray the development, acquisition, demolition and site preparation costs and authorizing the Mayor to borrow \$4.7 million pursuant to M.G.L. c. 121B, § 20, as amended or any other enabling authority. The Board on a motion by Tosado and seconded by Mayor Ryan approved Executive Order #11-17-06 (Certain Bond Authorization – Refunding Bonds), by a unanimous voice vote.

Executive Director Philip Puccia asked the Board to “Lay on the Table” Executive Orders dealing with Capital Improvement and the ESCO Project until such time as he and his staff can fully analyze the impact of the Superior Court ruling on the trash fee. The Board on a motion by

Tosado and seconded by Mayor Ryan approved "laying on the table" Executive Orders dealing with Capital Improvement and the ESCO Project, by a unanimous voice vote.

New Business:

IX. None.

X. The Board voted to go into Executive Session on Motion by Mayor Ryan and seconded by Jacobson for the purpose of discussing Pending Litigation and Litigation Strategy by the following roll call vote: Yes, Five (5); Members Gloster, Mayor Ryan, Tosado, Jacobson, Chairman LeBovidge; No, None (0). The Chairperson had stated at the open of the meeting that the Board would be going into Executive Session and would not be reconvening in open session.

Respectfully submitted, as amended:

Wayman Lee  
Wayman Lee  
Clerk of the Board

A True Copy

Attest: Wayman Lee

City Clerk

# COMMONWEALTH OF MASSACHUSETTS

## *CITY OF SPRINGFIELD FINANCE CONTROL BOARD*

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WHEREAS, the Finance Control Board has determined that as of July 1, 2007, and continuing thereafter until amended or revoked, the amount of the fee for City Services shall be Ninety Dollars (\$90.00) per each fiscal year; and

WHEREAS, the potential revenue from said Trash Fee based on expected usage has been estimated at approximately \$4.5 million dollars for the entire fiscal year 2008; and

WHEREAS, on November 27, 2006, the Finance Control Board approved the creation of a Solid Waste Enterprise Fund pursuant to Mass. Gen. Laws ch. 44, section 53F ½;

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K. Property owners aggrieved by the denial of a discount or any other decision concerning the Trash Fee may appeal such determination to the Trash Fee Review Board, consisting of representatives designated by the Mayor or the Executive Director.

Approved by the Finance Control Board on December 18, 2006:

  
Alan LeBovidge, Chairman  
Finance Control Board

A True Copy

Attest:



City Clerk