

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

09-30-04-2008

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*.

=====

ORDERED:

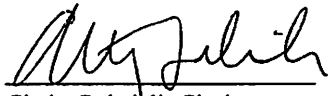
Pursuant to Massachusetts General Law Chapter 44, Section, 64, attached is a listing of unpaid bills from a previous fiscal year. No transfer is required as the invoices will be paid out of the Fiscal Year 2009 General Fund operating budget. Authorization to pay prior-year invoices from current-year appropriations requires approval of the Finance Control Board.

Date of Vote: September 30, 2008

Mayor's Office	\$ 256.20
Law Department	\$ 15,607.38
Treasurer's Office	\$ <u>4,965.60</u>

Total: \$ 20,829.18

Voted:



Chris Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

09-30-05-2008

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 Travel Authorization to the Executive Director

WHEREAS, Chapter 169 of the Acts of 2004, sections 4(d)(8) and 4(d)(20), give the Finance Control Board ("Board") authority over all city employees and personnel matters, including the terms and conditions of employment of such employees, and the Board may delegate or otherwise assign these powers with the approval of the Secretary for Administration and Finance; and

WHEREAS, the Board recognizes that from time to time, appointed City employees are offered: (1) free or discounted travel and lodging expenses, including meals, of substantial value that serve legitimate public purposes; (2) reimbursement for out of pocket travel expenses, including transportation, lodging, meals, and conference fees, for participation in a legitimate speaking engagement whose purpose is to provide education to conference participants; and/or (3) free or discounted admission of substantial value to an event which serves a legitimate public purpose; as described in 930 Code of Mass. Regulations, sec. 5.05(1)-(3) ("Regulations");


WHEREAS, Regulations issued by the State Ethics Commission require an appointed public employee, prior to accepting such offers or reimbursements, to: (a) file a disclosure with their appointing authority; and (b) to obtain an "advance determination" from their appointing authority, that the travel, reimbursement and/or admission "serves a legitimate public purpose and that the benefit to the government of the employee's participation outweighs any non-work related benefit to the employee or the private sponsor, taking into account the extent to which such travel, reimbursement and/or admission may convey an appearance of special benefit for any employee." See Regulations, secs. 5.05(1)(b), (2)(b), and (3)(b).

NOW THEREFORE, the Board hereby delegates to the Executive Director, in his discretion, authority to make the "advance determinations" referred to in the Regulations, and to execute and file the necessary findings and statements related thereto on behalf of the Board.

Executive Order approved by the Finance Control Board on September 30, 2008:



Chris Gabrieli, Chairman
Finance Control Board



Wayman Lee
Clerk of the Board

Approved:

Secretary for Administration and Finance
Date signed: _____

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

APPROPRIATIONS ORDER

09-30-06A-2008

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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Fiscal Year 2009 Capital Budget Order

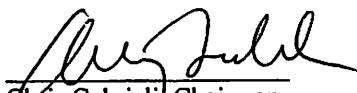
July 1, 2008 to June 30, 2009

Date of Vote: September 30, 2008

ORDERED:

That the Finance Control Board accepts and approves the Capital Improvement Plan for Fiscal Years 2009 through 2012, with an FY09 Capital Budget funded in the amount of Twenty Three Million Two Hundred Fifty Six Thousand Six Hundred Fifty Seven Dollars (\$23,256,657) for the purpose of funding the following projects, as itemized in the attached Exhibit A. These projects are based upon departmental ratings and are reviewed by the Capital Improvement Planning Committee.

Voted:


Chris Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

FY09 Capital Budget

<u>Department</u>	<u>Project</u>	<u>Amount</u>	<u>Funding Source</u>	<u>Group</u>
Capital Asset Constr.	Demolition of property for White Street	\$ 75,000	Pay Go	A
City	Purchase Vehicles	\$ 400,000	Pay Go	A
DPW	Flood Control Plan	\$ 720,000	Pay Go	A
DPW	Road Resurfacing and Sidewalks	\$ 2,200,000	Bond	A
Facilities	Deberry - Outdoor Classroom	\$ 181,250	Pay Go	A
Facilities	Talmadge Wall	\$ 317,763	Unexpended	A
Facilities	Symphony Hall - Lighting and Windows	\$ 628,000	Unexpended	B
Facilities	Forest Park Maintenance Facility	\$ 350,000	Bond	B
Facilities	Fire Alarm Systems	\$ 780,000	Pay Go	A
Finance	Administrative Costs	\$ 225,000	Bond	
Fire	Portable Jacks (6) Hydraulic Lifts	\$ 56,000	Pay Go	A
Fire	White Street Fire Station	\$ 5,000,000	Bond	A
Housing	Demolition of Structures	\$ 750,000	Bond	A
ITD	Munis Utility Module	\$ 136,440	Pay Go	A
ITD	Time Report System	\$ 950,000	Bond	A
ITD	Munis Software Upgrade	\$ 200,000	Bond	A
ITD	Permitting and Inspection Software	\$ 250,000	Bond	A
ITD	Integrated Payroll System	\$ 600,000	Bond	B
Libraries	Building Accessibility - Forest Park Library	\$ 361,617	Unexpended	A
Parks	Aquatic Gardens/Pecousic Brook NOI	\$ 38,600	Pay Go	A
Parks	Greenleaf Road	\$ 31,000	Pay Go	A
Parks	Amphitheatre Parking Lot	\$ 31,000	Pay Go	A
Parks	Van Horn Dam Study	\$ 175,000	Bond	A
Planning and Eco. Dev.	South End Urban Renewal	\$ 6,200,000	Bond	A
Planning and Eco. Dev.	Chapman Valve Industrial Project	\$ 1,700,000	Bond	B
Facilities	Old First Church (reimbursement)	\$ 900,000	Bond	
	Sub-Total: Bonded Projects	\$ 19,500,000		
	Sub-Total: Pay-Go Capital	\$ 2,449,290		
	Sub-Total: Unexpended Bond Proceeds	\$ 1,307,380		
	Grand Total	\$ 23,256,670		

Bonded Projects

<u>Department</u>	<u>Project</u>	<u>Amount</u>	<u>Group</u>
DPW	Road Resurfacing and Sidewalks	\$ 2,200,000	A
Facilities	Forest Park Maintenance Facility	\$ 350,000	B
Finance	Capital Asset Administrative Costs	\$ 225,000	
Fire	White St. Fire Station	\$ 5,000,000	A
Housing	Demolition of Structures	\$ 750,000	A
ITD	Time Report System	\$ 950,000	A
ITD	Munis Software Upgrade	\$ 200,000	A
ITD	Permitting and Inspection Software	\$ 250,000	A
ITD	Integrated Payroll System	\$ 600,000	B
Parks	Van Horn Dam Study	\$ 175,000	A
Planning and Eco. Dev.	South End Urban Renewal	\$ 6,200,000	A
Planning and Eco. Dev.	Chapman Valve Industrial Project	\$ 1,700,000	B
Facilities	Old First Church (reimbursement)	\$ 900,000	
	Total	\$ 19,500,000	

Proposed Pay Go Capital Projects for FY09

<u>Department</u>	<u>Project</u>	<u>Amount</u>	<u>Group</u>
Capital Asset Constr.	Demolition of property for White Street	\$ 75,000	A
City	Purchase Vehicles	\$ 400,000	A
DPW	Flood Control Plan	\$ 720,000	A
Facilities	Deberry - Outdoor Classroom	\$ 181,250	A
Fire	Portable Jacks (6) Hydraulic Lifts	\$ 56,000	A
ITD	MUNIS Utility Module	\$ 136,440	A
Parks	Aquatic Gardens/Pecousic Brook NOI	\$ 38,600	A
Parks	Greenleaf Road	\$ 31,000	A
Parks	Amphitheatre Parking Lot	\$ 31,000	A
Facilities	Fire Alarm Systems	\$ 780,000	A
	Total	\$ 2,449,290	

Proposed Unexpended Bond Proceeds Projects

<u>Department</u>	<u>Project</u>	<u>Amount</u>	<u>Group</u>
Facilities	Talmadge Wall	\$ 317,763	A
Facilities	Symphony Hall - Lighting and Windows	\$ 628,000	A
Libraries	Building Accessibility - Forest Park Library	\$ 361,617	A
	Total	\$ 1,307,380	

I move to amend order 6A by inserting the following:

That the City of Springfield appropriate two million one hundred thousand dollars (\$2,100,000) from the stabilization reserve fund to the debt service line item to cover the cost of repurchasing the City's 2008 bond anticipation notes (BANS).

Appropriation From: Stabilization Reserve Fund

8217-00-000-0000-000000-0000000-397000

\$2,100,000

Appropriation To: Debt Service

0100-70-145-0000-0000-0010-000000-0000000-591000

\$2,100,000

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

09-30-06B-2008

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 transfers of unexpended bond proceeds.

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

WHEREAS, the City of Springfield, Massachusetts desires to use unexpended bond proceeds from prior bond issues currently held in its Bond Holding Account in the amount of \$1,307,380.00 in connection with the financing of the following projects: 1) the construction and reconstruction of the Talmadge School Wall (\$317,763.00); 2) the purchase and installation of doors and windows for Symphony Hall (\$628,000.00); and 3) the remodeling and constructing of additions to Forest Park Library for building accessibility (\$361,617.00) (collectively, the "Projects");

Ordered: that the sum of One Million Three Hundred Seven Thousand Three Hundred Eighty Dollars (\$1,307,380.00) is hereby transferred from unexpended bond proceeds for completed projects held in the Bond Holding Account and is allocated to the Projects in the amounts set forth below:

**Talmadge School Wall
\$317,763.00**

Project	Unexpended Proceeds	Total Bond Amount	Date Loan Order Approved by Mayor
Improve Johnson School	\$ 213,778.06	\$1,200,000.00	03/21/2001
Public Building Repair	3,068.72	500,000.00	03/21/2001
Fire and Public Safety	26,208.33	4,500,000.00	05/04/1999
Renovations Golf	10,268.15	4,210,000.00	09/15/1999
Repair School Building	52,195.34	1,000,000.00	10/22/1996
GEO Info Systems	10,749.03	242,000.00	10/06/1994
Remodel Disability	756.79	2,000,000.00	06/14/1995
Tapley St. Facility	738.58	1,700,000.00	02/07/1995
Total	\$317,763.00		

**Symphony Hall – Doors and Windows
\$628,000.00**

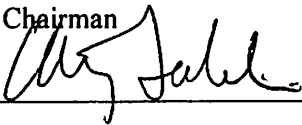
Project	Unexpended Proceeds	Total Bond Amount	Date Loan Order Approved By Mayor
Composting Facility	\$ 400,000.00	\$ 400,000.00	04/16/1993
Roof Repairs/School Building	9,604.51	835,000.00	10/06/1994
Roof Repairs/School Building	4,055.19	835,000.00	04/16/1993
Repair School Building	57,032.48	2,000,000.00	03/05/1997
Repair School Building	15,256.50	1,740,000.00	04/15/1992
Tapley St. Facility	4,238.95	1,700,000.00	02/07/1995
Mason Square	108,093.20	1,200,000.00	12/27/1988
N Block Grant Construction	29,719.17	150,000.00	11/01/1988
Total	\$628,000.00		

**Building Accessibility – Forest Park Library
\$361,617.00**

Project	Unexpended Proceeds	Total Bond Amount	Date Loan Order Approved By Mayor
Tapley Phase II	\$ 172,941.70	\$ 2,100,000.00	03/21/2001
Street Construction	76,992.47	1,375,000.00	06/14/1995
North End Renewal Industrial Park	5,465.14	600,000.00	07/30/1993
Traffic Signal Replacement	2,659.09	150,000.00	04/16/1993
Renovations Golf	103,558.60	4,210,000.00	09/15/1999
Total	\$361,617.00		

Approved by a roll-call vote of the Springfield Finance Control Board, with 5 yea votes and 0 nay votes, at its meeting held on September 30, 2008.

By its Chairman



*Wayne Lee
city clerk*

City of Springfield Unexpended Bond Proceeds

From Account:

To Account:

Account	Project	Amount	Term	Project	Amount	Term
3299-133-0001-06-3259-20	Improve Johnson School	213,778	18	Talmadge Wall	317,763	20
3299-133-0001-06-3258-20	Public Building Repair	3,069	18			
3299-133-0001-06-3253-20	Fire and Public Safety	26,208	20			
3399-133-0001-06-3321-20	Renovations Golf	10,268	20			
3299-133-0001-06-3239-20	Repair School Building	52,195	18			
3099-133-0001-06-3018-10	Geo Info Systems	10,749	20			
3299-133-0001-06-3248-20	Remodel Disability	757	18			
3299-133-0001-06-3243-20	Tapley St. Facility	739	20			
3599-133-0001-06-3544-10	Composting Facility	400,000	20	Symphony Hall	628,000	20
3299-133-0001-06-3237-20	Roof Repairs - School Building	9,605	18			
3299-133-0001-06-3241-20	Roof Repairs - School Building	4,055	18			
3299-133-0001-06-3247-20	Repair School Building	57,032	18			
3299-133-0001-06-3239-20	Repair School Building	15,257	19			
3299-133-0001-06-3243-20	Tapley St. Facility	4,239	20			
3099-133-0001-06-3013-20	Mason Square	108,093	19			
3599-133-0001-06-3508-10	N Block Grant Construction	29,719	9			
3299-133-0001-06-3255-10	Tapley Phase II	172,941	18	Building Accessibility - Forest Park Library	361,617	20
3599-133-0001-06-3549-10	Street Construction	76,992	20			
3099-133-0001-06-3016-20	North End Renewal Industrial	5,465	18			
3599-133-0001-06-3541-10	Traffic Signal Replacement	2,659	8			
3399-133-0001-06-3321-20	Renovations Golf	103,559	17			
Totals		1,307,380		Totals		1,307,380

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

09-30-07-2008

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.*

**A Vote Amending the Revised Ordinances of the City of Springfield relative to
Increases in Salary for Contemplated Retirement in Certain Cases**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(2), 4(d)(8), 4(d)(15) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Springfield Finance Control Board, be it ordained by the Finance Control Board of the City of Springfield that it hereby Amends the Revised City Ordinances as follows:

“AMENDING TITLE 3, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, AND HEREBY FURTHER AMENDED BY REPEALING CHAPTER 3.12.060: INCREASE IN SALARY FOR CONTEMPLATED RETIREMENT IN CERTAIN CASES

Title 3, of the Revised Ordinances of the City of Springfield, 1986, as amended, hereby further amended by Repealing Chapter 3.12.060: Increase in Salary for Contemplated Retirement in Certain Cases.

This repeal shall be effective in respect to any employee whose retirement occurs after October 1, 2008, but shall not be applicable to any employee who has notified, in writing, his department head and the retirement board of his intention to retire, prior to October 1, 2008. (Prior code §2-26(1))

Approved as to form:



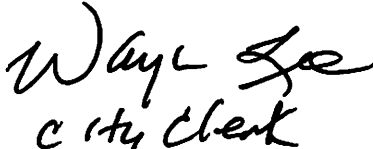
Asst/Associate City Solicitor

Approved by the Finance Control Board September 30, 2008:



Chairman

Finance Control Board


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

09-30-09-2008

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 Billing for Solid Waste Collection and Disposal Services (Amending Executive Order #12-18-11)

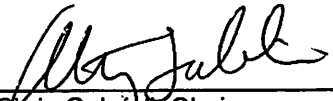
WHEREAS, on December 18, 2006, the Finance Control Board approved Executive Order #12-18-11, "An Executive Order Implementing a Trash Fee for Non Bulky Item Solid Waste Collection and Disposal Services" which adopted certain terms and conditions for the program, including authorizing the mailing of quarterly Trash Fee bills (see paragraph "G"); and

WHEREAS, the Executive Order #12-18-11 delegated to the Executive Director the power to adopt rules and regulations for the implementation and administration of the Fee; and

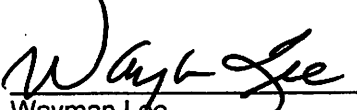
WHEREAS, the Finance Control Board recognizes it is in the City's best interests to have flexibility in the billing schedule for the Trash Fee in order to improve administrative efficiency and collection rates;

NOW THEREFORE, it is ORDERED that Executive Order #12-18-11, paragraph G, is hereby amended to authorize the City to issue Trash Fee bills "annually, semi-annually or quarterly, or on such other schedule as may be determined through regulations adopted by the Executive Director in his discretion, for so long as the Finance Control Board is in existence, and thereafter, by the Mayor".

Executive Order approved by the Finance Control Board on September 30, 2008:



Chris Gabrieli, Chairman
Finance control Board



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

09-30-10-2008


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.*

**A Vote Authorizing the Executive Director to Execute
a Memorandum of Understanding
with regard to Massachusetts Career Development Institute, Inc.**

Pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, and pursuant to Mass. General Laws Chapter 30B, Section 1(b)(30), the Springfield Finance Control Board authorizes the Executive Director to Execute a Memorandum of Understanding with the Massachusetts Career Development Institute, Inc. substantially in accordance with the terms contained in the Memorandum of Understanding attached hereto and take all action necessary in furtherance thereof.

Approved by the Finance Control Board September 30, 2008:


Chris Gabrieli, Chairman
Finance Control Board


Wayne Gee
City Clerk



CHRIS GABRIELI
CHAIRMAN

The Commonwealth of Massachusetts

Springfield Finance Control Board

36 Court Street, Room 312

Springfield, MA 01103

MEETING AGENDA

June 9, 2008

Room 220, City Hall

10:30 AM

	<u>Item</u>	<u>Start Time</u>
I.	Public Comment	10:30
II.	Approval of Minutes	11:00
III.	Acceptance and Expenditure of Grant Funds for Putnam Vocational Technical High School Project	
IV.	Acceptance and Expenditure of Grant Funds for the Department of Parks, Buildings and Recreation Management	
V.	Amendment of Contract Term: Police Commissioner	
VI.	Approval of 43D Technical Assistance Grant Application Submission	
VII.	Update – Implementation of Code Enforcement Study	
VIII.	Authorization to Execute Amendment to Covanta Landfill Service Agreement	
IX.	Amendment of Bond Order	
X.	Budget Presentation	
XI.	New Business	
XII.	Adjournment to Executive Session	

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-09-03-2008

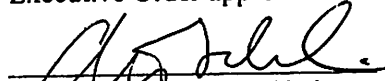
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

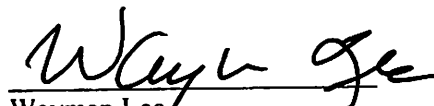
An Executive Order Accepting Grant Funds

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 City of Springfield School Building Commission 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 grant, without further appropriation:

Grant from the Massachusetts Technology Collaborative For the Putnam Vocational Technical High School Project	\$100,000.00.
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Executive Order approved by the Finance Control Board on June 9, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

06-09-04-2008

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 Monetary Gifts

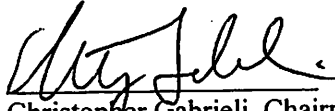
Pursuant to its authority under Sections 4(a), 4(b), 4(c), and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. General Law chapter 44, section 53A, the Finance Control Board hereby authorizes the City of Springfield Department of Parks, Buildings and Recreation Management to accept the monetary gifts 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 gifts, without further appropriation:

1) Gift of Twenty-Five Thousand Dollars (\$25,000.00) from L.A. Fitness for the installation of a new playground at the Glickman Elementary School;


and

2) Gift of Twenty-Two Thousand Seven Dollars (\$22,007.00) from the Glickman School Parent-Teacher Organization for the installation of a new playground at the Glickman Elementary School.

Executive Order approved by the Finance Control Board on June 9, 2008:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-09-06-2008

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 Order Granting Authority to the Chief Development Officer for the City of Springfield
to Submit a 43D Technical Assistance Grant Application on Behalf of the City**

WHEREAS, the City's economic growth and development, along with the jobs it can provide, are critical to Springfield's future success;

WHEREAS, the State, pursuant to Chapter 43D, affords municipalities an opportunity to provide further marketing and expedited permitting incentives for potential development on selected parcels;

WHEREAS, the requirements of Chapter 43D requires municipalities to render permit decisions within 180 days or less on the selected parcels;

WHEREAS, for the selected industrially zoned parcels, it is fully anticipated that the City will be able to meet the 180 day requirement at the very least;

WHEREAS, pursuant to Chapter 169 of the Acts of 2004, the Springfield Finance Control Board has been granted the authority to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly;

WHEREAS, the Springfield Finance Control Board hereby approves the Chapter 43D Technical Assistance Grant application to apply for technical assistance funds and designate the Springfield Smith & Wesson Industrial Park (parcel number 10360-0245) and the Chicopee River Business Park (parcel number 02195-0100) Priority Development Sites; and

IT IS FURTHER ORDERED, that the Chief Development Officer for the City of Springfield is authorized to submit this 43D Technical Assistance Grant Application on behalf of the City of Springfield.

Executive Order approved by the Finance Control Board on June 9, 2008:


Chris Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-09-05-2008

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 Approving an Employment Contract with
Police Commissioner William J. Fitchet**

WHEREAS, on March 27, 2008, the Springfield Finance Control Board approved "Executive Order 03-27-09-2008", appointing William J. Fitchet as Police Commissioner for a term not to exceed three (3) years, and authorized the Executive Director to negotiate a performance-based employment contract consistent with this order; and


WHEREAS, the Executive Director has negotiated a draft contract with Commissioner Fitchet, for a term of five (5) years,

NOW THEREFORE, IT IS HEREBY ORDERED:

Acting pursuant to the powers granted by Sections 4(a), 4(b), 4(d)(8) through 4(d)(11), and 4(d)(20) of Chapter 169 of the Acts of 2004, the Finance Control Board hereby:

- (1) amends so much of Executive Order 03-27-09-2008 as limits the term of the employment contract to a period "not to exceed three (3) years", and authorizes said contract to contain a term of "five (5) years"; and
- (2) authorizes the Mayor and the Executive Director to execute an employment contract with Police Commissioner William J. Fitchet on behalf of the Board.

Executive Order approved by the Finance Control Board on June 9, 2008:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-09-06-2008

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 Order Granting Authority to the Chief Development Officer for the City of Springfield
to Submit a 43D Technical Assistance Grant Application on Behalf of the City**

WHEREAS, the City's economic growth and development, along with the jobs it can provide, are critical to Springfield's future success;

WHEREAS, the State, pursuant to Chapter 43D, affords municipalities an opportunity to provide further marketing and expedited permitting incentives for potential development on selected parcels;

WHEREAS, the requirements of Chapter 43D requires municipalities to render permit decisions within 180 days or less on the selected parcels;

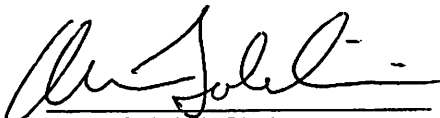
WHEREAS, for the selected industrially zoned parcels, it is fully anticipated that the City will be able to meet the 180 day requirement at the very least;

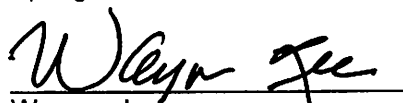
WHEREAS, pursuant to Chapter 169 of the Acts of 2004, the Springfield Finance Control Board has been granted the authority to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly;

WHEREAS, the Springfield Finance Control Board hereby approves the Chapter 43D Technical Assistance Grant application to apply for technical assistance funds and designate the Springfield Smith & Wesson Industrial Park (parcel number 10360-0245) and the Chicopee River Business Park (parcel number 02195-0100) Priority Development Sites; and

IT IS FURTHER ORDERED, that the Chief Development Officer for the City of Springfield is authorized to submit this 43D Technical Assistance Grant Application on behalf of the City of Springfield.

Executive Order approved by the Finance Control Board on June 9, 2008:


Chris Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#06-09-09-2009

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 to amend 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 Order No. 1-17-08-2008 of the Board passed January 17, 2008, which appropriated and authorized a borrowing in the amount of Eleven Million dollars (\$11,000,000) to finance various capital projects, is hereby amended to increase the amount of the appropriation and borrowing authorized pursuant to such Order to the amount of Nineteen Million Five Hundred Thousand Dollars (\$19,500,000) and to include the following additional projects to be funded thereunder: streetscape improvements, road improvements, improvements to parks, the acquisition of a parcel of land and any buildings thereon located at the so-called Chapman Valve site (consisting of approximately 54 acres, more or less, in the central/eastern section of the City of Springfield, known as the Indian Orchard neighborhood, bordered on the North by Worcester Street, Easterly by a private way known as Moxon Street and property of others, Southerly by Oak Street and Westerly by Pinevale Street and property of others) and any engineering costs related to determining the scope of any remediation of the contamination at such site and the costs of any demolition and site clearing at such site, and any costs incidental and related thereto.

Approved by a roll-call vote of the Springfield Finance Control Board, with 5 yea votes and 0 nay votes, at its meeting held June 9, 2008

By its Chairman

Ali Saleh

Wayne Lee



CHRIS GABRIELI
CHAIRMAN

The Commonwealth of Massachusetts

Springfield Finance Control Board

36 Court Street, Room 312

Springfield, MA 01103

MEETING AGENDA

May 21, 2008

Room 220, City Hall

10:30 AM

<u>Item</u>	<u>Start Time</u>
I. Public Comment	10:30
II. Approval of Minutes	11:00
III. Vote on Acceptance and Expenditure of Grant Funds A. Parks Department B. Police Department C. Fire Department	
IV. Affirmation of Vote of Superintendent Hiring	
V. Appropriation for Management Training Project	
VI. Prior Year Bill Approval	
VII. Chapman Valve Project	
VIII. South End Project	
IX. Presentation by MassINC; Appropriation Request	
X. Budget Discussion	
XI. New Business	
XII. Adjournment to Executive Session	

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#05-21-03A-2008

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 City of Springfield Department of Capital Asset Construction 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 purpose of the grant, without further appropriation:

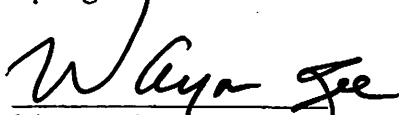
State Grant: Massachusetts Highway Department \$250,000.00

Grant to reimburse the City in the amount of \$250,000.00 for the construction of Walkways/Bikeways (Phase II) in Forest Park. Funds earmarked by a Transportation Bond Bill allocation within the Acts of 2006.

Executive Order approved by the Finance Control Board on May 21, 2008:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

#05-21-03C-2008

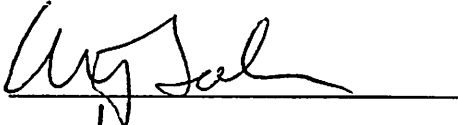
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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 authorizes the Fire Department 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 grant, without further appropriation:

State Grants: Fire Safe Grant	\$10,200.00
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By its Chairman





Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#05-21-03B-2008

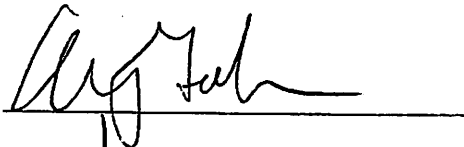
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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 authorizes the Police Department 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 grant, without further appropriation:

State Grants: Statewide Emergency Telecommunications Board Training Grant	\$101,000.00
Other Grants: Mason Square Weed & Seed Community Coalition	\$50,000.00

By its Chairman




Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#05-21-04-2008

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 Affirming the Appointment of Dr. Alan J. Ingram
as Superintendent of Schools for the City of Springfield**

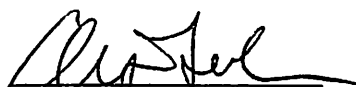
IT IS HEREBY ORDERED:

That the Springfield Finance Control Board, acting pursuant to the powers granted by Sections 4(a), 4(b), 4(d)(1), 4(d)(8), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby affirms its vote of May 6, 2008 to appoint Dr. Alan J. Ingram as Superintendent of Schools for the City of Springfield.

The appointment is made subject to the completion of background review and reference checks, and successful contract negotiation.

The Board further authorizes the Executive Director to negotiate an employment contract with Dr. Alan J. Ingram consistent with this Order.

Executive Order approved by the Finance Control Board on May 21, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

APPROPRIATIONS ORDER

#05-21-05-2008

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and pursuant to its authority under Sections 4(a), 4(b), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004. The Finance Control Board wishes to transfers funds to the costs associated with a management training program for the City.

Date of Vote: May 21, 2008

ORDERED:

Transfer From:

Indirect Costs

0100-10-135-0000-0000-0010-000000-0000000-578700

\$90,000

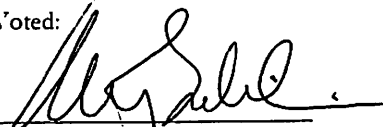
Transfer To:

City Auditor – Professional Services

0100-10-135-0000-0000-0010-000000-0000000-530105

\$90,000

Voted:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

#05-21-06-2008

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*.

=====

ORDERED:

Pursuant to Massachusetts General Law Chapter 44, Section, 64, attached is a listing of unpaid bills from a previous fiscal year. A transfer is required from the indirect cost account within the Auditor's budget because the Housing and ITD departments do not have sufficient funds in their accounts. The funds will be transferred to the Advertising account within the Finance Department.

Date of Vote: May 21, 2008

Transfer From:

Auditor - Indirect Costs

0100-10-135-0000-0000-0010-000000-0000000-578700

\$1,401.07

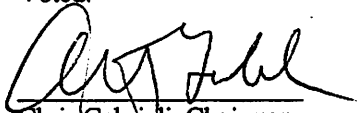
Transfer to:

Finance - Advertising Budget

0100-10-133-0000-0000-0010-000000-0000000-534300

\$1,401.07

Voted:



Chris Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

APPROPRIATIONS ORDER

#05-21-08-2008

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and pursuant to its authority under Sections 4(a), 4(b), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004. The Financial Control Board wishes to transfers funds to pay for the first phase of a contract with UMASS Dartmouth and MassInc. for the development of an economic development growth strategy.

Date of Vote: May 21, 2008

ORDERED:

Transfer From:

Indirect Costs

0100-10-135-0000-0000-0010-000000-0000000-578700

\$125,000

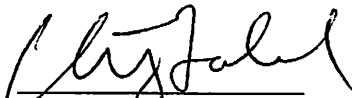
Transfer To:

Economic Development – Professional Services

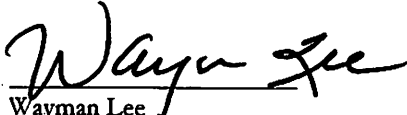
0100-10-175-0000-0090-000000-0000000-530105

\$125,000

Voted:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

#05-21-11-2008

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 Department of Public Works to Implement
Regulations for a Pay-as-You-Throw system for
Non Bulky Item Solid Waste Collection and Disposal Services**

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 for a flat fee to cover costs of City Services; and

WHEREAS, Section 4(d)(15) of Chapter 169 of the Acts of 2004 authorizes the Finance Control Board to promulgate rules and regulations governing the operation and administration of the city; and

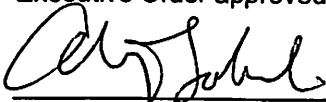
WHEREAS, Section 4(d)(20) of Chapter 169 of the Acts of 2004 authorizes the Finance Control Board to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly; and

WHEREAS, a system where residents only pay for each unit of waste discarded, commonly known as "Pay-as-You-Throw" would be fairer and more environmentally sound than the current system;

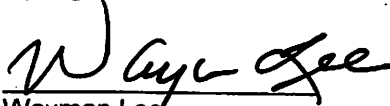
NOW THEREFORE, IT IS HEREBY ORDERED:

Pursuant to the authority granted under section Chapter 169 of the Acts of 2004, and Mass. Gen. Law ch. 44, §28C, the Finance Control Board that the City's Department of Public Works is authorized to develop and implement rules and regulations, with the approval of the Mayor, for a "Pay-as-You-Throw" system 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") delegates to the Mayor the power to adopt rules and regulations for the implementation and administration of a "Pay-as-You-Throw" system.

Executive Order approved by the Finance Control Board on May 21, 2008:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

#05-21-09-2008

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 Department of Public Works to Develop and Implement, and the Mayor to Adopt Regulations for a Pay-as-You-Throw system for Non Bulky Item Solid Waste Collection and Disposal Services

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 for a flat fee to cover costs of City Services; and

WHEREAS, Section 4(d)(15) of Chapter 169 of the Acts of 2004 authorizes the Finance Control Board to promulgate rules and regulations governing the operation and administration of the city; and

WHEREAS, Section 4(d)(20) of Chapter 169 of the Acts of 2004 authorizes the Finance Control Board to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly; and

WHEREAS, a system where residents only pay for each unit of waste discarded, commonly known as "Pay-as-You-Throw" would be fairer and more environmentally sound than the current system;

NOW THEREFORE, IT IS HEREBY ORDERED:

Pursuant to the authority granted under section Chapter 169 of the Acts of 2004, and Mass. Gen. Law ch. 44, §28C, the Finance Control Board that the City's Department of Public Works is authorized to develop and implement rules and regulations, with the approval of the Mayor, for a "Pay-as-You-Throw" system 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") delegates to the Mayor the power to adopt rules and regulations for the implementation and administration of a "Pay-as-You-Throw" system.

Executive Order approved by the Finance Control Board on May 21, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#04-17-03-2008

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 Order Authorizing the Procurement of an Independent Study Regarding the Use of a Project Labor Agreement and Appropriating Funds Therefore

WHEREAS, at a meeting on April 8, 2008, the City of Springfield School Building Commission voted to seek an independent study regarding the use of a Project Labor Agreement ("PLA") on the Putnam Vocational Technical High School and Forest Park Middle School construction projects, and to request an appropriation of funds from the Finance Control Board for that purpose; and

WHEREAS, a PLA is an agreement entered into by the Owner of the project, the various signatory unions and the Contractor hired to construct the project. The PLA states that Contractors may only employ persons referred through the union hiring halls (except for high level supervisors), unless the unions are unable to provide qualified workers. The PLA usually requires contractors (union and non-union) to contribute to established union employee benefit funds, comply with uniform work schedules, holidays, work assignments, and overtime provisions. The PLA would prohibit the Unions from discriminating against persons who were not previously union members in referring workers to contractors. The PLA would provide a uniform "grievance procedure" for resolving disputes, usually resulting in arbitration for unresolved disputes. In return, the unions who are parties to the PLA agree not to picket, stop work, strike, etc., for the duration of the project.

WHEREAS, under Massachusetts law, a PLA may not be used on a public building construction project unless the awarding authority, through a "carefully reasoned process", concludes that in light of the size, duration, timing and complexity of the project, that the use of a PLA is the only way to achieve the goals of the competitive bidding laws, which are: (i) to obtain the lowest price that competition can secure; (ii) place all contractors on an equal footing; and (iii) promote labor harmony. See Callahan v. City of Malden, 430 Mass. 124 (1999).

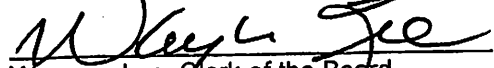
NOW THEREFORE, BE IT ORDERED, in accordance with Sections 4(a), 4(b), 4(c), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, that the Finance Control Board authorizes the School Building Commission to procure the services of an independent consultant to perform a carefully reasoned study of whether the use of a PLA would be authorized on the Putnam School project under the legal requirements set forth in the Callahan case and applicable Massachusetts law, on the condition that the consultant recommended to conduct this study be approved by the Executive Director, that the final report of the selected consultant be subject to the review and approval of the Executive Director, and that the final report, once completed, be forwarded to the Board for its review; and

IT IS FURTHER ORDERED, that the Executive Director bring to the Board a request for appropriation to fund this study once a consultant is selected through competitive procurement.

Executive Order approved by the Finance Control Board on April 17, 2008:



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#04-17-03-2008

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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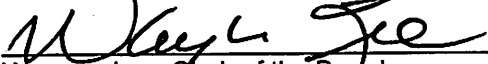
NOW THEREFORE, BE IT ORDERED, in accordance with Sections 4(a), 4(b), 4(c), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, that the Finance Control Board authorizes the School Building Commission to procure the services of an independent consultant to perform a carefully reasoned study of whether the use of a PLA would be authorized on the Putnam School project under the legal requirements set forth in the Callahan case and applicable Massachusetts law, on the condition that the consultant recommended to conduct this study be approved by the Executive Director, that the final report of the selected consultant be subject to the review and approval of the Executive Director, and that the final report, once completed, be forwarded to the Board for its review; and

IT IS FURTHER ORDERED, that the Executive Director bring to the Board a request for appropriation to fund this study once a consultant is selected through competitive procurement.

Executive Order approved by the Finance Control Board on April 17, 2008:



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#04-17-03-2008

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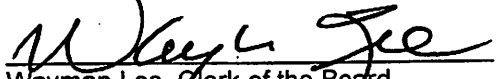
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IT IS FURTHER ORDERED, that the Executive Director bring to the Board a request for appropriation to fund this study once a consultant is selected through competitive procurement.

Executive Order approved by the Finance Control Board on April 17, 2008:



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#04-17-03-2008

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WHEREAS, a PLA is an agreement entered into by the Owner of the project, the various signatory unions and the Contractor hired to construct the project. The PLA states that Contractors may only employ persons referred through the union hiring halls (except for high level supervisors), unless the unions are unable to provide qualified workers. The PLA usually requires contractors (union and non-union) to contribute to established union employee benefit funds, comply with uniform work schedules, holidays, work assignments, and overtime provisions. The PLA would prohibit the Unions from discriminating against persons who were not previously union members in referring workers to contractors. The PLA would provide a uniform "grievance procedure" for resolving disputes, usually resulting in arbitration for unresolved disputes. In return, the unions who are parties to the PLA agree not to picket, stop work, strike, etc., for the duration of the project.

WHEREAS, under Massachusetts law, a PLA may not be used on a public building construction project unless the awarding authority, through a "carefully reasoned process", concludes that in light of the size, duration, timing and complexity of the project, that the use of a PLA is the only way to achieve the goals of the competitive bidding laws, which are: (i) to obtain the lowest price that competition can secure; (ii) place all contractors on an equal footing; and (iii) promote labor harmony. See Callahan v. City of Malden, 430 Mass. 124 (1999).

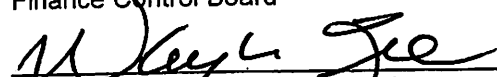
NOW THEREFORE, BE IT ORDERED, in accordance with Sections 4(a), 4(b), 4(c), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, that the Finance Control Board authorizes the School Building Commission to procure the services of an independent consultant to perform a carefully reasoned study of whether the use of a PLA would be authorized on the Putnam School project under the legal requirements set forth in the Callahan case and applicable Massachusetts law, on the condition that the consultant recommended to conduct this study be approved by the Executive Director, that the final report of the selected consultant be subject to the review and approval of the Executive Director, and that the final report, once completed, be forwarded to the Board for its review; and

IT IS FURTHER ORDERED, that the Executive Director bring to the Board a request for appropriation to fund this study once a consultant is selected through competitive procurement.

Executive Order approved by the Finance Control Board on April 17, 2008:



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#04-17-03-2008

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 Order Authorizing the Procurement of an Independent Study Regarding the Use of a Project Labor Agreement and Appropriating Funds Therefore

WHEREAS, at a meeting on April 8, 2008, the City of Springfield School Building Commission voted to seek an independent study regarding the use of a Project Labor Agreement ("PLA") on the Putnam Vocational Technical High School and Forest Park Middle School construction projects, and to request an appropriation of funds from the Finance Control Board for that purpose; and

WHEREAS, a PLA is an agreement entered into by the Owner of the project, the various signatory unions and the Contractor hired to construct the project. The PLA states that Contractors may only employ persons referred through the union hiring halls (except for high level supervisors), unless the unions are unable to provide qualified workers. The PLA usually requires contractors (union and non-union) to contribute to established union employee benefit funds, comply with uniform work schedules, holidays, work assignments, and overtime provisions. The PLA would prohibit the Unions from discriminating against persons who were not previously union members in referring workers to contractors. The PLA would provide a uniform "grievance procedure" for resolving disputes, usually resulting in arbitration for unresolved disputes. In return, the unions who are parties to the PLA agree not to picket, stop work, strike, etc., for the duration of the project.

WHEREAS, under Massachusetts law, a PLA may not be used on a public building construction project unless the awarding authority, through a "carefully reasoned process", concludes that in light of the size, duration, timing and complexity of the project, that the use of a PLA is the only way to achieve the goals of the competitive bidding laws, which are: (i) to obtain the lowest price that competition can secure; (ii) place all contractors on an equal footing; and (iii) promote labor harmony. See Callahan v. City of Malden, 430 Mass. 124 (1999).

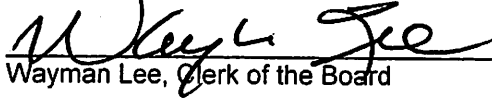
NOW THEREFORE, BE IT ORDERED, in accordance with Sections 4(a), 4(b), 4(c), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, that the Finance Control Board authorizes the School Building Commission to procure the services of an independent consultant to perform a carefully reasoned study of whether the use of a PLA would be authorized on the Putnam School project under the legal requirements set forth in the Callahan case and applicable Massachusetts law, on the condition that the consultant recommended to conduct this study be approved by the Executive Director, that the final report of the selected consultant be subject to the review and approval of the Executive Director, and that the final report, once completed, be forwarded to the Board for its review; and

IT IS FURTHER ORDERED, that the Executive Director bring to the Board a request for appropriation to fund this study once a consultant is selected through competitive procurement.

Executive Order approved by the Finance Control Board on April 17, 2008:



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

03-03 – 09B-2008

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 Concerning a purported Contract of Employment for the Superintendent of Schools

WHEREAS, four members of the School Committee executed a document purporting to be a "Contract of Employment" for the "Superintendent of Schools" (hereafter referred to as "Document") to be "effective as of the 1st day of July 1, 2008;" and,

WHEREAS, said Document does not conform to the requirements for execution of contracts required by law; and,

WHEREAS, said Document is not in conformance with the provisions of Chapter 169 of the Acts of 2004 as powers conferred by St. 2004, c. 169 ("the Act") to the Finance Control Board in Section 4(d)(8) and (20) of the Act gives the Board, notwithstanding the charter or any city ordinance to the contrary, to appoint, remove, supervise and control all city employees and have control over all personnel matters; the board shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the city, whether or not elected . . . ; [and] to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly. With respect to any such exercise of powers by the board, the elected officials of the city shall not rescind or take any action contrary to such action by the board so long as the board continues to exist; and

WHEREAS, the Document is contrary to the December 20, 2007 Finance Control Board vote to conduct a search and selection process for the position of Superintendent of Schools and also the requirement that all School Department positions above the level of Principal to be approved by the Executive Director of the Springfield Finance Control Board, acting on behalf of the Springfield Finance Control Board; and

WHEREAS, the Act itself recognizes that the school department is part of the city government as Section 4(d)(5) refers to "all departments, offices, boards, commissions, committees, agencies or other units of the city's government, including the school department" and Section 4(d)(1)

refers separately to the "budgets of the city and the school committee," and suspends G.L. c. 71, § 34; and,

WHEREAS, said Document was presented to the Finance Control Board office on February 28, 2008 and the Act confers the power upon the Finance Control Board in Section 4(d)(18) to alter or rescind any action or decision of any municipal officer, employee, board or commission within 14 days after receipt of notice of such action or decision;

NOW THEREFORE, pursuant to its authority under Chapter 169 of the Acts of 2004, the Finance Control Board hereby rescinds said Document and requires that any further action to select or enter into a contract with a Superintendent of Schools must have prior approval of the Finance Control Board.

Date of Vote of Approval by the Finance Control Board: March 3, 2008.

Christopher Gabrieli, Chairman
Finance Control Board

Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-09-2008

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*.

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board ("Board") authorizes a transfer within the General Fund Budget to establish an appropriation to contract with a consultant to assist in the search for a School Superintendent. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-00000000-578700

\$75,000

Transfer To:

Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-00000000-531005

\$75,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

Tabled

APPROPRIATIONS ORDER

#03-03-03-2008

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.*

=====
An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board authorizes a transfer within the General Fund Budget to establish an appropriation to award a grant agreement to the Irene E. and George A. Davis Foundation to research and develop a plan to establish a Local Education Fund (LEF) in the City of Springfield. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$25,000

Transfer To:

Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$25,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-05-2008

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, Mass. Gen. Laws ch. 44, sec. 31D allows the city to spend funds for removal of snow and ice in excess of appropriations in any fiscal year upon the approval of the mayor and city council; and

WHEREAS, in Springfield, such spending also requires the approval of the Finance Control Board pursuant to Section 4(c) of Chapter 169 of the Acts of 2004; and

WHEREAS, the City has exhausted its appropriations for snow and ice removal for fiscal year 2008; and

WHEREAS, the Mayor has requested that the City Council approve spending funds in excess of appropriations for fiscal year 2008 for the removal of snow and ice in the interest of public safety, and such order is on the City Council agenda for Monday, February 25, 2008;

NOW THEREFORE BE IT ORDERED, pursuant to Sections 4(a), 4(b), 4(c), 4(d)(1), and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 44, sec. 31D, that the Finance Control Board approves the request to incur liability and make expenditures in excess of available appropriations for snow and ice removal in fiscal year 2008. All expenditures made under the authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

Order approved by the Finance Control Board on March 3, 2008:

Christopher Gabrieli, Chairman
Date signed: _____

Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-09-2008

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*.

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board ("Board") authorizes a transfer within the General Fund Budget to establish an appropriation to contract with a consultant to assist in the search for a School Superintendent. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-00000000-578700

\$75,000

Transfer To:

Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-00000000-531005

\$75,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-27-05-2008

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and the Fiscal Policies of the City of Springfield, the Financial Control Board establishes a Stabilization Reserve Fund for the purposes of continuing the fiscal recovery and safeguarding the financial stability of the City of Springfield. This fund will be entitled Self Insurance Reserve.

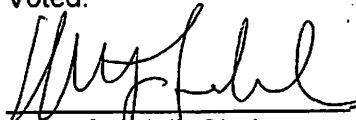
Date of Vote: March 27, 2008

ORDERED:

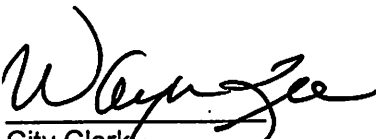
From:
FY 2007 – Certified Free Cash (\$843,090.00)

To:
Stabilization Reserve Fund– Self Insurance Reserve \$843,090.00
8219-00-000-0000-000000-0000000-104000

Voted:



Chris Gabrieli, Chairman
Springfield Finance Control Board



City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-27-08-2008

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.*

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board authorizes a transfer within the General Fund Budget to establish an appropriation to engage a consultant to research and develop a plan to establish a Local Education Fund (LEF) in the City of Springfield. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 27, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$25,000


Transfer To:

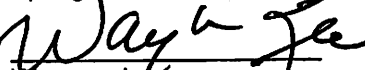
Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$25,000

Order approved by a 2/3 vote of the Finance Control Board on March 27, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#03-27-09-2008

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 Appointing William J. Fitchet
as Commissioner of the Springfield Police Department**

IT IS HEREBY ORDERED:

That the Springfield Finance Control Board, acting pursuant to the powers granted by Sections 4(a), 4(b), 4(d)(8), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby appoints William J. Fitchet as Commissioner of the Springfield Police Department, for a term not to exceed three years, subject to the completion of additional background review.

The Board further authorizes the Executive Director to negotiate a performance-based employment contract with William J. Fitchet consistent with this Order.

Executive Order approved by the Finance Control Board on March 27, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-27-05-2008

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and the Fiscal Policies of the City of Springfield, the Financial Control Board establishes a Stabilization Reserve Fund for the purposes of continuing the fiscal recovery and safeguarding the financial stability of the City of Springfield. This fund will be entitled Self Insurance Reserve.

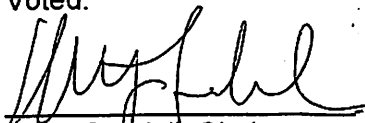
Date of Vote: March 27, 2008

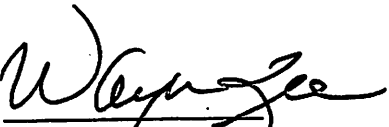
ORDERED:

From:
FY 2007 – Certified Free Cash (\$843,090.00)

To:
Stabilization Reserve Fund– Self Insurance Reserve \$843,090.00
8219-00-000-0000-000000-0000000-104000

Voted:


Chris Gabrieli, Chairman
Springfield Finance Control Board


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-27-08-2008

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.*

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board authorizes a transfer within the General Fund Budget to establish an appropriation to engage a consultant to research and develop a plan to establish a Local Education Fund (LEF) in the City of Springfield. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 27, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$25,000


Transfer To:

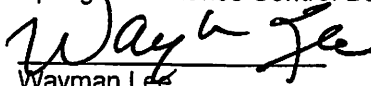
Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$25,000

Order approved by a 2/3 vote of the Finance Control Board on March 27, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#03-27-09-2008

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.*

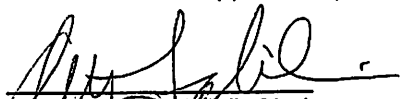
**An Executive Order Appointing William J. Fitchet
as Commissioner of the Springfield Police Department**

IT IS HEREBY ORDERED:

That the Springfield Finance Control Board, acting pursuant to the powers granted by Sections 4(a), 4(b), 4(d)(8), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby appoints William J. Fitchet as Commissioner of the Springfield Police Department, for a term not to exceed three years, subject to the completion of additional background review.

The Board further authorizes the Executive Director to negotiate a performance-based employment contract with William J. Fitchet consistent with this Order.

Executive Order approved by the Finance Control Board on March 27, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-27-05-2008

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and the Fiscal Policies of the City of Springfield, the Finance Control Board establishes a Stabilization Reserve Fund for the purposes of continuing the fiscal recovery and safeguarding the financial stability of the City of Springfield. This fund will be entitled Self Insurance Reserve.

Date of Vote: March 27, 2008

ORDERED:

From:

FY 2007 – Certified Free Cash (\$843,090.00)

To:

Stabilization Reserve Fund– Self Insurance Reserve \$843,090.00
8219-00-000-0000-0000-000000-0000000-104000

Voted:

Chris Gabrieli, Chairman
Springfield Finance Control Board

City Clerk

COMMONWEALTH OF MASSACHUSETTS

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

APPROPRIATIONS ORDER

#03-27-08-2008

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.*

=====
An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board authorizes a transfer within the General Fund Budget to establish an appropriation to engage a consultant to research and develop a plan to establish a Local Education Fund (LEF) in the City of Springfield. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$25,000

Transfer To:

Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$25,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

#03-27-09-2008

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 Appointing William J. Fitchet
as Commissioner of the Springfield Police Department**

IT IS HEREBY ORDERED:

That the Springfield Finance Control Board, acting pursuant to the powers granted by Sections 4(a), 4(b), 4(d)(8), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby appoints William J. Fitchet as Commissioner of the Springfield Police Department, for a term not to exceed three years, subject to the completion of additional background review.

The Board further authorizes the Executive Director to negotiate a performance-based employment contract with William J. Fitchet consistent with this Order.

Executive Order approved by the Finance Control Board on March 27, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD *FINANCE CONTROL BOARD*

EXECUTIVE ORDER

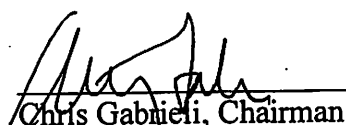
#03-03-04-2008

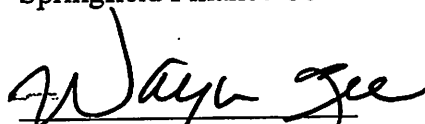
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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

Pursuant to Mass. General Law Chapter 44 Section 64, attached is a listing of unpaid bills from the previous fiscal year. A transfer is required from the department's current year operating budget to the department's prior year carryover budget.

Voted:


Chris Gabrieli, Chairman
Springfield Finance Control Board


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-05-2008

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, Mass. Gen. Laws ch. 44, sec. 31D allows the city to spend funds for removal of snow and ice in excess of appropriations in any fiscal year upon the approval of the mayor and city council; and

WHEREAS, in Springfield, such spending also requires the approval of the Finance Control Board pursuant to Section 4(c) of Chapter 169 of the Acts of 2004; and

WHEREAS, the City has exhausted its appropriations for snow and ice removal for fiscal year 2008; and

WHEREAS, the Mayor has requested that the City Council approve spending funds in excess of appropriations for fiscal year 2008 for the removal of snow and ice in the interest of public safety, and such order is on the City Council agenda for Monday, February 25, 2008;

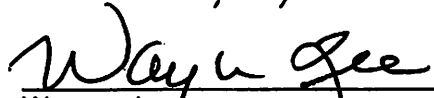
NOW THEREFORE BE IT ORDERED, pursuant to Sections 4(a), 4(b), 4(c), 4(d)(1), and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 44, sec. 31D, that the Finance Control Board approves the request to incur liability and make expenditures in excess of available appropriations for snow and ice removal in fiscal year 2008. All expenditures made under the authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

Order approved by the Finance Control Board on March 3, 2008:



Christopher Gabrieli, Chairman

Date signed: 3/26/08



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-09-2008

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*.

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board ("Board") authorizes a transfer within the General Fund Budget to establish an appropriation to contract with a consultant to assist in the search for a School Superintendent. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$75,000

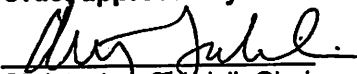
Transfer To:

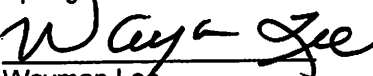
Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$75,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

03-03 – 09B-2008

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 Concerning a purported Contract of Employment for the Superintendent of Schools

WHEREAS, four members of the School Committee executed a document purporting to be a “Contract of Employment” for the “Superintendent of Schools” (hereafter referred to as “Document”) to be “effective as of the 1st day of July 1, 2008;” and,

WHEREAS, said Document does not conform to the requirements for execution of contracts required by law; and,

WHEREAS, said Document is not in conformance with the provisions of Chapter 169 of the Acts of 2004 as powers conferred by St. 2004, c. 169 (“the Act”) to the Finance Control Board in Section 4(d)(8) and (20) of the Act gives the Board, notwithstanding the charter or any city ordinance to the contrary, to appoint, remove, supervise and control all city employees and have control over all personnel matters; the board shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the city, whether or not elected . . . ; [and] to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly. With respect to any such exercise of powers by the board, the elected officials of the city shall not rescind or take any action contrary to such action by the board so long as the board continues to exist; and

WHEREAS, the Document is contrary to the December 20, 2007 Finance Control Board vote to conduct a search and selection process for the position of Superintendent of Schools and also the requirement that all School Department positions above the level of Principal to be approved by the Executive Director of the Springfield Finance Control Board, acting on behalf of the Springfield Finance Control Board; and


WHEREAS, the Act itself recognizes that the school department is part of the city government as Section 4(d)(5) refers to “all departments, offices, boards, commissions, committees, agencies or other units of the city's government, including the school department” and Section 4(d)(1)

refers separately to the "budgets of the city and the school committee," and suspends G.L. c. 71, § 34; and,

WHEREAS, said Document was presented to the Finance Control Board office on February 28, 2008 and the Act confers the power upon the Finance Control Board in Section 4(d)(18) to alter or rescind any action or decision of any municipal officer, employee, board or commission within 14 days after receipt of notice of such action or decision;

NOW THEREFORE, pursuant to its authority under Chapter 169 of the Acts of 2004, the Finance Control Board hereby rescinds said Document and requires that any further action to select or enter into a contract with a Superintendent of Schools must have prior approval of the Finance Control Board.

Date of Vote of Approval by the Finance Control Board: March 3, 2008.



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER


#03-03-04-2008

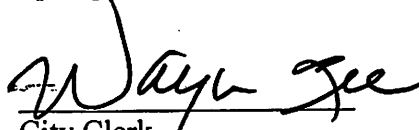
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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

Pursuant to Mass. General Law Chapter 44 Section 64, attached is a listing of unpaid bills from the previous fiscal year. A transfer is required from the department's current year operating budget to the department's prior year carryover budget.

Voted:


Chris Gabioli, Chairman
Springfield Finance Control Board


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-05-2008

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, Mass. Gen. Laws ch. 44, sec. 31D allows the city to spend funds for removal of snow and ice in excess of appropriations in any fiscal year upon the approval of the mayor and city council; and

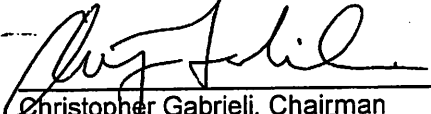
WHEREAS, in Springfield, such spending also requires the approval of the Finance Control Board pursuant to Section 4(c) of Chapter 169 of the Acts of 2004; and

WHEREAS, the City has exhausted its appropriations for snow and ice removal for fiscal year 2008; and

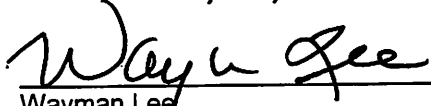
WHEREAS, the Mayor has requested that the City Council approve spending funds in excess of appropriations for fiscal year 2008 for the removal of snow and ice in the interest of public safety, and such order is on the City Council agenda for Monday, February 25, 2008;

NOW THEREFORE BE IT ORDERED, pursuant to Sections 4(a), 4(b), 4(c), 4(d)(1), and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 44, sec. 31D, that the Finance Control Board approves the request to incur liability and make expenditures in excess of available appropriations for snow and ice removal in fiscal year 2008. All expenditures made under the authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

Order approved by the Finance Control Board on March 3, 2008:



Christopher Gabrieli, Chairman
Date signed: 3/26/08



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-09-2008

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*.

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board ("Board") authorizes a transfer within the General Fund Budget to establish an appropriation to contract with a consultant to assist in the search for a School Superintendent. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$75,000

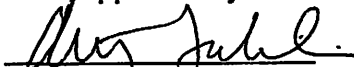
Transfer To:

Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$75,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

03-03 – 09B-2008

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 Concerning a purported Contract of Employment for the Superintendent of Schools

WHEREAS, four members of the School Committee executed a document purporting to be a “Contract of Employment” for the “Superintendent of Schools” (hereafter referred to as “Document”) to be “effective as of the 1st day of July 1, 2008;” and,

WHEREAS, said Document does not conform to the requirements for execution of contracts required by law; and,

WHEREAS, said Document is not in conformance with the provisions of Chapter 169 of the Acts of 2004 as powers conferred by St. 2004, c. 169 (“the Act”) to the Finance Control Board in Section 4(d)(8) and (20) of the Act gives the Board, notwithstanding the charter or any city ordinance to the contrary, to appoint, remove, supervise and control all city employees and have control over all personnel matters; the board shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the city, whether or not elected . . . ; [and] to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly. With respect to any such exercise of powers by the board, the elected officials of the city shall not rescind or take any action contrary to such action by the board so long as the board continues to exist; and

WHEREAS, the Document is contrary to the December 20, 2007 Finance Control Board vote to conduct a search and selection process for the position of Superintendent of Schools and also the requirement that all School Department positions above the level of Principal to be approved by the Executive Director of the Springfield Finance Control Board, acting on behalf of the Springfield Finance Control Board; and


WHEREAS, the Act itself recognizes that the school department is part of the city government as Section 4(d)(5) refers to “all departments, offices, boards, commissions, committees, agencies or other units of the city's government, including the school department” and Section 4(d)(1)

refers separately to the "budgets of the city and the school committee," and suspends G.L. c. 71, § 34; and,

WHEREAS, said Document was presented to the Finance Control Board office on February 28, 2008 and the Act confers the power upon the Finance Control Board in Section 4(d)(18) to alter or rescind any action or decision of any municipal officer, employee, board or commission within 14 days after receipt of notice of such action or decision;

NOW THEREFORE, pursuant to its authority under Chapter 169 of the Acts of 2004, the Finance Control Board hereby rescinds said Document and requires that any further action to select or enter into a contract with a Superintendent of Schools must have prior approval of the Finance Control Board.

Date of Vote of Approval by the Finance Control Board: March 3, 2008.



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

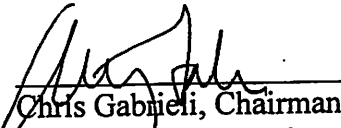
#03-03-04-2008

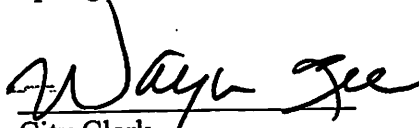
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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

Pursuant to Mass. General Law Chapter 44 Section 64, attached is a listing of unpaid bills from the previous fiscal year. A transfer is required from the department's current year operating budget to the department's prior year carryover budget.

Voted:


Chris Gabieli, Chairman
Springfield Finance Control Board


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-05-2008

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, Mass. Gen. Laws ch. 44, sec. 31D allows the city to spend funds for removal of snow and ice in excess of appropriations in any fiscal year upon the approval of the mayor and city council; and

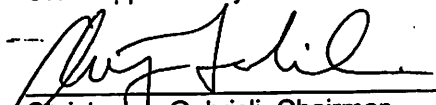
WHEREAS, in Springfield, such spending also requires the approval of the Finance Control Board pursuant to Section 4(c) of Chapter 169 of the Acts of 2004; and

WHEREAS, the City has exhausted its appropriations for snow and ice removal for fiscal year 2008; and

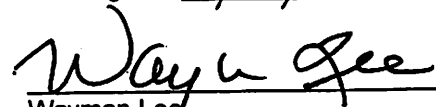
WHEREAS, the Mayor has requested that the City Council approve spending funds in excess of appropriations for fiscal year 2008 for the removal of snow and ice in the interest of public safety, and such order is on the City Council agenda for Monday, February 25, 2008;

NOW THEREFORE BE IT ORDERED, pursuant to Sections 4(a), 4(b), 4(c), 4(d)(1), and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 44, sec. 31D, that the Finance Control Board approves the request to incur liability and make expenditures in excess of available appropriations for snow and ice removal in fiscal year 2008. All expenditures made under the authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

Order approved by the Finance Control Board on March 3, 2008:



Christopher Gabrieli, Chairman
Date signed: 3/26/08



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#03-03-09-2008

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*.

=====

An Appropriation Order

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 Laws chapter 44, sec. 33B(a), the Finance Control Board ("Board") authorizes a transfer within the General Fund Budget to establish an appropriation to contract with a consultant to assist in the search for a School Superintendent. This transfer is made upon the recommendation of the Executive Director, pursuant to authority delegated by the Board on February 21, 2008, and with the written approval of the City Auditor, who's department has control over the appropriation from which the transfer is to be made, pursuant to Mass. Gen. Laws ch. 44, sec. 33B(a).

Date of Vote: March 3, 2008

ORDERED:

Transfer From:

City Auditor – Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$75,000

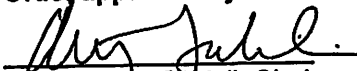
Transfer To:

Finance Department – Professional Services

0100-10-133-0000-0000-0010-000000-0000000-531005

\$75,000

Order approved by a 2/3 vote of the Finance Control Board on March 3, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

03-03 – 09B-2008

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 Concerning a purported Contract of Employment for the
Superintendent of Schools**

WHEREAS, four members of the School Committee executed a document purporting to be a "Contract of Employment" for the "Superintendent of Schools" (hereafter referred to as "Document") to be "effective as of the 1st day of July 1, 2008;" and,

WHEREAS, said Document does not conform to the requirements for execution of contracts required by law; and,

WHEREAS, said Document is not in conformance with the provisions of Chapter 169 of the Acts of 2004 as powers conferred by St. 2004, c. 169 ("the Act") to the Finance Control Board in Section 4(d)(8) and (20) of the Act gives the Board, notwithstanding the charter or any city ordinance to the contrary, to appoint, remove, supervise and control all city employees and have control over all personnel matters; the board shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the city, whether or not elected . . . ; [and] to exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly. With respect to any such exercise of powers by the board, the elected officials of the city shall not rescind or take any action contrary to such action by the board so long as the board continues to exist; and

WHEREAS, the Document is contrary to the December 20, 2007 Finance Control Board vote to conduct a search and selection process for the position of Superintendent of Schools and also the requirement that all School Department positions above the level of Principal to be approved by the Executive Director of the Springfield Finance Control Board, acting on behalf of the Springfield Finance Control Board; and

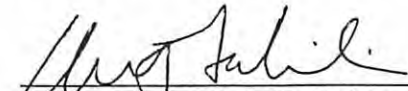
WHEREAS, the Act itself recognizes that the school department is part of the city government as Section 4(d)(5) refers to "all departments, offices, boards, commissions, committees, agencies or other units of the city's government, including the school department" and Section 4(d)(1)

refers separately to the "budgets of the city and the school committee," and suspends G.L. c. 71, § 34; and,

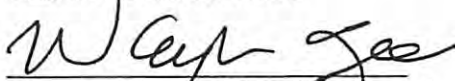
WHEREAS, said Document was presented to the Finance Control Board office on February 28, 2008 and the Act confers the power upon the Finance Control Board in Section 4(d)(18) to alter or rescind any action or decision of any municipal officer, employee, board or commission within 14 days after receipt of notice of such action or decision;

NOW THEREFORE, pursuant to its authority under Chapter 169 of the Acts of 2004, the Finance Control Board hereby rescinds said Document and requires that any further action to select or enter into a contract with a Superintendent of Schools must have prior approval of the Finance Control Board.

Date of Vote of Approval by the Finance Control Board: March 3, 2008.



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#03-03-04-2008

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.*

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

Pursuant to Mass. General Law Chapter 44 Section 64, attached is a listing of unpaid bills from the previous fiscal year. A transfer is required from the department's current year operating budget to the department's prior year carryover budget.

Voted:

Chris Gabrieli, Chairman
Springfield Finance Control Board

City Clerk

CITY TREASURERS OFFICE

Vendor	C#	Amount	Description
Prior Year Amount		\$67,362.57	Can Decrease C-9538 Coppola & Coppola \$ 67,362.57
Merrick, Louison and Costello	C-9540	7,841.68	Legal Tax Title Work
Sidall and Siddall	C-9658	2,183.49	Legal Tax Title Work
Kopleman and Paige	C-9539	12,986.51	Legal Tax Title Work
Merrick, Louison and Costello	C-9540	12,150.88	Legal Tax Title Work
Sidall and Siddall	C-9658	3,493.93	Legal Tax Title Work
JER	C-8937	<u>36,444.59</u>	Tax Title Collection Work
Total		75,101.08	



CHRIS GABRIELI
CHAIRMAN

The Commonwealth of Massachusetts
Springfield Finance Control Board
36 Court Street, Room 312
Springfield, MA 01103

MEETING AGENDA

February 21, 2008
Room 220, City Hall
12:30 PM

<u>Item</u>	<u>Start Time</u>
I. Public Comment	12:30
II. Approval of Minutes	1:00
III. Reallocation of Unexpended Bond Proceeds	1:05
IV. Vote Confirming Transfer Authority	1:15
V. Distribution of Draft Human Resource Policies	1:20
3/13 ✓ VI. CitiStat Presentation by Paul Foster	1:25
2/13 ✓ VII. Inspectional Services Presentation by Matrix Consulting	1:35
2/13 ✓ VIII. 311 Presentation	1:45
2/13 ✓ IX. Presentation Regarding Payroll and Time, Labor, Management Systems	1:55
X. Contract Regarding On-Street Parking	2:05
XI. Discussion of School Superintendent Selection Process	2:20
XII. Consolidation of Stabilization Reserve Funds	2:35
XIII. Master Lease Financing	2:40
XIV. Fiscal Year 2009 Budget Update and Projections	2:45
XV. New Business	3:05
XVI. Adjournment to Executive Session	

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

2-21-03A-2008 Executive Session

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.

=====
An Appropriation Order

Pursuant to its authority under Sections 4(a), 4(b), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Finance Control Board hereby authorizes the City Solicitor to settle the case of *The Mercy Hospital, Inc., dba Mercy Medical Center v. City of Springfield*, Civil Action No. 06-30122 MAP ("the Lawsuit") now pending in the Federal District Court of Massachusetts, Western Division, and appropriates the amount of Three-Hundred Eighty Thousand and 00/100 Dollars (\$380,000.00) from the City's certified free cash for the purpose of paying the settlement proceeds required by the "Agreement to Settle" the above referenced Lawsuit.

The Finance Control Board further authorizes the transfer of funds from certified free cash to the City Law Department - Settlement Claims Account for this purpose.

ORDERED:

From:

FY 2007 - Certified Free Cash

\$380,000.00

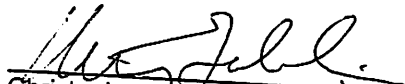
To:

Law Department - Settlement Claims

0100-10-151-0000-0000-0010-000000-0000000-576400

\$380,000.00

Order approved by the Finance Control Board on February 21, 2008:


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#02-21-03A-2008

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.*

=====

An Appropriation Order

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 Laws chapter 44, section 20, the Finance Control Board authorizes the transfer of unexpended bond funds for the purpose stated below, for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued.

Date of Vote: February 21, 2008

ORDERED:

Transfer From:

DPW - Landfill

3562-40-400-0000-0000-0090-000000-0000000-580800

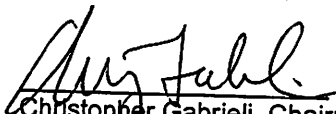
\$284,005

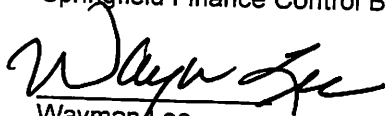
To:

Our Lady of Hope Convent Renovations

3143-10-190-0000-0000-0000-000000-0000000-580200

\$284,005


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#02-21-03B-2008

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.*

=====

An Appropriation Order

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 Laws chapter 44, section 20, the Finance Control Board authorizes the transfer of unexpended bond funds for the purpose stated below, for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued.

Date of Vote: February 21, 2008

ORDERED:

Transfer From:

DPW - Landfill

3562-40-400-0000-0000-0090-000000-0000000-580800

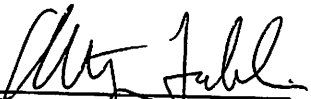
\$67,632

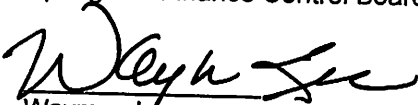
To:

Massreco Fire Station

3262-10-190-0000-0000-0000-000000-0000000-580200

\$67,632


Christopher Gabrieli, Chairman
Springfield Finance Control Board


Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#02-21-03C-2008

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.*

=====

An Appropriation Order

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 Laws chapter 44, section 20, the Finance Control Board authorizes the transfer of unexpended bond funds for the purpose stated below, for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued.

Date of Vote: February 21, 2008

ORDERED:

Transfer From:

DPW - Landfill

3562-40-400-0000-0000-0090-000000-0000000-580800

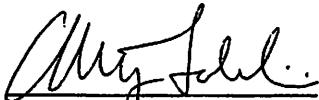
\$101,000

To:

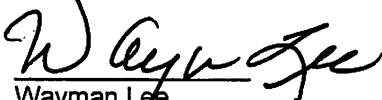
Emergency Campanile Repairs

3268-10-190-0000-0000-0000-000000-0000000-580200

\$101,000



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#02-21-04-2008

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 2008 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.

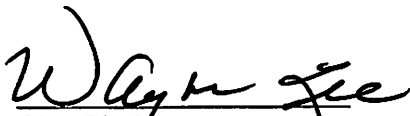
Further, the Board delegates to the Executive Director the authority to alter compensation within the approved FY 08 budget.

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 February 21, 2008.

Voted:


Chris Gabrieli, Chairman
Springfield Finance Control Board


Wayne Lee
City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#02-21-11-2008

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 Expedited Procurement of a
Superintendent Search Consultant pursuant to Section 9(b) of the Chapter 169**

The Springfield Finance Control Board, acting pursuant to the powers vested in it by Sections 4(a), 4(b) and 4(d)(6), and 9(b) of Chapter 169 of the Acts of 2004, makes the following findings and orders:

- 1) The Finance Control Board ("Board") has authorized a search for candidates for a Superintendent of the Springfield Public Schools; and
- 2) The Board requires the services of a consultant who is an experienced headhunter/executive search professional ("Consultant") to assist the Board in the recruitment and selection of a highly qualified and competent candidate to serve as Superintendent of the Springfield Public Schools; and
- 3) The Board has determined that it is in the City's best interests to retain the services of such a Consultant on an expedited basis, in order to ensure that a Superintendent is in place for the start of the 2008-2009 school year;
- 4) Therefore, the Board authorizes the Executive Director to procure the services of an experienced and qualified Consultant to assist the Board in recruiting and selecting a Superintendent of Schools on an expedited basis, and to enter into a contract with such Consultant, no earlier than 5 days following the filing of a report with the Chairpersons of the House and Senate Committees on Ways and Means pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, which report shall include the following information:
 - (a) the terms of the anticipated contract, including but not limited to any monetary compensation;
 - (i) Time - The Term of the proposed Contract, which is estimated to begin on or about March 1, 2008.
 - (ii) Compensation - The compensation terms of the contract, which will be determined following the receipt, review and award of proposals. It is expected the Consultant's compensation will be calculated on a fixed fee, contingent fee (based on the Superintendent's salary), or a combination of these fees, not to exceed \$75,000.
 - (iii) Scope of Services - The Consultant will review and update the job description and job requirements, draft recruitment documents, aggressively identify highly qualified individuals, publish vacancy announcements, perform preliminary screenings and evaluations of resumes

received, perform additional screening and initial interviews, conduct reference checks, prepare reports, recommend candidates for interviews by the Board, schedule interviews, provide interview and selection advice, finalize reference checks, recommend a final interview process, advise the Board on compensation matters, act as liaison between the Board and selected candidate in discussing compensation, and notify unsuccessful candidates. The consultant may also be asked to provide an assessment center or other behavioral interview services as part of this procurement.

(b) the identity of the contractor and any subcontractor or affiliate of such contractor who would benefit under the contract;

The identity of the Consultant will be determined after an expedited procurement process conducted by the Executive Director. The Board requires that the successful Consultant have at least five years of experience and a proven track record in conducting successful recruitment and selection processes for top management professionals in the public, private and non-profit sectors with demonstrated experience in conducting successful school superintendent searches.

(c) 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;

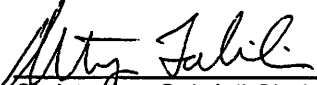
The Board finds the decision to procure these Consultant services on an expedited basis without using a full-scale competitive bidding process is necessary to ensure the provision of essential services to the City, i.e. the timely recruitment and selection of a Superintendent of Schools for the 2008-2009 school year.

The Executive Director will use a procurement process and obtain quotes from highly qualified consultants, but the process will be expedited.

(d) 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.

The Board certifies that its Executive Director will engage in arms-length negotiations with the Consultant and that the terms of the proposed contract must be the best possible arrangement for the City under the circumstances.

Executive Order approved by the Finance Control Board on February 21, 2008:


Christopher Gabrieli Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

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

APPROPRIATIONS ORDER

#02-21-12-2008

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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ORDERED:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and pursuant to its authority under Sections 4(a), 4(b), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004. The Financial Control Board wishes to consolidate Stabilization Reserve Funds for the purposes of continuing the fiscal recovery and safeguarding the financial stability of the City of Springfield. The consolidated fund will be entitled Stabilization Reserve Fund – Special Revenue General

Date of Vote: February 21, 2008

ORDERED:

From:

Stabilization Reserve Fund – 2007 Free Cash Allotment

8218-00-000-0000-000000-0000000-359000

\$13,925,000.00

From:

Stabilization Reserve Fund - Capital Stabilization

8218-00-000-0000-0000-000000-0000000-359000

\$14,553.00

From:

Stabilization Reserve Fund – FY 2006 Free Cash

8217-00-000-0000-0000-000000-0000000-359000

\$16,317,051.00

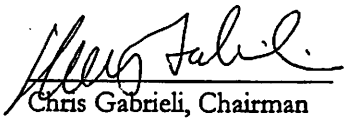
To:

Stabilization Reserve Fund – Special Revenue General

8217-00-000-0000-0000-000000-0000000-359000

\$30,256,604.00

Voted:



Chris Gabrieli, Chairman
Springfield Finance Control Board



City Clerk

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#02-21-10-2008

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 Appointment of a Parking Clerk and
Authorizing the Parking Clerk to Contract with the
Springfield Parking Authority**

The Springfield Finance Control Board, acting pursuant to the powers vested in it by Sections 4(a), 4(b) and 4(d)(8), 4(d)(11), and 4(d)(20) of Chapter 169 of the Acts of 2004, orders the following:

1) The Executive Director is hereby authorized to designate or appoint a City Parking Clerk pursuant Massachusetts General Laws chapter 90, section 20A 1/2;

2) The Parking Clerk, on behalf of the City, is hereby authorized to contract with the Springfield Parking Authority ("SPA") to supervise, coordinate and process parking violation notices and to otherwise carry out the provisions of said chapter 90, section 20A 1/2, on the City's behalf, in substantially the same form as the draft contract attached hereto as Exhibit A, no earlier than 5 days following the filing of a report with the Chairpersons of the House and Senate Committees on Ways and Means pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, which report shall include the following information:

(a) the terms of the anticipated contract amendment, including but not limited to any monetary compensation;

(i) Time - The Term of the proposed Contract is for five (5) years, with an optional two (2)-year extension, estimated to begin on or about March 1, 2008.

(ii) Compensation - The SPA will be compensated, on a reimbursement basis, for its actual costs of managing the on-street parking program, including SPA's costs as well as those of its subcontractor, including capital improvements, subject to annual appropriation. SPA will submit a proposed budget to the City for each fiscal year for the cost of the on-street parking program, which shall be reviewed and voted on during the City's normal budget cycle. Funds for the approved budget will be placed in an operating account controlled by the City.

(iii) Scope of Services - The SPA will manage and operate the on-street parking program for the City, including enforcement and collection of parking violations.

(b) the identity of the contractor and any subcontractor or affiliate of such contractor who would benefit under the contract;

The Contractor is the Springfield Parking Authority ("SPA"), a political subdivision of the Commonwealth established by the Legislature pursuant to Chapter 674, section 3 of the Acts of 1981. The SPA, will subcontract with Republic Parking Systems, Inc., to manage all on-street and off-street parking in the City. The SPA voted to award a contract to this firm, which was approved by the City's acting Chief Procurement Officer, following a public procurement process.

(c) 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;

The Board finds the decision to award this contract to the Springfield Parking Authority without using a competitive bidding process is necessary to ensure the provision of essential services to the City, i.e. the centralized and efficient operation and management of the City's on-street parking program, which is currently handled by at least three separate City departments (Police, DPW and Treasurer/Collector). The SPA is uniquely qualified to provide these services to the City because it can effectively and comprehensively manage the City's entire parking system, both on-street and off-street, consistent with its legislative purposes as described in its enabling legislation.

Because the SPA is a political subdivision of the commonwealth, no public bidding would be required for this contract if awarded under Mass. Gen. Laws ch. 30B, sec. 1(b)(4), but a separate statute, Mass. Gen. Laws ch. 90, sec. 20A 1/2, states that the Parking Clerk may contract for such services "by competitive bid". This is the reason for this disclosure.

(d) 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.

The Board certifies that its Executive Director and the City Law Department engaged in arms-length negotiations with the SPA over a period of several months and that the terms of the proposed contract represent the best possible arrangement for the City under the circumstances.

Approved by the Finance Control Board on February 21, 2008:

Christopher Gabrieli Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Board

"EXHIBIT A"

DRAFT

CITY CONTRACT # _____

ON-STREET PARKING MANAGEMENT AGREEMENT

This Agreement is entered into as of the 1st day of March, 2008, by and between the **CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual address of 36 Court Street, Springfield, Massachusetts 01103, acting by and through its Parking Clerk and Mayor, with the approval of the Finance Control Board (hereinafter the "City"), and the **SPRINGFIELD PARKING AUTHORITY**, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, as set out in Chapter 674 of the Acts of 1981, as it may be amended, with a principal place of business at 150 Bridge Street, Springfield, MA 01103 (hereinafter "SPA").

WITNESSETH THAT:

WHEREAS, the SPA intends to hire a private vendor to provide on-street and off-street parking management, enforcement and ticket collection services in Springfield; and

WHEREAS, the City is willing to grant to SPA the right to maintain, operate and manage the City's on-street parking program (hereinafter "OSPP"), under the terms and conditions of this Agreement;

NOW THEREFORE, in furtherance of the foregoing, which hereby is incorporated by reference, in consideration of the mutual promises, covenants, representations and warranties set forth herein, the parties hereto agree as follows:

ARTICLE 1. GRANT OF AUTHORITY FOR ON-STREET PARKING MANAGEMENT AND ENFORCEMENT

1.1. The City does hereby grant to the SPA and the SPA does hereby accept and receive from the City the right to maintain, operate and manage the City's OSPP, to the extent allowed by law, including parking enforcement and ticket collection services (collectively the "Services"), as described in the Request for Proposals which is attached hereto as Exhibit #1 and incorporated herein by reference. In furtherance of this grant of authority, the City's Parking Clerk hereby contracts with the SPA to supervise and coordinate the processing of parking notices. This is not a delegation of authority under Section 19 of Chapter 674 of the Acts of 1981.

1.2. In the performance of the Services, SPA agrees to comply with all applicable procurement and other laws.

1.3. In connection with the Services, the SPA is permitted to use the City-owned Inventory listed in Exhibit X which is attached hereto and made a part hereof (the "Inventory"). All items contained in the Inventory, and all supplies, furniture, fixtures, equipment or personal property which are attached, appurtenant to, used in connection with the current operation of the Services shall remain the property of the City.

1.3.1 Return: The SPA covenants to the City that the SPA shall, at the expiration or other termination of this Agreement, return to the City all the Inventory, supplies, furniture, fixtures, equipment or personal property of the City including all keys, locks and other fixtures connected therewith, in good repair, order and condition in all respects, wearing and use thereof and damage by unavoidable casualty only

excepted.

1.4 In the event SPA desires to purchase any capital equipment in order to perform the Services, which it desires to install at any City-owned building or property, the SPA shall request and obtain the prior written consent of the contact person to be identified by the City prior to such installation and prior to removing the same upon the termination of this Agreement.

ARTICLE 2. TERM.

2.1 The initial term of this Agreement shall be five (5) years, commencing on March 1, 2008 and ending February 28, 2013. The City reserves the right at its option to renew this Agreement for one (1) additional two (2)-year period.

The City and the SPA agree to meet at least 60 days prior to the end of the initial contract term to discuss issues of mutual interest and concern which may need to be addressed in an amendment to this Agreement during the contract renewal period. If either the City or the SPA does not wish for the City to exercise its option to renew this Agreement for the extension period, that party agrees to give written notice of such intention to the other party at least 90 days prior to the end of the initial contract term.

It is the intention of the parties that the term of this Agreement be at least as long as the term of the contract between SPA and its private vendor, if any, hired to perform the Services on SPA's behalf. In the event that contract, once awarded, is longer than the term listed above, representatives of the SPA and the City agree to meet to discuss extending the term of this Agreement.

2.2 SPA will encourage its private vendor, if any, to begin OSPP services as soon as possible, even if it is before commencement of off-street parking services.

2.3 SPA will notify and obtain the City's consent at least thirty (30) days in advance of exercising any option to extend the contract between SPA and its private vendor to perform OSPP services.

ARTICLE 3. SCOPE OF SERVICES, SPA'S OBLIGATIONS

3.1 SPA shall be responsible for managing the OSPP for the City and shall make recommendations to the contact person to be identified by the City regarding changes to the OSPP in the geographical area subject to this contract. Said changes shall include, but not be limited to, the price charged for metered parking, the duration of parking at metered and non-metered spaces, the addition of metered or non-metered parking spaces, changes to metered and non-metered parking spaces and the elimination of metered and non-metered parking spaces.

3.1.1 SPA shall propose meter rates to the City every year, with the Finance Control Board or City Council serving as the rate-setting body pursuant to state law. The City and SPA will agree to harmonize rates to the extent possible, understanding that the authority to set rates lies with the City. If rates are no longer acceptable to SPA, it may terminate the Agreement in accordance with Section 14.4.

3.2 Geographical Area: This agreement shall encompass all on-street parking in the City of Springfield.

3.3 Performance: The SPA represents to the City that the SPA shall perform the following Services so as to achieve the objectives established by the City and set forth in this Agreement. The SPA represents to the City that the SPA shall perform the Services in a competent, efficient and productive manner. The SPA shall use its best efforts to promote on-street parking in the City. The SPA shall procure and negotiate all

contracts in a commercially reasonable manner and on an arms-length basis, and in compliance with all applicable laws and regulations. The SPA shall exercise all diligent efforts at all times for the benefit of the City and its citizens. SPA may subcontract with one or more private vendors to provide the Services, but SPA shall be responsible for the performance of the Services at all times.

3.3.1. SPA Management and Operation of the OSPP: SPA will be responsible for management and operation of the OSPP, including:

- Maintain responsibility for maintenance and operations of the City's parking meters;
- Implement the City's parking fee structure for all parking meters during approved hours;
- Collect, count, and deposit of all parking meter fees into City accounts;
- Audit the collection of meter fees;
- Design and provide directional and informational signage.

Expenses: SPA will be responsible for all expenses associated with the management and operation of the OSPP, which include but are not limited to: Labor; Vehicles and fuel; Maintenance supplies; Office supplies; Computer hardware and software (for purposes of reporting and information sharing, all software to be compatible with Filemaker, Quickbooks and Microsoft Office); utilities, phone, internet etc.; all consumables; handheld meter reading devices; revenue collection supplies; RMV / collection fees; equipment to access the Registry of Motor Vehicle database for marking and unmarking; insurance; cost of hiring subcontractors; postage; and abandoned vehicle towing. The SPA shall pay all applicable social security, unemployment, or other employment taxes or contributions of insurance for its employees and shall comply with all federal and state laws, rules and regulations relating to employment generally, minimum wages, social security, unemployment insurance and workers' compensation.

The SPA covenants to the City that the SPA will not obstruct the sidewalks, public or private ways in the performance of the Services except as otherwise allowed by the City's Department of Public Works, Traffic Commission or Police Commissioner.

Any changes to current meter locations and signage shall require the approval of the City.

3.3.2 Parking Enforcement Operations: SPA or its vendor will be responsible for enforcing citywide parking violations at the parking lots, garages, and on-street meters. SPA or its vendor will be responsible for obtaining all necessary approvals and special police officer designations for employees who will perform parking violation enforcement duties. Parking enforcement will occur from 8:00AM until 6:00PM, Monday through Friday, and should be issued by properly designated parking enforcement officers using hand-held electronic or other devices to be provided by the SPA. The SPA shall:

- i) Develop and implement a parking enforcement patrol plan, designed to optimize utilization/revenues of all on-street parking within 90 days of contract start;
- ii) Patrols shall be designed to permit a minimum of four checks per day of short-term parking meters (limit of 2 hours or less) and two checks per day of the long term (time limit greater than 2 hours) or otherwise as mutually agreed upon by the parties;
- iii) Appear in court to give evidence regarding violation notices on an as required basis;
- iv) Maintain accurate records and provide, as needed, information to the City in a format that can easily be downloaded into the City's computer system with regard to violation notices issued. The format of the information should be compatible with Microsoft Office software products, Filemaker and Quickbooks;
- v) Notify the Springfield Police Department of any vehicle the SPA orders towed for violation of traffic laws concerning handicap zones, fire hydrants, yellow curbs or other parking

violation that would constitute a hazard or obstruction to the regular flow of traffic or pedestrians, subject to the provisions of Section 3.3.4(xii);
vi) "Boot" or tow, in accordance with the Local and State vehicle code.

The Contractor will be responsible for expenses including labor, uniforms, vehicles, and insurance; collection equipment purchase and maintenance; collection security.

3.3.3 Ticket Collection Operations: SPA will be required to provide collection services for all violation notices related to parking in the downtown area, including the responsibilities to:

- i) Collect parking fines as described in this Agreement.
- ii) Assess additional penalties when required.
- iii) Process, print, and issue follow-up violation notices.
- iv) Pay DMV costs.
- v) Maintain all violation notice and payment data for a period of 5 years.
- vi) Institute new technology devices and software that will enhance the City's collection of current and delinquent parking ticket fines.
- vii) Make recommendations to increase revenues from current and/or delinquent parking revenues above the current baseline levels, and implement the recommendations accepted by the SPA.
- viii) Offer a variety of payment options for violations, including, at a minimum, credit card payments at walk-in payment locations and on the Internet.
- ix) Make available a walk-in payment window in City Hall during the hours of 9:00 AM to 4:00PM (M-F), and until 6pm on Thursdays, and at such other location/s as SPA may determine. Any payment location outside of City Hall must be reasonably accessible by public transportation and handicapped accessible.

Expenses: The SPA will be responsible for expenses including: hardware and software necessary to perform the functions as described in the scope of services (format of the information should be compatible with Microsoft Office software products, Filemaker and Quickbook), record keeping, data management, and financial reporting, expenses such as postage, notice issuance, etc.

3.3.4 Parking Tickets

- i) SPA will collect and process all parking tickets issued on and after the effective date of this Agreement. For parking fines issued prior to the effective date of this Agreement, SPA will collect such fines when paid by violators, and shall report the same to the City and deposit the same in City accounts on the same terms and conditions as other fines are deposited, but SPA shall not be responsible to employ other collection efforts for such tickets.
- ii) SPA and its private vendor, if any, will provide a walk-in location in Springfield City Hall, 36 Court Street, Springfield, MA 01103, for the payment/collection of City of Springfield parking tickets. Such location must be open to the public Monday through Friday, between the hours of 9:00 am to 4:00 pm, and until 6:00pm on Thursdays. This location may be in addition to another location offered by SPA and/or its private vendor. Payments must be accepted by credit card, debit card, checks or cash.

Any location established by SPA and its private vendor, if any, within the City of Springfield for the payment of parking violations must be accessible to the general public without charge, must be reasonably accessible by public transportation, and must be accessible to persons with disabilities/ADA compliant.

- iii) SPA and its private vendor, if any, will provide an option to pay City of Springfield parking

tickets online, including payments by electronic check (if possible), and credit cards. At least one online payment option should have no additional fee attached, such as an electronic check. Any other fees for online payments must be disclosed to and approved by the City. SPA and its private vendor, if any, will provide a link on the City's website to access the online payment website.

iv) SPA and its private vendor, if any, will provide all equipment and supplies and personnel to produce, issue and enforce electronic and manual parking tickets.

v) SPA and its private vendor, if any, will input manual parking tickets into the new on-street parking computer system.

vi) SPA and its private vendor, if any, will deposit all funds collected for parking tickets into a City of Springfield bank account on a daily basis. Money collected on weekends and holidays will be deposited the next business day. SPA and its private vendor, if any, will not pay any revenue from the OSPP to SPA, the private vendor, or any other third party.

vii) SPA and its private vendor, if any, must provide the City with the following information and provide the City with online access to the following reports.

- *all tickets issued for the month;
- *all tickets paid for the month;
- *all tickets that were cancelled and voided for the month;
- *a proper accounting of all funds deposited into a City of Springfield bank account.

viii) SPA and its private vendor, if any, shall designate a direct contact person for City inquiries.

ix) Parking Violation Collections - schedule of payments:

Tickets 0-90 days old: 10% of amount collected;
Tickets 90 days - 1 year: 15% of amount collected;
Tickets over 1 year old: 23% of amount collected.

For fiscal year 2010 (July 1, 2009 through June 30, 2010) and thereafter during the term of this Agreement, the City shall pay to SPA, which shall then pay to its private vendor, an "incentive" payment equal to 8% of the amount collected by the private vendor for on-street parking violations to the extent such amount exceeds the amount collected by the private vendor for on-street parking violations in the prior fiscal year. This incentive payment shall be payable after verification of the excess collections following review of the SPA's annual audit of on-street parking operations for that period of time.

x) SPA and its private vendor, if any, will provide a hearings officer, who shall conduct parking ticket appeal hearings no less than twice per month. SPA will perform these services as the City designated Parking Clerk.

xi) The City and SPA shall establish a Ticket Hearing Steering Committee, which shall meet no less frequently than every six (6) months. The Committee will review and discuss managerial issues and policies and procedures for ticket hearings and other ticket appeal matters. The Committee's role will be to foster communication between the SPA, the private vendor, the City and the Police Department. It will not be a forum for further appeals of parking ticket determinations.

xii) Following receipt of Special Police Officer designation from the Springfield Police Department, the designated employees of SPA or its vendor shall have the authority to tow illegally parked motor vehicles, with said tows being considered police-ordered tows, with the exception of violations of parking bans due to snow and inclement weather. (See Section 3.3.2(v) for notification requirements). Towing for parking ban violations due to inclement weather may only be ordered by the Springfield Police Department.

xiii) SPA shall require its private vendor to indemnify, protect and defend the City from all liability associated with its towing of motor vehicles under this Agreement and/or from the City's granting it access to its towing and vehicle storage contract.

xiv) SPA shall provide the public a reasonable period to adjust to the increased enforcement of on-street parking. This shall include:

- the posting of new parking signage as deemed necessary by SPA, and
- at least one week of advertisement about the increased parking enforcement, which is followed by,
- at least two weeks in which SPA places non-ticket warning notices on cars improperly parked in posted no parking zones, which is followed by two weeks in which SPA will grant parking ticket forgiveness to ticketed motorists who parked in posted no parking zones.

3.3.5 Parking Meters

i) SPA and its private vendor, if any, shall deposit all parking meter revenues into a City of Springfield bank account on a daily basis. Money collected on weekends and holidays will be deposited the next business day.

ii) SPA and its private vendor, if any, must provide the City with online access to the following reports:

a) collection report by meter by month;

b) a proper accounting of all funds deposited into the City of Springfield bank account.

iii) SPA and its private vendor, if any, must provide a proposed meter maintenance program to be reviewed and approved by DPW.

iv) SPA and its private vendor, if any, will maintain meters and paint on-street parking bays.

v) As the City will own any new on-street parking equipment purchased or reimbursed under this Agreement, any changes to parking meters must be approved by the contact person for this work as identified by the City. This approval will not be unreasonably withheld.

vi) Parking meters shall be maintained to the extent that no more than 3% of the meter inventory is out of service at any given time.

3.4 City Participation in Selection of SPA Vendor: The City shall appoint a voting member to serve on the committee formed to review proposals from vendors seeking to provide on and off-street parking services to SPA, interview potential vendors, and make a recommendation to the SPA Board, during the SPA's procurement process.

3.5 Payment of Expenses and Obligations: The SPA shall pay as they become due all charges, costs, 58839

expenses and fees incurred in connection with the performance of the Services. SPA will invoice the City for such expenses according to the terms and conditions of this Agreement. The SPA shall not, without consultation with the City, enter into contracts, subcontracts or obligations in connection with the Services which extend beyond the initial 5-year term of this Agreement, except as expressly provided for herein in Section 2.1.

3.6. **Approvals:** The SPA shall obtain and maintain all governmental approvals, permits and licenses necessary for the SPA to perform the Services. The City shall cooperate reasonably with the SPA in applying for such permits and licenses.

3.7 **Waste Prohibited, Damage to City Property:** The SPA covenants to the City that the SPA will not commit waste on, overload, damage or deface any City-owned property in the performance of the Services. The SPA covenants, represents and warrants to the City that the SPA shall immediately notify the City, in writing, of the loss, destruction of, or damage to, City property, real or personal, arising from the performance of Services under this Agreement. SPA shall furnish the City with a detailed written statement concerning the date, time, description of the property and the circumstances of such loss, destruction or damage.

3.8. **Compliance with Laws:** The SPA, its officers, agent and employees shall at its sole cost and expense take or cause to be taken all steps necessary to ensure that all applicable federal, state and local laws, ordinances, regulations, orders, statutes, rules and restrictions pertaining to and affecting the performance of the Services are fully satisfied. The SPA shall at its sole cost and expense require all contracts and subcontracts into which it enters in furtherance of the goals of this Agreement to be of such form and content that they comply with all applicable statutes, rules, regulations, ordinances or requirements, policies or plans established by any federal, state or local governmental entity or any department, commission, office, official, board or bureau thereof.

3.9. **Damage Waiver, Insurance and Indemnity:** The SPA hereby agrees to require its private vendor to waive all claims against the City for personal injury or property damage incurred in the performance of the Services under this Agreement unless caused by the negligence or willful misconduct of the City, its agents or employees. The SPA agrees to require its private vendor to list the City of Springfield as an additional insured on its general liability insurance policy.

The SPA shall require its private vendor, at the vendor's sole cost and expense, to indemnify the City against, hold the City harmless from, provide the defense of the City for (with counsel acceptable to the City), and reimburse the City for any claim, action, injury, judgment, settlement, loss or damage against or threatened against the City, arising under, relating to or touching or concerning the SPA's performance of the Services under this Agreement through the vendor, except for claims solely caused by the negligent acts or willful misconduct of City employees.

3.10. Deleted.

3.11. **Information and Reports :** The SPA covenants to the City that the SPA at its sole cost and expense shall report to the City annually or as may otherwise be requested on matters in the City's interest. The SPA covenants to the City that the SPA at its sole cost and expense shall report to the Office of the Mayor on a periodic basis or as may be requested by the Mayor's Office.

3.12. **Financial Records, Books, Accounts and Reports:** The SPA covenants to the City that the SPA at its sole cost and expense shall report to the City Auditor and the City on a quarterly basis by providing the City Auditor and City with such financial reports regarding on and off-street parking operations as are satisfactory to the City Auditor. Such financial reports shall contain sufficient supplementary data to enable the City to determine the revenues and Operating Expenses used in computing the results of the performance of the Services of each quarter being reported upon. The SPA shall submit to the City Auditor an annual financial report on a timeframe mutually agreed by the Parties to this Agreement, to support the City's annual financial audit. SPA shall submit to the City's Chief Financial Officer a proposed Operating Budget for the Services for

the upcoming fiscal year no later than January 31st of each year of the Term of this Agreement. For the purpose of this Agreement the Operating Budget shall consist of the budget for the Services as approved by the Finance Control Board (during the period of its existence) and the Mayor, or otherwise by the City Council and the Mayor. The SPA shall maintain all books, documents and records related in any way to this Agreement which shall as a minimum comply with the following:

1. The SPA shall make, and keep for at least seven (7) years after final payment, books, records, and accounts which in reasonable detail accurately and fairly reflect the transactions and dispositions of the SPA; and
2. until the expiration of seven (7) years after termination of this Agreement the City and the City Auditor shall have the right to examine any books, documents, papers or records of the SPA or of its subcontractors that directly pertain to, and involve transactions relating to, the performance of the Services; and
3. the SPA shall describe any change in the method of maintaining records or recording transactions which materially affect any statements filed with the City, including in the SPA's description the date of the change and reasons therefore, and shall accompany said description with a letter from the SPA's independent certified public accountant approving or otherwise commenting on the changes; and
4. the SPA shall file prior to the execution of the contracts and will continue to file annually, an audited financial statement for the most recent completed fiscal year as set forth in paragraph 7 below;
5. The SPA shall file with the City Auditor and City a statement of management as to whether the system of internal accounting controls of the SPA and its subsidiaries reasonably assures that:
 - a. Transactions are executed in accordance with management's general and specific authorization;
 - b. transactions are recorded as necessary:
 - (1) to permit preparation of financial statements in conformity with generally accepted accounting principals, and
 - (2) to maintain accountability for assets;
 - c. access to assets is permitted only in accordance with management's general or specific authorization; and
 - d. the recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action was taken with respect to any difference.
6. The SPA shall also file annually with the City Auditor and the City a statement prepared and signed by an independent certified public accountant, stating that the SPA has examined the statement of management on internal accounting controls, and expressing an opinion as to:
 - a. whether the representations of management in response to this paragraph and paragraph 5(b). above are consistent with the result of management's evaluation of the system of internal accounting controls; and
 - b. whether such representations of management are, in addition, reasonable with respect to transactions and assets in amounts which would be material when measured in relation to the applicant's financial statements.
7. The SPA shall annually file with the City Auditor and the City (within 120 days of the close of each fiscal year during the term of this Agreement) a financial statement prepared by an independent certified public accountant on the basis of an audit by such accountant. The said certified audited financial statement shall be accompanied by an accountant's report.

8. The City shall enforce the provisions of this section. The SPA's failure to satisfy any of the requirements of this section shall be grounds for termination of this Agreement by the City in accordance with Article 14 of this Agreement.

3.13. Section deleted.

3.14. SPA's Continuing Obligation: All the covenants made by the parties in this Article and in other Articles of this Agreement shall be continuing and shall be true and correct on the date of this Agreement and remain in full force and effect during the entire term of this Agreement. All the obligations under the Agreement may be specifically enforced by either party. The SPA's Obligations shall not be affected by any investigation, verification or approval by the City or by anyone on behalf of the City.

3.15 Operating Policies: The following Operating Policies must be implemented by the SPA in the performance of the Services:

1. Budget/Cost Containment. For Fiscal Year 2009 and thereafter, during the City's normal budget process, the SPA must submit a detailed annual budget proposal for review by the City, including requests for all maintenance and capital spending anticipated for the upcoming fiscal year to begin on July 1st. SPA shall adhere to the budget schedule established by the City. Maintenance and capital spending items approved in the City's final budget shall not require additional appropriation or approval by the City. The SPA will make every reasonable effort to minimize the ongoing expenses of the OSPP. Subject to City's right to audit.

2. Employees. The SPA will have the right to hire and fire its own employees who may be engaged in the performance of the Services under this Agreement.

3. Security. The SPA will cooperate with the Springfield Police Department and downtown business organizations to address general safety concerns in the downtown area.

4. Maintenance. The SPA will assure that the City's equipment, and particularly the parking meters, are maintained in accordance with this Agreement. The SPA must immediately advise the City of any damage to a parking meter in excess of \$250.00 in cost. An annual capital improvements budget will be submitted to the City for approval.

5. Insurance. The SPA will provide evidence to the City of its vendor's property and public liability insurance in amounts satisfactory to the City so as to protect the City from claims arising out of the performance of the Services and will name the City as an additional insured and as loss payee on all policies, in accordance with Article 12.

6. City Access to Databases: SPA will cooperate with the City to ensure that the City may access any database maintained by it or its private vendor, if any, regarding the OSPP, including information regarding pending parking violations.

3.16 Notices: All notifications and requests for determination from the City shall be provided to the Mayor and the City Law Department at the addresses provided in Article 13.

ARTICLE 4. RELATIONSHIP OF THE PARTIES

4.1 No Partnership; Joint Venture, Prohibited Relationships: It is understood that nothing herein contained is intended or shall be construed in any way to create or establish the relationship of partners or a joint venture between the City and SPA. None of the officers, agents or employees of the SPA, by virtue of such status, shall be deemed to be employees of the City for any purposes whatsoever.

4.2 Individuals performing functions under this Agreement on behalf of SPA or its private vendor, shall not be considered employees of the City.

4.3 During the period before SPA hires a private vendor to perform the services, and upon the request of the SPA for assistance from City employees in the performance of the Services, the parties agree to meet to discuss such request. Any change in the scope of Services must be contained in a written amendment to the Agreement signed by all parties hereto.

ARTICLE 5. NO ASSIGNMENT

5.1. The SPA covenants, warrants and represents to the City that it shall not assign this Agreement or any portion of it, without the prior written consent of the City. Any consent to any assignment shall not be deemed to be a consent to any subsequent assignment.

ARTICLE 6. ALTERATIONS OR IMPROVEMENTS

6.1. Ownership. All fixtures installed by the SPA (on City property) or its private vendor, which are purchased or reimbursed with City funds, shall become the property of the City. The SPA shall, at its own cost, repair any damage caused by the removal of fixtures, equipment and machinery, usual use and wear excepted.

ARTICLE 8. REPAIRS

8.1 Repairs: The City shall have the right, but not the obligation, to repair or replace any fixture or equipment necessary for the performance of the Services.

ARTICLE 9. COMPENSATION, REVENUE, EXPENSES, GUARANTY

9.1 **Operating Account**: The City will establish a City account for the operation of the on-street parking program.

9.1.1. For fiscal year 2008, at least 30 days before SPA intends to transfer management of on-street parking operations to its private vendor to provide on-street parking services, or as otherwise agreed between the parties, SPA will submit to the Executive Director of the Finance Control Board or his designee, and to the City's Chief Financial Officer, a proposed budget for the cost of operating on-street parking services from the date the Services are proposed to commence, through June 30, 2008. The Finance Control Board ("FCB") must approve any appropriation of City funds for this purpose. Upon approval of funds for this purpose, and following execution of this Agreement by all parties, SPA may commence providing the Services and the City will be authorized to compensate SPA for providing such Services on a monthly basis according to the approved budget and the terms and conditions of this Agreement. The proposed budget for the balance of FY'08 is attached hereto as Exhibit _____.

9.1.2. For fiscal year 2009 and thereafter, on or before January 31st of each calendar year, SPA will submit to the City's Chief Financial Officer a proposed budget for on-street parking operations for the fiscal year beginning July 1st. The City, through its regular budgeting process, will review the budget and appropriate funds for the operation of the on-street parking program. So long as the FCB is in existence, the FCB must approve any appropriation for on-street parking services.

9.1.3 The City will fund the cost of SPA employee time actually allocated exclusively to on-street parking, including reimbursement for the appropriate share of SPA-provided benefits. SPA and the City agree to meet to determine the appropriate cost-sharing arrangement after execution of this

Agreement, and thereafter, SPA and the City will meet every six (6) months to review invoices from the prior six months to ensure both parties are satisfied with the manner in which this is handled. For FY'08 and FY'09, the parties have agreed that the City will fund 1.7 FTE SPA positions for on-street parking management, consisting of a Comptroller (at 70%) and an Operations Clerk (at 100%), with total salaries and benefits not to exceed \$105,545.60 annually, as set forth in Exhibit # hereto. These positions and amounts will be reviewed by the parties at least 60 days prior to the deadline for SPA's FY'2010 budget submission to the City. The City also agrees to provide SPA with up to \$20,000.00 annually, for the actual cost of an audit of the on-street parking program. SPA shall submit the audit to the City's Chief Financial Officer.

9.1.4 Capital Purchases:

9.1.4.1 Street Signs: For FY'08, SPA will submit a proposal to the Finance Control Board requesting a budget for replacement of street signs. The Finance Control Board will review the proposal and take appropriate action. For subsequent fiscal years, SPA will include requests for replacement of street signs in its annual budget request.

9.1.4.2 Other Capital Investments: For other capital items related to on-street parking, SPA will make requests during the City's normal capital budget process, or during a supplemental budget, if any. The City will review the requests. Approved requests will result in funding during the budget process. SPA will make the investments, provide reporting to the City, and be reimbursed for approved capital items in accordance with this Agreement. SPA is urged to make arrangements with its vendor to include the cost of approved capital investments in its monthly fees for operation of the on-street parking program.

9.1.5 Operational Contingency Amount: In each fiscal year's budget proposal, SPA may request a specific dollar amount to cover unexpected or undetermined operational contingencies which may impact the on-street parking program during the fiscal year. The approved amount shall be paid to SPA as part of the monthly operating compensation, and held in escrow by SPA to cover operational contingencies in the on-street parking program by its private vendor. Any payments made by SPA to the private vendor for operational contingencies must be supported by appropriate documentation, which SPA shall provide to the City with the following month's invoice. In the event there is a balance in the operational contingency amount at the conclusion of the fiscal year, that amount shall be credited to the City against the following fiscal year's contingency amount.

9.2 In the event of disagreement between SPA and the City as to SPA's costs of administering and overseeing the OSPP (including the amount paid to Private vendor to operate and manage the OSPP), the City and SPA agree to meet and review documents related to the OSPP to arrive at a mutually agreeable figure.

9.3 **Invoices:** On or before the 5th day of each month, SPA will submit invoices to the City for its actual costs (without markup) of administering the on-street program, on a monthly basis, with backup documentation which, in the opinion of the contact person for this work as identified by the City, reasonably substantiates the expenses incurred by the SPA for the Services during the preceding month. This documentation shall include all SPA expenses and well as its vendor's expenses, including but not limited to: personnel costs - salary and benefits, equipment costs, capital costs, parking ticket collection costs, parking enforcement costs, supplies, vehicles, uniforms, hand-held devices. Such documentation will also include periodic accounting records provided by its private vendor, if any, to SPA during the previous month. The City will not compensate SPA for any expenses related to off-street parking.

The City agrees to pay approved invoices within 30 days of approval, but in no event later than 35 days after receipt.

9.4 The parties acknowledge that SPA may incur reasonable non-recurring expenses for signage and public information regarding the OSPP during the first 90 days of the contract between SPA and its private vendor, if any. Such expenses, upon approval by the City, will be treated as a cost of administering the OSPP. Such costs must be included in SPA's FY'08 budget proposal for the operation of the OSPP.

9.5 Funding for this Agreement is subject to annual appropriation by the City.

9.6 The City shall not be liable to pay SPA for any services, expenses or costs in connection with the drafting of the Agreement or any amendments hereto.

9.7 The SPA is an independent contractor and as such any taxes and other requirements of federal, state and local governmental bodies including worker's compensation and disability insurance if and to the extent required by law, shall be its sole responsibility.

9.8 Prohibited Activities: No funds paid to the SPA under this Agreement shall be used for any of the following:

- a. expenses other than those necessarily incurred in the performance of this Agreement as determined by the City;
- b. except for start-up administrative expenses, all costs incurred before the effective date of the prior Agreement, unless they are incurred with the prior written authorization of the City;
- c. payment of any consultant fee, or honorarium, to any officer or employee of any State, municipality or local agency for services normally paid for by such employee's regular salary, wage and overtime compensation;
- d. the payment of any activity which was underway prior to the effective date of this Agreement, except for:
 - (1) that portion of such activity which is new or expanded; or
 - (2) an activity, or portion thereof, which was undertaken in contemplation of the execution of this Agreement with the approval of the City.
- e. partisan political activity, or to further the election or defeat of any candidate for public office.

ARTICLE 10. NO CITY REPRESENTATIONS OR WARRANTIES

10.1. No City Representations: THE CITY HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION OR WARRANTY AS TO ANY MATTER AFFECTING OR RELATING TO the equipment, fixtures or Inventory, including but not limited to the physical condition thereof, and the SPA acknowledges that no such representation or warranty has been made and agrees to take such equipment, fixtures and Inventory in "AS IS" condition on the date of this Agreement. The City shall not be liable or bound in any manner by any statement, representation or information pertaining to the same which may have been furnished to the SPA by any of the City's officials, employees, attorneys, agents, servants or other persons. The SPA has had a fair and complete opportunity to inspect the equipment, fixtures and Inventory, and accepts them "AS IS".

ARTICLE 11. MAINTENANCE AND REPAIRS

11.1. Maintenance. The SPA covenants to the City that during the term of this Agreement the SPA shall maintain the OSPP facilities (including but not limited to meters and meter heads) and City Inventory in such repair, order, and condition as the same are at the commencement of this Agreement, with unavoidable casualty, and usual use and wear excepted. The City shall reimburse SPA for its actual maintenance

expenses, without markup, in accordance with the payment, record-keeping, and other provisions of this Agreement, as set forth in Article 9.

11.2 Structural Changes. The SPA covenants to the City that the SPA shall not without the prior written approval of the City's Director of Public Works and Mayor, make any material structural changes or improvements which will substantially alter the current configuration of the OSPP.

11.3 Minor Repairs. The SPA covenants to the City that the SPA shall make and maintain an annual log of, all Minor Repairs (i.e. repairs costing less than \$1,000.00) related to the OSPP, and such expenses will be submitted to the City for reimbursement pursuant to Article 9. This log shall include, but not be limited to, the date of repair, the reason for the repair, the identity of the person and entity performing the repair and the cost of the repair. The said log shall be available to the contact person designated by the City, or their designee, upon request.

11.4 Warranties. The SPA covenants to the City that the SPA, or its private vendor, shall, at no additional cost to the City, obtain written warranties for all equipment, parts and materials relating to the OSPP, and upon termination of this Agreement shall provide the City with the original warranties. SPA agrees to require the same of its private vendor.

ARTICLE 12. INSURANCE

SPA will require that its private vendor list the City of Springfield as an additional insured on the private vendor's general liability insurance required under the contract with SPA.

Prior to commencing the Work, SPA shall provide a certificate of insurance showing its vendor's insurance coverages, and SPA shall require its vendor to maintain such insurance in full force and effect at all times until the Services have been completed, in the following minimum amounts:

COVERAGES/LIMITS OF LIABILITY

Workmen's Compensation Insurance or self insurance, Statutory – G.L. c. 152 including Employer's Liability

Comprehensive General Liability Insurance, including Contractual \$1,000,000 Per Occurrence/
\$3,000,000 Annual Aggregate

Comprehensive Automobile Liability \$1,000,000 Combined Single Limit Insurance
Property Damage Insurance \$50,000/\$100,000 Per Claim

SPA will require its private vendor to obtain a Performance Bond in the amount of \$500,000

These Certificates shall contain a provision that coverages afforded under the policies shall not be canceled until at least thirty (30) days prior notice has been given to the City and SPA.

The General Liability policy shall name the City of Springfield as co-insured and loss payee. SPA shall require its vendor to notify the City of any material insurance policy amendments. All such insurance policies, to the extent permitted by law, shall expressly waive any right of subrogation on the part of the insurer against the City. The SPA covenants to the City that the SPA shall require its vendor to waive any right of recovery against the City, its officers, servants, agents and employees for any damage or consequential loss, against which the SPA or its vendor is protected by insurance, to the extent of the proceeds payable under such policies, whether or not such damage or loss shall have been caused by any acts or omissions of the City, or

its officers, servants, agents and employees. Upon execution of this Agreement, the SPA shall furnish the City with certificates evidencing the insurance coverages described in this Article.

12.2. SPA's Liability Insurance. The SPA shall secure and deliver to the City at its sole cost and expense (upon the execution of this Agreement by the SPA and at all times thereafter) obtain, carry and maintain in force policies of general liability insurance written by insurance companies licensed in Massachusetts. The said insurance shall include but not be limited to coverage for premises and operations liability, independent contractors' liability, products and completed operations liability, contractual liability, personal injury liability and broad form property damage liability. The general liability policy shall be written on a "commercial" general liability form with limits of at least One Million Dollars (\$1,000,000.00) per occurrence for bodily injury and property damage and Three Million Dollars (\$3,000,000.00) in the aggregate. In addition, the SPA shall provide umbrella coverage in the amount of Five Million Dollars (\$5,000,000.00).

12.3. Automobile Liability Insurance: The SPA shall at its sole cost and expense shall (upon the execution of this Agreement by the SPA and at all times thereafter) obtain, carry and maintain in force policies of automobile liability insurance written by insurance companies licensed in Massachusetts. The said insurance shall include but not be limited to minimum limits for bodily injury liability of Five Hundred Thousand Dollars (\$500,000.00) for each person and One Million Dollars (\$1,000,000.00) for each accident and a minimum limit of One Hundred Thousand Dollars (\$100,000.00) for property damage liability for each accident. This coverage may alternatively be provided with a minimum combined single limit of One Million Dollars (\$1,000,000.00) for bodily injury liability and property damage liability for each accident.

12.4 Other Insurance. To the extent not insured under the policies previously mentioned, the SPA shall obtain and maintain at its sole cost and expense, worker's compensation insurance on all its employees providing statutory benefits and employers liability coverage with limits not less than One Hundred Thousand Dollars (\$100,000.00) per accident, One Hundred Thousand Dollars (\$100,000.00) per employee for disease and a Five Hundred Thousand Dollars (\$500,000.00) disease aggregate.

ARTICLE 13. NOTICE AND DEMANDS

13.1 To City. All notices to the City and any demands upon the City which are required or permitted under any provisions of this Agreement shall be in writing and shall be deposited in the United States mail, registered or certified, with return receipt requested, postage prepaid and addressed to: Mayor, 36 Court Street, Springfield, MA 01103, with a copy to: City Solicitor, Springfield Law Department, 36 Court Street, Springfield, MA 01103.

13.2 To SPA: Any notices to the SPA and any demands upon the SPA which are required or permitted by law, or any provisions of this Agreement shall be in writing and mailed or hand delivered with a receipt for hand delivery, to the SPA, postage prepaid and addressed to the SPA at the SPA's address first set forth above or to such other address as the SPA shall designate in writing.

ARTICLE 14. TERMINATION

14.1 SPA's Default. In the event that the SPA fails to perform any of the SPA's Obligations under this Agreement and such failure to perform has not been cured within thirty (30) days following notice to the SPA, the City shall have the right to terminate this Agreement by giving sixty (60) days written notice thereof to the SPA at any time following the expiration of the said thirty (30) day cure period. In the event that the SPA fails to manage or operate the OSPP to achieve the objectives established by the City, the City shall have the right to terminate this Agreement by giving notice thereof to the SPA pursuant to this paragraph.

14.2 Automatic Termination. The Agreement shall terminate at the end of the Management Term. In the event that the SPA ceases to exist in its present form or to conduct business; involuntarily becomes the subject of a bankruptcy petition or becomes insolvent; enters into an assignment for the benefit of creditors; or

commits any material act or fails to take any material action the result of which renders the City insecure as to the SPA's future performance hereunder, this Agreement shall terminate upon the occurrence of such event. In the event that the City shall exercise its right to revoke the delegation of authority over the OSPP, this Agreement shall terminate upon the occurrence of such event and any and all outstanding and unpaid compensation owing to the SPA shall be paid up to the day of termination.

14.3 Non-Appropriation/Termination. Notwithstanding any provisions in this Agreement, the City may cancel this Agreement with no further liability on the City's part if funds are not appropriated and are not otherwise made to support the funding of this Agreement in any fiscal year succeeding the first fiscal year of this Agreement. SPA agrees to put parallel language in its contract with its private vendor with regard to OSPP Services.

14.4 Discretionary Termination.

a) Notwithstanding any other provision in this Agreement, the City may terminate this Agreement at any time by giving the SPA sixty (60) days advance written notice thereof signed by the Chairman or Executive Director of the Springfield Finance Control Board or the Mayor of Springfield or their designees.

b) The SPA may terminate this Agreement at any time by giving the City one-hundred twenty (120) days advance written notice thereof signed by the Chairman of the Board of the SPA. In the event of a default by the City due to non-payment of an approved invoice in violation of this Agreement, the SPA may terminate the Agreement if after sixty (60) days advance written notice from the Chairman of the Board of the SPA to the Mayor, and the Executive Director (for so long as the Finance Control Board continues to exist), the City has not cured the default by tendering payment of the approved invoice to the SPA.

ARTICLE 15. RECORDS AND DOCUMENTS

15.1. Record Preservation. The SPA shall make, and keep for at least seven (7) years after the termination of this Agreement, books, records, and accounts which in reasonable detail accurately and fairly reflect the operation and management of the OSPP under this Agreement and any contract with a private vendor or vendors.

15.2. Record Access, Right to Audit. The City shall have the right at any time to inspect documents related to the operation of the on-street and off-street parking program by SPA and its private vendor, if any, whether in the possession of SPA or its private vendor. This shall include the right to examine and copy any books, documents, papers or records of the SPA that directly pertain to, and involve transactions relating to, the OSPP. The City shall have the right at any time to audit any documents related to the on-street and off-street parking program.

15.3. Ownership: The City shall be the owner of any and all documents created or received by SPA or its private vendor related to the management and operation of the OSPP under this Agreement.

15.4 The records of the SPA insofar as they relate to this Agreement shall be kept on a generally recognized accounting basis.

15.5 The City or any of its duly authorized representatives or agents, shall have immediate access to any books, documents, papers and records of the Contractor which are pertinent to this Agreement for the purposes of making audit, examination, excerpts, copies and transcriptions.

ARTICLE 16. LIABILITY AND INDEMNITY

The SPA shall require its private vendor to assume the defense of (with counsel acceptable to the City),
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indemnify, reimburse and hold harmless the City and the Finance Control Board, their officers, agents and employees from any and all claims, demands, fines, suits, actions, proceedings, orders, decrees and judgments of any kind or nature whatsoever and from and against any and all costs and expenses, including reasonable attorneys' fees and expert fees, resulting from or in connection with the loss of life, bodily or personal injury or property damage arising directly or indirectly out of or from or on account of the SPA's or its private vendor's performance of the Services, except to the extent the same are caused solely by the negligent acts or willful misconduct of City employees. . The City does not agree to indemnify the SPA.

ARTICLE 17. EQUAL OPPORTUNITY AND NON-DISCRIMINATION

17.1. The SPA shall not discriminate in employment against any person on the basis of race, color, creed, religion, national origin, gender, sexual orientation, age, ancestry, disability, marital status, veteran status, membership in the armed forces, the presence of children, or in any other prohibited way. The SPA will comply with all applicable antidiscrimination laws including M.G.L. c. 151B.

17.2. The SPA shall also comply with equal employment opportunity/affirmative action, special residence construction hiring programs and all other policies adopted by the City and/or related to the Project.

17.3. Reference is made to Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375; and to the City of Springfield's Supplemental Equal Employment Opportunity, Anti-Discrimination And Affirmative Action Program, all as amended. These documents are attached hereto as Attachment D and made a part hereof, and entitled "Equal Employment Opportunity and Non-Discrimination".

During the performance of this contract, the SPA agrees as follows:

A. The SPA will not discriminate against any employee or applicant for employment because of race, color, religion, gender, sexual orientation, disability, family status, national origin or any other prohibited practice. The SPA will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, disability, family status or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The SPA agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

B. The SPA shall, in all solicitations, or advertisements for employees placed by or on behalf of the SPA, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, disability, family status or national origin.

C. The SPA will send to each labor union or representative of workers with which the SPA has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the SPA'S commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The SPA will comply with all provisions of Executive Order 11246 of September 24, 1965 and with the rules, regulations, and orders of the Secretary of Labor.

E. The SPA will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will

permit access to its books, records and accounts by the department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders, all as amended.

F. In the event of the SPA'S non-compliance with the non-discrimination clauses of this Agreement or with any of such rules, regulations or orders, all as amended, this Agreement may be canceled, terminated or suspended in whole or in part and the SPA may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order, all as amended, of the Secretary of Labor, or as otherwise provided by law.

G. The SPA will include the provisions of paragraphs A through G of this subsection in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The SPA will take action with respect to any subcontract or purchase order as the department may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that in the event the SPA becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the department, the SPA may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 18. CONFLICT OF INTEREST

18.1. No Conflicts. The SPA covenants to the City that neither the SPA nor any officer of the corporation, partnership or other entity (as the case may be if the SPA is a corporation or partnership or other entity) has any interest, nor shall they acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of this Agreement. The SPA further covenants to the City that in the performance of this Agreement, no person having such interest shall be employed by the SPA. Membership on the SPA Board of Directors by a City employee shall not be considered a conflict under this section.

18.2. No Interest in Contracts: The SPA covenants to the City that no member, officer, or employee of the City, or its designees or agents, no member of the governing body of the City, and no other public official of the City who exercises any functions or responsibilities with respect to the OSPP during their tenure or for one year thereafter, shall have any interest, direct or indirect, in the proceeds from any contract or subcontract for work to be performed in connection with this Agreement.

ARTICLE 19. HEADINGS

19.1. The captions are inserted only as a matter of clarification and convenience for reference and in no way define, limit or describe the scope or intent of this Agreement nor do they in any way affect this Agreement.

ARTICLE 20. APPLICABLE LAW AND EXCLUSIVE FORUM

20.1. Massachusetts Law Applicable. The laws of the Commonwealth of Massachusetts shall govern the validity, interpretation, construction and performance of this Agreement without regard to conflict of law principles.

20.2. Exclusive Forum and Venue. The parties hereto expressly agree that the sole and exclusive place, status and forum of this Agreement shall be the City of Springfield, Hampden County, Massachusetts. All actions and legal proceedings which in any way relate to this Agreement shall be solely and exclusively

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brought, heard, conducted, prosecuted, tried and determined within the City of Springfield, Hampden County, Massachusetts. It is the express intention of the parties to this Agreement that the exclusive venue of all legal actions and procedures of any nature whatsoever which relate in any way to this Agreement shall be either the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts sitting in the Hampden County Hall of Justice, Springfield, Massachusetts or the United States District Court sitting in Springfield, Massachusetts.

ARTICLE 21. EXTENT OF AGREEMENT

21.1. This Agreement and attachments represents the entire and integrated Agreement between the City and the SPA and supersedes all prior negotiations, representations or agreements, either written or oral. All prior or contemporaneous agreements, understandings, arrangements, or commitments between the parties, whether oral or written, have been merged within this Agreement, and are no longer of any force or effect.

21.2 This Agreement may be amended only by written instrument signed by all parties hereto or their successors in office.

ARTICLE 22. FORCE MAJEURE

22.1. Conditions Beyond Control. Neither party hereto shall be liable to the other for any failure, delay, or interruption in performing its obligations hereunder due to causes or conditions beyond its control. In the event of strikes, boycotts, picketing, slowdowns, work stoppages or labor disputes of any other type affecting the Facility, the SPA shall not thereby be deemed to be in default or to have breached any part of this Agreement unless such event shall have been caused solely by unfair labor practices of SPA or violations by SPA of applicable collective bargaining agreements.

22.2. Prohibited By Law. Neither party hereto shall be under any obligation to supply any service or services if and to the extent and during any period that the supplying of any service or services or the provision of any component necessary therefore shall be prohibited or rationed by any federal, state or municipal law, rule, regulation, order or directive.

22.3. No Additional Payments. SPA shall not be entitled to additional payments beyond those provided for in this Agreement for any inconvenience, interruption, cessation, or loss of business or other loss caused, directly or indirectly, by any present or future laws, rules, requirements, orders, directives, ordinances or regulations of the United States of America, or of the States, or the City or of any other lawful authority whosoever, or by priorities, rationing, or curtailment of labor or materials, or by war or any matter or thing.

EXECUTED by the SPA and the City of Springfield as a sealed instrument as of date the same is executed by all necessary parties, including the Mayor of the City of Springfield and the Chairman of the Finance Control Board on the latest date noted below.

SPRINGFIELD PARKING AUTHORITY

CITY OF SPRINGFIELD

By: _____
Its: _____
Date signed: _____

Parking Clerk

Approved as to Appropriation:

City Auditor

Chief Procurement Officer

Approved as to Form:

City Solicitor

Reviewed By:

Chief Financial Officer

APPROVED:

MAYOR and CONTROL BOARD DESIGNEE
Date signed: _____

APPROVED:

CHRISTOPHER GABRIELI, CHAIRMAN
FINANCE CONTROL BOARD
Date signed: _____

P
Voice Mail

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

#02-21-11-2008

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 Expedited Procurement of a Superintendent Search Consultant pursuant to Section 9(b) of the Chapter 169

The Springfield Finance Control Board, acting pursuant to the powers vested in it by Sections 4(a), 4(b) and 4(d)(6), and 9(b) of Chapter 169 of the Acts of 2004, makes the following findings and orders:

- 1) The Finance Control Board ("Board") has authorized a search for candidates for a Superintendent of the Springfield Public Schools; and
- 2) The Board requires the services of a consultant who is an experienced headhunter/executive search professional ("Consultant") to assist the Board in the recruitment and selection of a highly qualified and competent candidate to serve as Superintendent of the Springfield Public Schools; and
- 3) The Board has determined that it is in the City's best interests to retain the services of such a Consultant on an expedited basis, in order to ensure that a Superintendent is in place for the start of the 2008-2009 school year;
- 4) Therefore, the Board authorizes the Executive Director to procure the services of an experienced and qualified Consultant to assist the Board in recruiting and selecting a Superintendent of Schools on an expedited basis, and to enter into a contract with such Consultant, no earlier than 5 days following the filing of a report with the Chairpersons of the House and Senate Committees on Ways and Means pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, which report shall include the following information:
 - (a) the terms of the anticipated contract, including but not limited to any monetary compensation;
 - (i) Time - The Term of the proposed Contract, which is estimated to begin on or about March 1, 2008.
 - (ii) Compensation - The compensation terms of the contract, which will be determined following the receipt, review and award of proposals. It is expected the Consultant's compensation will be calculated on a fixed fee, contingent fee (based on the Superintendent's salary), or a combination of these fees, not to exceed \$75,000.
 - (iii) Scope of Services - The Consultant will review and update the job description and job requirements, draft recruitment documents, aggressively identify highly qualified individuals, publish vacancy announcements, perform preliminary screenings and evaluations of resumes

received, perform additional screening and initial interviews, conduct reference checks, prepare reports, recommend candidates for interviews by the Board, schedule interviews, provide interview and selection advice, finalize reference checks, recommend a final interview process, advise the Board on compensation matters, act as liaison between the Board and selected candidate in discussing compensation, and notify unsuccessful candidates. The consultant may also be asked to provide an assessment center or other behavioral interview services as part of this procurement.

(b) the identity of the contractor and any subcontractor or affiliate of such contractor who would benefit under the contract;

The identity of the Consultant will be determined after an expedited procurement process conducted by the Executive Director. The Board requires that the successful Consultant have at least five years of experience and a proven track record in conducting successful recruitment and selection processes for top management professionals in the public, private and non-profit sectors with demonstrated experience in conducting successful school superintendent searches.

(c) 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;

The Board finds the decision to procure these Consultant services on an expedited basis without using a full-scale competitive bidding process is necessary to ensure the provision of essential services to the City, i.e. the timely recruitment and selection of a Superintendent of Schools for the 2008-2009 school year.

The Executive Director will use a procurement process and obtain quotes from highly qualified consultants, but the process will be expedited.

(d) 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.

The Board certifies that its Executive Director will engage in arms-length negotiations with the Consultant and that the terms of the proposed contract must be the best possible arrangement for the City under the circumstances.

Executive Order approved by the Finance Control Board on February 21, 2008:

Christopher Gabrieli Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Board

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COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#02-21-12-2008

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B and pursuant to its authority under Sections 4(a), 4(b), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004. The Finance Control Board wishes to consolidate Stabilization Reserve Funds for the purposes of continuing the fiscal recovery and safeguarding the financial stability of the City of Springfield. The consolidated fund will be entitled Stabilization Reserve Fund – Special Revenue General

Date of Vote: February 21, 2008

ORDERED:

From:

Stabilization Reserve Fund – 2007 Free Cash Allotment

8218-00-000-0000-000000-0000000-359000

\$13,925,000.00

From:

Stabilization Reserve Fund - Capital Stabilization

8218-00-000-0000-0000-000000-0000000-359000

\$14,553.00

From:

Stabilization Reserve Fund – FY 2006 Free Cash

8217-00-000-0000-0000-000000-0000000-359000

\$16,317,051.00

To:

Stabilization Reserve Fund – Special Revenue General

8217-00-000-0000-0000-000000-0000000-359000

\$30,256,604.00

Voted:

Chris Gabrieli, Chairman
Springfield Finance Control Board

City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#1-17-04-2008

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:


Irene E. and George A. Davis Foundation \$25,000.00

For additional enrichment activities under the Massachusetts Department of Education's 21st Century Community Learning Center Grant.

Massachusetts Department of Education,
After-School and Out-of-School Time Grant Program (ASOST) \$50,000.00

For the operation of an after-school program at Pottenger Elementary School.

Executive Order approved by the Finance Control Board on January 17, 2008:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

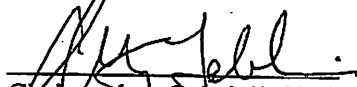
#01-17-05-2008

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 Accepting the Provisions of
Mass. Gen. Laws ch. 90, sec. 20A 1/2**

The Springfield Finance Control Board, acting pursuant to Sections 4(a), 4(b) and 4(d)(8), 4(d)(11), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby accepts the provisions of Massachusetts General Laws chapter 90, section 20A 1/2, pertaining to the supervision, coordination and processing of parking violation notices in the City. A copy of the statute is attached as Exhibit A.

Approved by the Finance Control Board on January 17, 2008:


Christopher Gabrieli Chairman
Springfield Finance Control Board


Wayman Lee
Clerk of the Board

EXHIBIT A

M.G.L.A. 90 § 20A 1/2

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XIV. Public Ways and Works (Ch. 81-92B)

Chapter 90. Motor Vehicles and Aircraft

Motor Vehicles

→§ 20A 1/2 . Cities of Boston and Cambridge; parking violations; tags; appearance; failure to appear; adjudication by mail

In the cities of Boston and Cambridge and in any city or town which accepts the provisions of this section, each manager in a city having a Plan D or E form of charter or the mayor, with the approval of the city council or board of aldermen in any other city, or the town council or board of selectmen of a town shall designate or appoint a parking clerk. The parking clerk shall report to the council or aldermen of a city, the council or board of selectmen of a town and shall supervise and coordinate the processing of parking notices in such city or town. The parking clerk shall have the authority, after such authorization by the mayor and city council in a city or town council or selectmen in a town, to hire and designate such personnel as may be necessary or contract by competitive bid for such services, subject to appropriation, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston and Cambridge by granting preference to persons who had been employees of said cities in the fire, police or traffic crossing guard service, and all such positions in said city of Boston and Cambridge shall be subject to chapter thirty-one, and in no case in the city of Boston and Cambridge shall the amount expended for administration of this section exceed eleven per cent of the total amount of the annual receipts collected by the parking clerk.

It shall be the duty of every police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for their respective city or town, forthwith to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk of the city or town wherein the violation occurred at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed securely to the motor vehicle and shall contain, but shall not be limited to, the following information: the make, color and registration number of the vehicle involved and the state of issuance of said registration number, the date, time and place of the violation, the specific violation charged and, if a meter violation, the number of said meter, the name and badge number of the officer and his division, a schedule of established fines, instructions for the return of the tag and a notice which reads: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next business day of the city or town after receipt of such notice deliver another of such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

The traffic and parking commission of the city of Boston, the traffic commission or traffic director of any other city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town, shall, from time to time, establish by rule or regulation a schedule of fines for violations subject to this section committed within such city or town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that any fine established under the provisions of this section for all other parking violations shall not exceed \$50, if paid within 21 days, nor shall it exceed \$55, if paid thereafter, but before the parking clerk reports to the registrar, as provided below and shall not exceed \$75 if paid thereafter.

Should any person notified to appear hereunder fail to appear and, if a fine is provided hereunder, to pay the same, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the parking clerk shall forthwith schedule the matter before a person hereafter referred to as a hearing officer, said hearing officer to be the parking clerk of the city or town wherein the violation occurred or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first-class mail to the registered owner. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review as provided by section fourteen of chapter thirty A.

If any person fails to appear in accordance with said notice, the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and, upon receipt of two or more such notices, shall not renew the license to operate a motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the parking clerk that all such matters have been disposed of in accordance with law. Upon such notification to the registrar, an additional twenty dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law, provided however, that a certified receipt of full and final payment from the parking clerk of the city or town in which the violation occurred shall also serve as legal notice to the registrar that said violation has been disposed of. The notice to appear provided herein shall be printed in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute such notices to the commanding officer of the police department of the city or town upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the cities and towns.

If any person shall have failed to appear in accordance with five or more said notices, notwithstanding any notification to the registrar, the parking clerk may notify the chief of police or director of traffic and parking of said city or town that the vehicle involved in said multiple violations shall be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to the use of parking areas subject to the control of the county commissioners adjacent to or abutting county buildings, and county commissioners are hereby authorized to make such rules and regulations. Said provisions shall also apply to violations of rules and regulations relative to the parking of motor vehicles established by any commission or body empowered to make such rules and regulations.

Any person notified to appear before the parking clerk, as provided herein, may without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement explaining the procedure to adjudicate the violation by mail.

CREDIT(S)

Added by St.1981, c. 351, § 115. Amended by St.1981, c. 746, §§ 6 to 8; St.1983, c. 233, § 63; St.1983, c. 459, § 2; St.1984, c. 189, § 64; St.1988, c. 179; St.1989, c. 204, § 2; St.1992, c. 153, § 22; St.2004, c. 291, § 31, eff. Aug. 10, 2004.

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#1-17-07-2008

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 the construction of the new Putnam High School.

Whereas on December 20, 2007, the Finance Control Board appropriated the sum of Twelve Million and One Hundred Thousand dollars (\$12,100,000) for the purposes for the design, construction, original equipping and furnishing of the new Putnam High School and any costs incidental and related thereto, representing the City portion, with the balance of costs to be borne by the Commonwealth, of the total project costs currently estimated to be \$121,000,000, and

Whereas, pursuant to its authority under section 4(d)(20)(7) the Finance Control Board has the power notwithstanding any general or special law to the contrary, to establish, increase or decrease any fee, rate, or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the City.

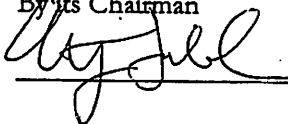
Whereas, a significant building permit fee would be required for this project, funds which would otherwise be available for the construction of the new High School, and the

Whereas, to further the City's educational purposes and student advancement the first priority of all available funds should be for the construction of the new Putnam High School.

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

Ordered: That the building permit fee payable by the Project to the Building Department shall be waived, but to the extent project funds are available at and upon issuance of the Certificate of Occupancy, all or a portion of said fees may be assessed upon a vote of the City Council and the approval of the Mayor.

By its Chairman



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

1-17-08-2008

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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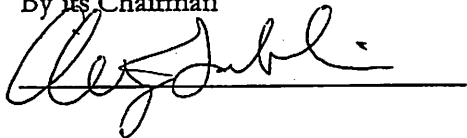
An Executive Order related to and authorizing certain bond issuances.

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

Ordered: that the sum of Eleven Million dollars (\$11,000,000) is hereby appropriated to finance various capital projects including, street paving, sidewalk replacement, the construction of a new fire station, the demolition of various buildings within the City, the acquisition of buildings for general municipal purposes by purchase, eminent domain or otherwise, remodeling and constructing additions to City facilities, the purchase and installation of information technology systems for various City departments, stormwater pumping stations and the construction or reconstruction of walls and dikes at the Van Horn Dam and any costs incidental and related thereto; that to meet this appropriation the City, with the approval of the Executive Director of the Finance Control Board, is authorized to borrow \$11,000,000 under Chapter 44 of the General Laws, or any other enabling legislation; that the City, with the approval of the Executive Director of the Finance Control Board, is authorized to contract for and expend any federal or state aid available for any of the projects; that the bonds may be secured by a municipal bond insurance policy; that the City, with the approval of the Executive Director of the Finance Control 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 such Board may require for these purposes; and that the City, with the approval of the Executive Director of the Finance Control 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 5 yea votes and 0 nay votes, at its meeting held on January 17, 2008.

By its Chairman



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#1-17-04-2008

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:


Irene E. and George A. Davis Foundation \$25,000.00

For additional enrichment activities under the Massachusetts Department of Education's 21st Century Community Learning Center Grant.

Massachusetts Department of Education,
After-School and Out-of-School Time Grant Program (ASOST) \$50,000.00

For the operation of an after-school program at Pottenger Elementary School.

Executive Order approved by the Finance Control Board on January 17, 2008:



Christopher Gabrieli, Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

*CITY OF SPRINGFIELD
FINANCE CONTROL BOARD*

EXECUTIVE ORDER

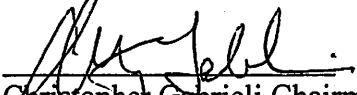
#01-17-05-2008

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 Accepting the Provisions of
Mass. Gen. Laws ch. 90, sec. 20A 1/2**

The Springfield Finance Control Board, acting pursuant to Sections 4(a), 4(b) and 4(d)(8), 4(d)(11), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby accepts the provisions of Massachusetts General Laws chapter 90, section 20A 1/2, pertaining to the supervision, coordination and processing of parking violation notices in the City. A copy of the statute is attached as Exhibit A.

Approved by the Finance Control Board on January 17, 2008:



Christopher Gabrieli Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board

EXHIBIT A

M.G.L.A. 90 § 20A 1/2

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XIV. Public Ways and Works (Ch. 81-92B)

Chapter 90. Motor Vehicles and Aircraft

Motor Vehicles

➔§ 20A 1/2 . Cities of Boston and Cambridge; parking violations; tags; appearance; failure to appear; adjudication by mail

In the cities of Boston and Cambridge and in any city or town which accepts the provisions of this section, each manager in a city having a Plan D or E form of charter or the mayor, with the approval of the city council or board of aldermen in any other city, or the town council or board of selectmen of a town shall designate or appoint a parking clerk. The parking clerk shall report to the council or aldermen of a city, the council or board of selectmen of a town and shall supervise and coordinate the processing of parking notices in such city or town. The parking clerk shall have the authority, after such authorization by the mayor and city council in a city or town council or selectmen in a town, to hire and designate such personnel as may be necessary or contract by competitive bid for such services, subject to appropriation, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston and Cambridge by granting preference to persons who had been employees of said cities in the fire, police or traffic crossing guard service, and all such positions in said city of Boston and Cambridge shall be subject to chapter thirty-one, and in no case in the city of Boston and Cambridge shall the amount expended for administration of this section exceed eleven per cent of the total amount of the annual receipts collected by the parking clerk.

It shall be the duty of every police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for their respective city or town, forthwith to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk of the city or town wherein the violation occurred at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed securely to the motor vehicle and shall contain, but shall not be limited to, the following information: the make, color and registration number of the vehicle involved and the state of issuance of said registration number, the date, time and place of the violation, the specific violation charged and, if a meter violation, the number of said meter, the name and badge number of the officer and his division, a schedule of established fines, instructions for the return of the tag and a notice which reads: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next business day of the city or town after receipt of such notice deliver another of such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

The traffic and parking commission of the city of Boston, the traffic commission or traffic director of any other city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town, shall, from time to time, establish by rule or regulation a schedule of fines for violations subject to this section committed within such city or town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that any fine established under the provisions of this section for all other parking violations shall not exceed \$50, if paid within 21 days, nor shall it exceed \$55, if paid thereafter, but before the parking clerk reports to the registrar, as provided below and shall not exceed \$75 if paid thereafter.

Should any person notified to appear hereunder fail to appear and, if a fine is provided hereunder, to pay the same, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the parking clerk shall forthwith schedule the matter before a person hereafter referred to as a hearing officer, said hearing officer to be the parking clerk of the city or town wherein the violation occurred or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first-class mail to the registered owner. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review as provided by section fourteen of chapter thirty A.

If any person fails to appear in accordance with said notice, the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and, upon receipt of two or more such notices, shall not renew the license to operate a motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the parking clerk that all such matters have been disposed of in accordance with law. Upon such notification to the registrar, an additional twenty dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law, provided however, that a certified receipt of full and final payment from the parking clerk of the city or town in which the violation occurred shall also serve as legal notice to the registrar that said violation has been disposed of. The notice to appear provided herein shall be printed in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute such notices to the commanding officer of the police department of the city or town upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the cities and towns.

If any person shall have failed to appear in accordance with five or more said notices, notwithstanding any notification to the registrar, the parking clerk may notify the chief of police or director of traffic and parking of said city or town that the vehicle involved in said multiple violations shall be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to the use of parking areas subject to the control of the county commissioners adjacent to or abutting county buildings, and county commissioners are hereby authorized to make such rules and regulations. Said provisions shall also apply to violations of rules and regulations relative to the parking of motor vehicles established by any commission or body empowered to make such rules and regulations.

Any person notified to appear before the parking clerk, as provided herein, may without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement explaining the procedure to adjudicate the violation by mail.

CREDIT(S)

Added by St.1981, c. 351, § 115. Amended by St.1981, c. 746, §§ 6 to 8; St.1983, c. 233, § 63; St.1983, c. 459, § 2; St.1984, c. 189, § 64; St.1988, c. 179; St.1989, c. 204, § 2; St.1992, c. 153, § 22; St.2004, c. 291, § 31, eff. Aug. 10, 2004.

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#1-17-07-2008

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 the construction of the new Putnam High School.

Whereas on December 20, 2007, the Finance Control Board appropriated the sum of Twelve Million and One Hundred Thousand dollars (\$12,100,000) for the purposes for the design, construction, original equipping and furnishing of the new Putnam High School and any costs incidental and related thereto, representing the City portion, with the balance of costs to be borne by the Commonwealth, of the total project costs currently estimated to be \$121,000,000, and

Whereas, pursuant to its authority under section 4(d)(20)(7) the Finance Control Board has the power notwithstanding any general or special law to the contrary, to establish, increase or decrease any fee, rate, or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the City.

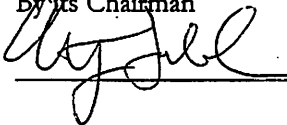
Whereas, a significant building permit fee would be required for this project, funds which would otherwise be available for the construction of the new High School, and the

Whereas, to further the City's educational purposes and student advancement the first priority of all available funds should be for the construction of the new Putnam High School.

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

Ordered: That the building permit fee payable by the Project to the Building Department shall be waived, but to the extent project funds are available at and upon issuance of the Certificate of Occupancy, all or a portion of said fees may be assessed upon a vote of the City Council and the approval of the Mayor.

By its Chairman



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

1-17-08-2008

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.*

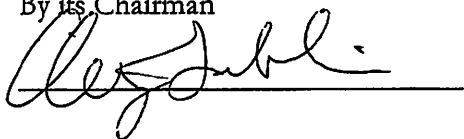
=====
An Executive Order related to and authorizing certain bond issuances.

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

Ordered: that the sum of Eleven Million dollars (\$11,000,000) is hereby appropriated to finance various capital projects including, street paving, sidewalk replacement, the construction of a new fire station, the demolition of various buildings within the City, the acquisition of buildings for general municipal purposes by purchase, eminent domain or otherwise, remodeling and constructing additions to City facilities, the purchase and installation of information technology systems for various City departments, stormwater pumping stations and the construction or reconstruction of walls and dikes at the Van Horn Dam and any costs incidental and related thereto; that to meet this appropriation the City, with the approval of the Executive Director of the Finance Control Board, is authorized to borrow \$11,000,000 under Chapter 44 of the General Laws, or any other enabling legislation; that the City, with the approval of the Executive Director of the Finance Control Board, is authorized to contract for and expend any federal or state aid available for any of the projects; that the bonds may be secured by a municipal bond insurance policy; that the City, with the approval of the Executive Director of the Finance Control 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 such Board may require for these purposes; and that the City, with the approval of the Executive Director of the Finance Control 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 5 yea votes and 0 nay votes, at its meeting held on January 17, 2008.

By its Chairman



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#1-17-04-2008

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:

Irene E. and George A. Davis Foundation \$25,000.00

For additional enrichment activities under the Massachusetts Department of Education's 21st Century Community Learning Center Grant.

Massachusetts Department of Education,
After-School and Out-of-School Time Grant Program (ASOST) \$50,000.00

For the operation of an after-school program at Pottenger Elementary School.

Executive Order approved by the Finance Control Board on January 17, 2008:

Christopher Gabrieli, Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#01-17-05-2008

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 Accepting the Provisions of
Mass. Gen. Laws ch. 90, sec. 20A 1/2**

The Springfield Finance Control Board, acting pursuant to Sections 4(a), 4(b) and 4(d)(8), 4(d)(11), and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby accepts the provisions of Massachusetts General Laws chapter 90, section 20A 1/2, pertaining to the supervision, coordination and processing of parking violation notices in the City. A copy of the statute is attached as Exhibit A.

Approved by the Finance Control Board on January 17, 2008:

Christopher Gabrieli Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Board

EXHIBIT A

M.G.L.A. 90 § 20A 1/2

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XIV. Public Ways and Works (Ch. 81-92B)

Chapter 90. Motor Vehicles and Aircraft

Motor Vehicles

➔§ 20A 1/2 . Cities of Boston and Cambridge; parking violations; tags; appearance; failure to appear; adjudication by mail

In the cities of Boston and Cambridge and in any city or town which accepts the provisions of this section, each manager in a city having a Plan D or E form of charter or the mayor, with the approval of the city council or board of aldermen in any other city, or the town council or board of selectmen of a town shall designate or appoint a parking clerk. The parking clerk shall report to the council or aldermen of a city, the council or board of selectmen of a town and shall supervise and coordinate the processing of parking notices in such city or town. The parking clerk shall have the authority, after such authorization by the mayor and city council in a city or town council or selectmen in a town, to hire and designate such personnel as may be necessary or contract by competitive bid for such services, subject to appropriation, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston and Cambridge by granting preference to persons who had been employees of said cities in the fire, police or traffic crossing guard service, and all such positions in said city of Boston and Cambridge shall be subject to chapter thirty-one, and in no case in the city of Boston and Cambridge shall the amount expended for administration of this section exceed eleven per cent of the total amount of the annual receipts collected by the parking clerk.

It shall be the duty of every police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for their respective city or town, forthwith to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk of the city or town wherein the violation occurred at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed securely to the motor vehicle and shall contain, but shall not be limited to, the following information: the make, color and registration number of the vehicle involved and the state of issuance of said registration number, the date, time and place of the violation, the specific violation charged and, if a meter violation, the number of said meter, the name and badge number of the officer and his division, a schedule of established fines, instructions for the return of the tag and a notice which reads: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next business day of the city or town after receipt of such notice deliver another of such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

The traffic and parking commission of the city of Boston, the traffic commission or traffic director of any other city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town, shall, from time to time, establish by rule or regulation a schedule of fines for violations subject to this section committed within such city or town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that any fine established under the provisions of this section for all other parking violations shall not exceed \$50, if paid within 21 days, nor shall it exceed \$55, if paid thereafter, but before the parking clerk reports to the registrar, as provided below and shall not exceed \$75 if paid thereafter.

Should any person notified to appear hereunder fail to appear and, if a fine is provided hereunder, to pay the same, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the parking clerk shall forthwith schedule the matter before a person hereafter referred to as a hearing officer, said hearing officer to be the parking clerk of the city or town wherein the violation occurred or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first-class mail to the registered owner. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review as provided by section fourteen of chapter thirty A.

If any person fails to appear in accordance with said notice, the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and, upon receipt of two or more such notices, shall not renew the license to operate a motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the parking clerk that all such matters have been disposed of in accordance with law. Upon such notification to the registrar, an additional twenty dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law, provided however, that a certified receipt of full and final payment from the parking clerk of the city or town in which the violation occurred shall also serve as legal notice to the registrar that said violation has been disposed of. The notice to appear provided herein shall be printed in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute such notices to the commanding officer of the police department of the city or town upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the cities and towns.

If any person shall have failed to appear in accordance with five or more said notices, notwithstanding any notification to the registrar, the parking clerk may notify the chief of police or director of traffic and parking of said city or town that the vehicle involved in said multiple violations shall be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to the use of parking areas subject to the control of the county commissioners adjacent to or abutting county buildings, and county commissioners are hereby authorized to make such rules and regulations. Said provisions shall also apply to violations of rules and regulations relative to the parking of motor vehicles established by any commission or body empowered to make such rules and regulations.

Any person notified to appear before the parking clerk, as provided herein, may without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement explaining the procedure to adjudicate the violation by mail.

CREDIT(S)

Added by St.1981, c. 351, § 115. Amended by St.1981, c. 746, §§ 6 to 8; St.1983, c. 233, § 63; St.1983, c. 459, § 2; St.1984, c. 189, § 64; St.1988, c. 179; St.1989, c. 204, § 2; St.1992, c. 153, § 22; St.2004, c. 291, § 31, eff. Aug. 10, 2004.

continue to next meeting

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

#01-17-06-2008

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 Appointment of a Parking Clerk and
Authorizing the Parking Clerk to Contract with the
Springfield Parking Authority**

The Springfield Finance Control Board, acting pursuant to the powers vested in it by Sections 4(a), 4(b) and 4(d)(8), 4(d)(11), and 4(d)(20) of Chapter 169 of the Acts of 2004, orders the following:

- 1) The Executive Director is hereby authorized to designate or appoint a City Parking Clerk pursuant Massachusetts General Laws chapter 90, section 20A 1/2;
- 2) The Parking Clerk, on behalf of the City, is hereby authorized to contract with the Springfield Parking Authority ("SPA") to supervise, coordinate and process parking violation notices and to otherwise carry out the provisions of said chapter 90, section 20A 1/2, on the City's behalf, on such terms and conditions as the Executive Director deems appropriate, no earlier than 5 days following the filing of a report with the Chairpersons of the House and Senate Committees on Ways and Means pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, which report shall include the following information:
 - (a) the terms of the anticipated contract amendment, including but not limited to any monetary compensation;
 - (i) Time - The Term of the proposed Contract is for five (5) years, with an optional two (2)-year extension, estimated to begin on or about February 1, 2008.
 - (ii) Compensation - The SPA will be compensated, on a reimbursement basis, for its actual costs of managing the on-street parking program, including SPA's costs as well as those of its subcontractor, including capital improvements, subject to annual appropriation. SPA will submit a proposed budget to the City for each fiscal year for the cost of the on-street parking program, which shall be reviewed and voted on during the City's normal budget cycle. Funds for the approved budget will be placed in an operating account controlled by the City.
 - (iii) Scope of Services - The SPA will manage and operate the on-street parking program for the City, including enforcement and collection of parking violations.
 - (b) the identity of the contractor and any subcontractor or affiliate of such contractor who would benefit under the contract;

The Contractor is the Springfield Parking Authority ("SPA"), a political subdivision of the Commonwealth established by the Legislature pursuant to Chapter 674, section 3 of the Acts of 1981. The SPA, will subcontract with Republic Parking Systems, Inc., to manage all on-street and off-street parking in the City. The SPA voted to award a contract to this firm, which was approved by the City's acting Chief Procurement Officer, following a public procurement process.

(c) 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;

The Board finds the decision to award this contract to the Springfield Parking Authority without using a competitive bidding process is necessary to ensure the provision of essential services to the City, i.e. the centralized and efficient operation and management of the City's on-street parking program, which is currently handled by at least three separate City departments (Police, DPW and Treasurer/Collector). The SPA is uniquely qualified to provide these services to the City because it can effectively and comprehensively manage the City's entire parking system, both on-street and off-street, consistent with its legislative purposes as described in its enabling legislation.

Because the SPA is a political subdivision of the commonwealth, no public bidding would be required for this contract if awarded under Mass. Gen. Laws ch. 30B, sec. 1(b)(4), but a separate statute, Mass. Gen. Laws ch. 90, sec. 20A 1/2, states that the Parking Clerk may contract for such services "by competitive bid". This is the reason for this disclosure.

(d) 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.

The Board certifies that its Executive Director and the City Law Department engaged in arms-length negotiations with the SPA over a period of several months and that the terms of the proposed contract represent the best possible arrangement for the City under the circumstances.

Approved by the Finance Control Board on January 17, 2008:

Christopher Gabrieli Chairman
Springfield Finance Control Board

Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#1-17-07-2008

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 the construction of the new Putnam High School.

Whereas on December 20, 2007, the Finance Control Board appropriated the sum of Twelve Million and One Hundred Thousand dollars (\$12,100,000) for the purposes for the design, construction, original equipping and furnishing of the new Putnam High School and any costs incidental and related thereto, representing the City portion, with the balance of costs to be borne by the Commonwealth, of the total project costs currently estimated to be \$121,000,000, and

Whereas, pursuant to its authority under section 4(d)(20)(7) the Finance Control Board has the power notwithstanding any general or special law to the contrary, to establish, increase or decrease any fee, rate, or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the City.

Whereas, a significant building permit fee would be required for this project, funds which would otherwise be available for the construction of the new High School, and the

Whereas, to further the City's educational purposes and student advancement the first priority of all available funds should be for the construction of the new Putnam High School.

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

Ordered: That the building permit fee payable by the Project to the Building Department shall be waived, but to the extent project funds are available at and upon issuance of the Certificate of Occupancy, all or a portion of said fees may be assessed upon a vote of the City Council and the approval of the Mayor.

By its Chairman

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

1-17-08-2008

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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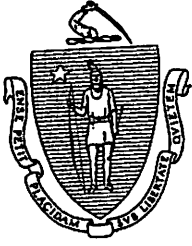
An Executive Order related to and authorizing certain bond issuances.

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

Ordered: that the sum of Eleven Million dollars (\$11,000,000) is hereby appropriated to finance various capital projects including, street paving, sidewalk replacement, the construction of a new fire station, the demolition of various buildings within the City, the acquisition of buildings for general municipal purposes by purchase, eminent domain or otherwise, remodeling and constructing additions to City facilities, the purchase and installation of information technology systems for various City departments, stormwater pumping stations and the construction or reconstruction of walls and dikes at the Van Horn Dam and any costs incidental and related thereto; that to meet this appropriation the City, with the approval of the Executive Director of the Finance Control Board, is authorized to borrow \$11,000,000 under Chapter 44 of the General Laws, or any other enabling legislation; that the City, with the approval of the Executive Director of the Finance Control Board, is authorized to contract for and expend any federal or state aid available for any of the projects; that the bonds may be secured by a municipal bond insurance policy; that the City, with the approval of the Executive Director of the Finance Control 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 such Board may require for these purposes; and that the City, with the approval of the Executive Director of the Finance Control 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 ___yea votes and ___nay votes, at its meeting held on January 17, 2008.

By its Chairman



CHRIS GABRIELI
CHAIRMAN

The Commonwealth of Massachusetts
Springfield Finance Control Board
36 Court Street, Room 312
Springfield, MA 01103

MEETING AGENDA

December 20, 2007
Room 220, City Hall
11:00 am Executive Session; 12:30 Open Session

<u>Item</u>	<u>Start Time</u>
I. Public Comment	12:30
II. Approval of Minutes	1:00
III. Update: Police Commissioner Selection Committee	
IV. Vote on Contract Extension: Eaton Planning	
V. Update - Litigation	
VI. Vote on Appropriation – Homeless Resource Center	
VII. Vote on Appropriation – Elimination of Liability from 2003 Furlough	
VIII. Confirmation of Appropriation – Putnam Project	
IX. Vote on Construction Management at Risk Method of Construction for Putnam School Project	
X. Vote to Accept Grant Funds for Police Department	
XI. Vote on Residential Factor for Fiscal Year 2008	
XII. Discussion and Approval – Control Board Staffing and Compensation	
XIII. Discussion of Delegated Authority	
XIV. Presentation Regarding Free Cash	
XV. Appropriation of Free Cash to Special Stabilization Reserve Fund	

- XVI. Consideration of Trust Fund Repayment Plan
- XVII. Transfer of Property to the Commonwealth
- XVIII. Discussion Regarding Contract: Superintendent of Schools
- XIX. New Business
- XX. Adjournment to Executive Session

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-20-04

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 Authorizing the Executive Director to File a Report with the House and Senate Ways and Means Committees and to Amend a Consultant Contract with Ms. Caroline Kluchman, dba Eaton Planning

The Finance Control Board ("Board"), acting pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, finds as follows:

- 1) The City's Chief Development Officer, who is responsible for planning, permitting and economic development of the City of Springfield, and who has oversight responsibility over the City's Office of Planning & Economic Development and the City's Building Department, was authorized by the Board, with the approval of the Mayor, after a public request for proposals, to enter into a contract with a highly qualified consultant, Ms. Caroline Kluchman (formerly known as Caroline Eaton) doing business as "Eaton Planning", to review and develop an updated and comprehensive zoning ordinance for the City of Springfield. The contract has been amended twice to extend the time for performance and increase the consultant's compensation by \$20,000.00, pursuant to Mass. Gen. Laws Ch. 30B, sec. 13(2). The contract costs for project to date have been funded by the State under the Technical Assistance Grant program (\$110,000). The City desires to further amend the contract to provide for a further increase in compensation at the same hourly rates established in the original contract and extension of time until June 30, 2008, in order to complete the project, which further increase is otherwise under Mass. Gen. Laws 30B is not permitted.
- 2) To date Eaton Planning has completed three drafts of the proposed comprehensive zoning revisions, including over twenty (20) planning sessions and two years of work revising and modernizing the City's zoning ordinance. It is anticipated the revisions will be ready for public release and comment for potential adoption in early 2008. Given the amount work already completed and complexity and effort required to familiarize and educate a new consultant, the Chief Development Officer recommends that Eaton Planning is uniquely qualified to complete the project and that it is in the financial, development and planning interests of the City to extend and amend the Eaton Planning Contract.

3) The decision to amend the Eaton Planning contract without using a competitive bidding process is necessary for the immediate growth and development of the City, that economic development requires a modernized and streamlined regularity and permitting system which the city currently lacks hindering its economic and financial viability. Eaton Planning's work on the comprehensive revision and modernization of the City's zoning ordinance is essential for the provision of the permitting and development activities of the City..

It should be reiterated that the initial contract with Eaton Planning was publicly procured through a Request for Proposals that was issued in January of 2006, bid number 211. Three proposals were received and Eaton Planning, was awarded the contract to develop a new comprehensive zoning ordinance. The contract recognized that Ms. Kluchman would partner with two other entities and an individual to deliver the requested services.

4) The Board certifies that it engaged in arms-length negotiations with Ms. Kluchman and that the terms of the Proposed Contract Amendment represent the best possible arrangement for the City under the circumstances. The compensation and hourly rate negotiated by the City is reasonable for a consultant of Ms. Kluchman's qualifications and experience and the Proposed Contract Amendment is for less than one year. The terms may be summarized as follows:

a) Time - The term of the proposed Contract Amendment is for six (6) months, beginning on January 1, 2008, and ending on June 30, 2008 (or earlier if the services are completed).

b) Compensation - The maximum amount payable for the six (6) month period is Thirty-Eight Thousand Five Hundred Dollars (\$38,500.00). Any additional services requested by the City, which are not contained in the Scope of Services noted below, would be billed at the hourly rate of One Hundred Ten Dollars (\$110.00) and would require the approval of the Chief Development Officer.

c) Scope of Services - Ms. Kluchman will report directly to the Deputy Director of Planning and will provide the following services:

- 1) Hold three additional Community Advisory Committee meetings;
- 2) Hold an additional three stakeholder meetings, during the public review period.
- 3) Add four additional joint work sessions.
- 4) Revise Public Review Draft after public comment.
- 5) Prepare training materials and review operational materials.
- 6) Perform any additional services requested by the Chief Development Officer in addition to the tasks enumerated in the Scope of Services at the agreed upon hourly rate of One Hundred Ten Dollars (\$110.00).

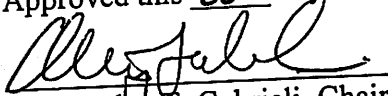
d) Contractor, Sub-Contractor or Affiliate Identity - The contractor is Caroline Kluchman, d/b/a Eaton Planning. Partnering with Eaton Planning and providing services under the proposed contract amendment will be Rick Taintor of Taintor & Associates, Inc. and

Timothy Heron.

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 actions:

- 1) To file a report with the Chairpersons of 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 an amended contract for consultant services, without competitive bidding, to Ms. Caroline Kluchman, d/b/a Eaton Planning. 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 amendment, 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 amendment with Ms. Caroline Kluchman, d/b/a as Easton Planning, on behalf of the Board, on substantially the same terms contained herein no earlier than five (5) days following the submission of the report to the House and Senate Committees on Ways and Means.

Approved this 20th day of December, 2007.


Christopher F. Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

Exhibit #1

CONTROL BOARD LETTERHEAD

Sen. Steven C. Panagiotakos, Chairman
Senate Ways and Means Committee
State House, Room 212
Boston, MA 02133

Rep. Robert A. DeLeo, Chairman
House Ways and Means Committee
State House, Room 243
Boston, MA 02133

RE: Report on Proposed Award of No-Bid Contract Amendment for Professional
Consultant Services

Dear Chairman Panagiotakos and Chairman DeLeo:

The Springfield Finance Control Board ("Board"), acting pursuant to Chapter 169 of the Acts of 2004, Section 9(b), hereby reports to the House and Senate Committees on Ways and Means, that it intends to award a contract amendment for consultant services, without competitive bidding, to Ms. Caroline Kluchman, d/b/a Eaton Planning. A copy of the proposed contract ("Contract") is attached hereto as Exhibit A.

As required by Chapter 169, the Board must file this report not later than five (5) days before such award, disclosing the following information:

- (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.

The Proposed Contract

The Finance Control Board's Chief Development Officer, David Panagore, who is responsible for the planning, permitting and development for the City of Springfield, has asked the Board for authorization to extend the services of Ms. Caroline Kluchman and her firm Eaton Planning, a consultant working on a comprehensive revision and modernization of the City of Springfield zoning ordinance.

The Chief Development Officer, who has oversight responsibility over the City of Springfield's Office of Planning & Economic Development and Building Department, was authorized by the Board, with the approval of the Mayor, after a public request for proposals, to enter into a contract, with Ms. Caroline Kluchman (f/k/a Caroline Eaton), dba Eaton Planning, to review and develop a comprehensive zoning ordinance for the City of Springfield. The contract, initially funded under a State Technical Assistance Grant, has since been twice amended to extend the time for performance and increase the consultant's compensation by \$20,000.00.

It is now necessary to further amend the contract to extend the time for performance and further increase the consultant's compensation. However, a further increase in compensation is not otherwise allowed under Mass. Gen. Laws 30B, as it would exceed 25% of the original contract price.

To date Eaton Planning has completed three drafts of the proposed comprehensive zoning revisions, including over twenty (20) planning sessions and two years of work revising and modernizing the City's zoning ordinance. It is anticipated the revisions will be ready for public release and comment for potential adoption in early 2008. Given the amount work already completed and complexity and effort required to familiarize and educate a new consultant, the Chief Development Officer recommends that Eaton Planning is uniquely qualified to complete the project and that it is in the financial, development and planning interests of the City to extend and amend the Eaton Planning Contract. Further revise a zoning ordinance, Eaton Planning

The Board finds that Eaton Planning and Ms. Kluchman are well-qualified by her education and experience to perform the requested services for the City, and therefore submits this report for your review.

Disclosures

(1) *Terms of the Proposed Contract Amendment:*

a) Time - The Initial Term of the proposed Contract Amendment would be for six (6) months, beginning on January 1, 2008, and ending on June 30, 2008 (or earlier if the services are completed).

b) Compensation - The maximum amount payable for the six (6) month period would be Thirty-Eight Thousand Five Hundred Dollars (\$38,500.00). Any additional services, not

contained in the Scope of Services, noted below, would be billed at the hourly rate of One Hundred Ten Dollars (\$110.00) and would be approved by the Chief Development Officer.

c) Scope of Services - Ms. Kluchman would report directly to the Deputy Director of Planning and would provide the following services:

- 1) Hold three additional Community Advisory Committee meetings;
- 2) Hold an additional three stakeholder meetings, during the public review period.
- 3) Add four additional joint work sessions.
- 4) Revise Public Review Draft after public comment.
- 5) Prepare training materials and review operational materials.
- 6) Perform any additional service requested by the Chief Development Officer in addition to the tasks enumerated in the Scope of Services at the agreed upon hourly rate of One Hundred Ten Dollars (\$110.00).

d) Termination: The City may terminate the Contract without cause by giving fourteen (14) days written notice of termination.

(2) *Identity of the Contractor, Sub-Contractor or Affiliate Identity:*

The Contractor would be Ms. Caroline Kluchman, d/b/a Easton Planning of Lexington, MA. Partnering with Eaton Planning and providing services under the contract amendment would be Tainor & Associates, Inc., Newburyport, Massachusetts, and Timothy Heron of Marblehead, Massachusetts .

(3) *Finding that not using a competitive bidding process under the circumstances is necessary to ensure the provision of essential services to the city:*

The decision to amend the Eaton Planning contract without using a competitive bidding process is necessary for the immediate growth and development of the City, that economic development requires a modernized and streamlined regularity and permitting system which the city currently lacks hindering its economic and financial viability. Eaton Planning's work on the comprehensive revision and modernization of the City's zoning ordinance is essential for the provision of the permitting and development activities of the City.

The Board finds that Eaton Planning is uniquely qualified to perform these services and as such, the decision not to use a competitive bidding process is necessary to ensure the provision of an essential service to the City. The Board acknowledges that City officials and Board staff

initially used a competitive process to procure a qualified individual and/or entity. That procurement process, a request for proposals, resulted in the submittal of three proposals with the award being made to Ms. Kluchman as the most qualified.

4) Certification of Arms-Length Negotiations:

The Board certifies that it engaged in arms-length negotiations with Ms. Kluchman and that the terms of the proposed Contract Amendment represent the best possible arrangement for the City under the circumstances. The hourly rate negotiated by the City is reasonable for a consultant of Ms. Kluchman's qualifications and experience, the Scope of Services is sufficiently broad to meet the City's needs, and finally, the Contract Amendment would be for less than one year.

Thank you for your consideration. If you have any questions regarding this report, please contact David Panagore at 413-787-6565.

Sincerely,

Stephen P. Lisauskas
Executive Director
Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

12-20-06

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.*

An Executive Order Transferring Appropriated Funds to Cooperate in the Development of a Homeless Resource Center

WHEREAS, the Development of a Homeless Resource Center on a parcel of City-owned land on Worthington Street to serve the needs of homeless and other low income persons and families in the City of Springfield, consisting of a campus including dormitory space for men and women experiencing homelessness, as well as space for ancillary medical, dental, assessment and shelter services (the "Project") is one component of Mayor Ryan's January 2007 plan "Homes Within Reach," which incorporates the recommendations of the Mayor's Homelessness Strategy Committee;

WHEREAS, the City previously identified Friends of the Homeless, Inc. ("Friends") as the Preferred Developer of a parcel of City-owned land on Worthington Street in response to an RFP for the disposition of City the land (Bid Number 180, dated December 2005);

WHEREAS, Friends will obtain the financing commitments sufficient to develop and construct the Project, including private donations and pledges in the amount of \$1,000,000; and,

WHEREAS, the Project has been identified by the Governor as a priority project for the revitalization of Springfield; and

WHEREAS, Friends, anticipates applying for "Housing Innovations Fund" (HIF) funding in the amount of \$2,000,000 from the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), under a program designed to assist developers in obtaining debt and equity financing from other public and private sources, and Friends has received a conditional commitment of HIF funding from DHCD; and

WHEREAS, in approving eligible projects for HIF funding, the DHCD is required by 760 CMR 23.05, to make the following findings:

- (1) Provision of Housing: that the Project is within the scope of the HIF I, HIF II, HIF III, or HIF IV Legislation, as applicable, and may reasonably be expected to contribute to the provision of Alternative Forms of Housing for Low-Income Persons and Families;
- (2) Public Benefit and Purpose: that the Project will be of public benefit and for a public purpose and any benefit to private parties or individuals, other than the Low-Income Persons or Families for whom housing is being provided, shall be indirect and incidental and not the purpose of the Project;
- (3) Conformance with Law: that the Project, when complete, will conform to all applicable laws and regulations;
- (4) Success: that there is a reasonable expectation that the Project will be successful; and,

NOW THEREFORE, pursuant to its authority under Sections 4(b), 4(c), 4(d)(1), 4(d)(6), 4(d)(13) and 4(d)(20) of Chapter 169 of the Acts of 2004, the Finance Control Board hereby authorizes the creation of a Fund (3413), to be administered by the Chief Development Officer, to be used to Cooperate in the Development of a Homeless Resource Center as a local match to HIF funding received from the Commonwealth for the Project and authorizes the Chief Development Officer to negotiate terms and conditions of a Land Disposition Agreement of the Worthington Street Parcel for the Project, and ORDERS the following Appropriation Transfer:

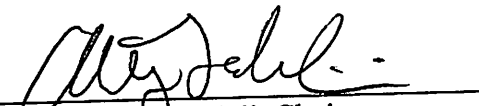
From:

Fund Balance Reserved for Capital
8216-00-0000-0000-000000-0000000-35900
Two Million and 00/100 Dollars (\$2,000,000.00)

To:

Homeless Resource Center
3413-10-180-0000-0000-000000-0000000-580200
Two Million and 00/100 Dollars (\$2,000,000.00)

Date of Vote of Approval by the Finance Control Board: December 20, 2007:



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#12-20-07

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.*

=====
The City of Springfield in Fiscal Year 2003 in order to ease the impact of State Aid Cuts (9c) enacted a furlough program. In this agreement the City agreed to pay out the furlough obligation when the funds were available for appropriation. It has been deemed by the City's Chief Financial Officer and City Auditor that these funds can now be appropriated for said purpose.

Appropriation Transfer Order

Date of Vote: December 20, 2007

ORDERED:

From:

Reserve for Contingencies

0100-10-135-0000-0000-0010-000000-0000000-578700

\$169,092.22

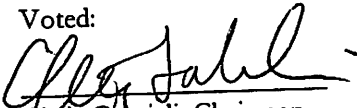
To:

See Attachment

Various Accounts

\$169,092.22

Voted:


Chris Gabrieli, Chairman
Springfield Finance Control Board


City Clerk

To:

<u>Fund</u>	<u>Func</u>	<u>Div</u>	<u>Dept</u>	<u>SDept</u>	<u>Loc</u>	<u>DOE</u>	<u>Reserve</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
0100	10	141	0000	0000	0010	000000	0000000	501000	Assessors	12,279.88
0100	10	151	0000	0000	0010	000000	0000000	501000	Law Department	14,631.52
0100	10	152	0000	0000	0010	000000	0000000	501000	Personnel	2,102.70
0100	10	161	0000	0000	0010	000000	0000000	501000	City Clerk	1,337.72
0100	10	180	0000	0000	0010	000000	0000000	501000	Community Development	12,026.12
0100	10	190	1940	0000	0080	000000	0000000	501000	Facilities Management - Administration	1,842.10
0100	20	210	2110	2112	0110	000000	0000000	501000	Police - Admin/Commissioner's Office	5,355.26
0100	20	210	2110	2113	0110	000000	0000000	501000	Police - Admin/Records & Customer Svcs	891.22
0100	20	210	2110	2115	0110	000000	0000000	501000	Police - Admin/CAD	1,275.00
0100	20	210	2110	2116	0110	000000	0000000	501000	Police - Admin/Finance & Personnel	1,533.18
0100	20	210	2130	2131	0110	000000	0000000	501000	Police - Patrol/First Response	1,994.00
0100	20	210	2130	2131	9930	000000	0000000	501000	Police - Patrol/First Response/North Dist.	1,994.00
0100	20	210	2130	2131	9960	000000	0000000	501000	Police - Patrol/First Response/Central Dist.	1,994.00
0100	20	210	2150	2152	9990	000000	0000000	501000	Police - Operational Support/Juvenile	1,716.38
0100	20	210	2150	2156	0110	000000	0000000	501000	Police - Operational Support/Traffic	4,454.00
0100	20	220	2200	2204	0800	000000	0000000	501000	Fire - Administration/Commissioner's Office	22,243.16
0100	20	242	2426	0000	0040	000000	0000000	501000	Code Enforcement - Inspectional Services	1,461.92
0100	40	400	4110	4113	0090	000000	0000000	501000	DPW - Engineering/Pavement Mgmt	3,269.24
0100	40	400	4110	4119	0090	000000	0000000	501000	DPW - Engineering/Info Requests	7,094.30
0100	40	400	4210	4211	0090	000000	0000000	501000	DPW - Administration	8,370.88
0100	40	400	4210	4212	0090	000000	0000000	501000	DPW - Administration/Business Office	3,811.08
0100	40	400	4220	4224	0090	000000	0000000	501000	DPW - Street Maintenance/Sidewalk Rep.	2,410.40
0100	40	400	4300	4305	0090	000000	0000000	501000	DPW - Traffic/Street Signs	2,540.04
0100	40	400	4330	4333	0090	000000	0000000	501000	DPW - Solid Waste/Yard Waste Collection	2,891.20
0100	40	400	4330	4334	0090	000000	0000000	501000	DPW - Solid Waste/Bondi's Island Landfill	3,413.46
0100	40	400	4330	4999	0090	000000	0000000	501000	DPW - Solid Waste/Administration	1,202.40
0100	40	400	4390	4999	0090	000000	0000000	501000	DPW - Fleet Management/Administration	1,810.42
0100	50	520	5200	0000	5000	000000	0000000	501000	Health - Administration/Operations	13,224.22
0100	60	630	6300	0000	0000	000000	0000000	501000	Park - Recreation	3,459.80
0100	60	630	6330	0000	0000	000000	0000000	501000	Park - Forestry	4,299.74
0100	60	630	6340	0000	1510	000000	0000000	501000	Park - Franconia Golf Course	1,624.08
0100	60	630	6500	0000	1210	000000	0000000	501000	Park - Administration	15,727.86
0100	60	630	6510	0000	0000	000000	0000000	501000	Park - Maintenance	4,810.94
									Total	169,092.22

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-20-08

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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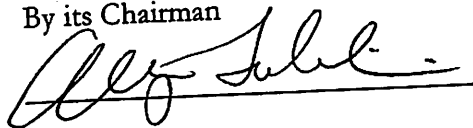
WHEREAS, the City of Springfield, Massachusetts authorized the issuance of bonds in the amount of Thirty-Eight Million Five Hundred Thousand dollars (\$38,500,000) for various capital purposes pursuant to Executive Order 11-27-04 of the Springfield Finance Control Board approved on December 18, 2006 (the "Bonds") and issued the Bonds on February 7, 2007;

WHEREAS, the Bonds were issued to finance various capital projects, including (i) 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 (the "Putnam High School project") pursuant to Clause (l) of Executive Order 11-27-04 and (ii) constructing, developing and remodeling 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 pursuant to Clause (j) of Executive Order 11-27-04.

NOW, THEREFORE, BE IT ORDERED, that Twelve Million One Hundred Thousand dollars (\$12,100,000) of the proceeds of the Bonds shall be available for the Putnam High School project.

Approved by vote of the Springfield Finance Control Board at its meeting held on 12, 20, 2007.

By its Chairman



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-20-09

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 Order Authorizing the Construction Management at Risk Delivery Method for the new Putnam Vocational Technical High School Project Under Mass. Gen. Laws ch. 149A

WHEREAS, Mass. Gen. Laws ch. 149A allows cities and towns to utilize an alternative method of construction known as "Construction Management at Risk" for projects estimated to cost over \$5 million dollars. Under Construction Management at Risk, a public owner pre-qualifies and selects a Construction Manager at Risk ("CMR") during the design phase of the project. The CMR provides planning, estimating, scheduling and other consulting services to the Owner and Architect during the design phase. When the design is near completion, the CMR and the Owner negotiate a Guaranteed Maximum Price ("GMP"), which price includes the fee for the CMR's services, the cost of the work, general conditions and contingency funds for the project. The CMR then acts as the general contractor during the construction of the project and together with the Owner, pre-qualifies and procures all of the construction trade contractors that will perform the work. The CMR is required to share all cost information with the public Owner so that the Owner will only pay for the Cost of the Work plus an agreed fee for the CMR up to the GMP, as the GMP may be amended from time to time;

WHEREAS, on June 25, 2007, the City of Springfield School Building Commission, after consultation with its Owner's Project Manager - Pinnacle One, Inc., voted to approve the use of a Construction Manager at Risk delivery method for new Putnam Vocational Technical High School Project ("Project"); and

WHEREAS, the City must submit an application to the Office of the Inspector General for the use of the Construction Manager at Risk delivery method for the Project; and

WHEREAS, the application requires certain documentation from the awarding authority approving the use of the Construction Manager at Risk delivery method;

NOW THEREFORE, in accordance with Sections 4(a), 4(b), 4(d)(6) and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 149A, sec. 4(a), the Finance Control Board:

- (1) authorizes the City of Springfield, acting by and through its authorized representatives, to enter into a contract with a construction management at risk firm for the new Putnam Vocational Technical High School Project ("Project"), pursuant to Mass. Gen. Laws ch. 149A, sec. 4(a)(1);
- (2) approves the construction management plan and procedures set forth in Exhibit A for the effective procurement and management of the construction management at risk services for the Project, pursuant to Mass. Gen. Laws ch. 149A, sec. 4(a)(2); and

(3) determines, pursuant to Mass. Gen. Laws ch. 149A, sec. 4(a)(5), that the use of construction management at risk services is appropriate for the Project for the following reasons:

(a) The City will have the ability to pre-qualify and select the Construction Manager at Risk ("CMR") on the basis of its experience on similar projects, reputation and record in controlling costs, meeting deadlines, and satisfying customers, rather than the lowest bid price.

(b) The CMR will provide valuable pre-construction services such as early cost estimates, project planning and scheduling, value engineering and constructability studies, developing construction phasing strategies, determining trade contractor scopes of work, and assisting in pre-qualifying filed sub-bidders. This should avoid "unbuildable" or costly design details or phasing plans, and limit design/drawing inconsistencies.

(c) The CMR's participation during the design phase will lead to a more realistic construction budget through early cost estimating, and will lead to an informed Guaranteed Maximum Price ("GMP") for the work. In most cases, the CMR firm will be responsible for costs that exceed the GMP, except for changes in the design or scope or work made after the GMP is set.

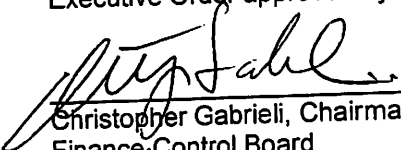
(d) Under the Construction Management at Risk method, there is an opportunity for bidding early trade work packages prior to the completion of the final design, thus accelerating the overall schedule for the project, and allowing the Owner to take advantage of lower pricing of materials for fast-tracked portions of the work.

(e) Under this method the City has the right and responsibility to monitor and audit the construction costs of the project to ensure the City pays only the costs of the work plus the agreed fee to the CMR, and no more

(f) This method will foster a spirit of cooperation between the City, the Architect, the CMR and trade contractors due to a defined allocation of project responsibilities and the CMR's interest in obtaining strong references for future work.

(g) The Massachusetts School Building Authority encourages the use of alternative construction methods such as Construction Management at Risk.

Executive Order approved by the Finance Control Board on December 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

#12-20-10

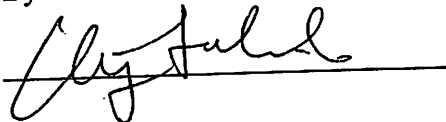
This Executive Order is issued pursuant to the provisions of Chapter 169 of the Acts of 2004, *An Act Relative to the Financial Stability of the City of Springfield.*

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 authorizes the Police Department 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 grant, without further appropriation:

State Grants:	Municipal Police Hiring Initiative	\$560,000.00
	Edward Byrne Memorial Task Force	\$110,000.00
	Governor's Highway Safety Grant	\$112,000.00

By its Chairman



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-20-11

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 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

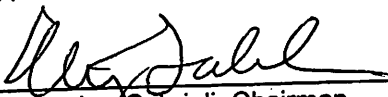
WHEREAS, per the requirements of Section 4(d)(17) of Chapter 169 of the Acts of 2004, any such residential tax factor shall not be valid until it has been approved by the Finance Control Board; and

WHEREAS, on December 19, 2007, 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

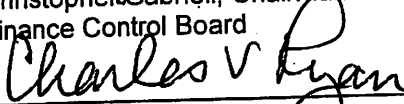
WHEREAS, at this hearing the City Council adopted a residential tax factor of 0.815382, which determines the percentage of the local tax levy to be borne by each class of real and personal property.

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 0.815382.

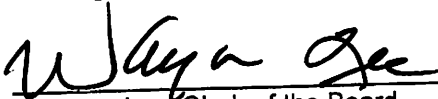
Approved by the Finance Control Board on December 20, 2007.



Christopher Gabrieli, Chairman
Finance Control Board



Charles V. Ryan, Mayor
Date signed: 12/20/07



Wayman Lee, Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-20-11

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 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

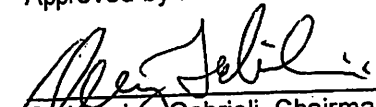
WHEREAS, per the requirements of Section 4(d)(17) of Chapter 169 of the Acts of 2004, any such residential tax factor shall not be valid until it has been approved by the Finance Control Board; and

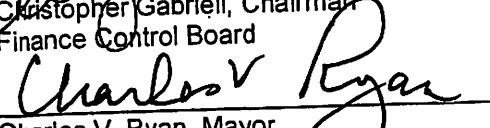
WHEREAS, on December 19, 2007, the City Council held a public hearing, duly noticed, in accordance with the requirements of chapter 369 of the Acts of 1982, and Mass. Gen. Laws ch. 40, sec. 56, on the question of the adoption of said residential factor, to determine the percentage of the local tax levy 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 0.815382, which determines the percentage of the local tax levy to be borne by each class of real and personal property.

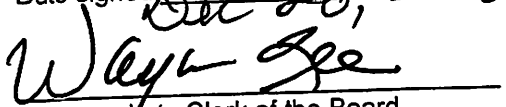
NOW, THEREFORE, BE IT ORDERED, in accordance with Section 4(d)(17) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 40, sec. 56, that the Finance Control Board approves the allocation of the tax levy by selecting and approving the residential factor for fiscal year 2008 of 0.815382.

Approved by the Finance Control Board on December 20, 2007.


Christopher Gabrieli, Chairman
Finance Control Board


Charles V. Ryan, Mayor

Date signed: Dec 20, 2007


Wayman Lee, Clerk of the Board

**DEPARTMENT OF REVENUE
BUREAU OF ACCOUNTS
CLASSIFICATION TAX ALLOCATION**

SPRINGFIELD
City/Town/District

Return to: Bureau of Accounts, Boston, Springfield, Worcester

1. The selected Residential Factor is ----- 0.815382

If you desire each class to maintain 100% of its full value tax share, indicate a residential factor of "1" and go to question 3.

2. In computing your residential factor, was a discount granted to Open Space?
 Yes _____ No X

If Yes, what is the percentage discount? _____

3. Was a residential exemption adopted?
 Yes _____ No X

If Yes, please complete the following:

Class I Total Assessed Value	=		X		=	
Class I Total Parcel Count*			Selected Res. Exemption %			Residential Exemption

* Include all parcels with a Mixed-Use Residential designation

Applicable number of parcels to receive exemption _____

4. Was a small commercial exemption adopted?
 Yes _____ No X
 % Selected _____

If Yes, please complete the following:

No. of parcels eligible _____
 Total value of parcels _____
 Total value to be exempted _____

5. The following information was derived from the LA-7. Please indicate in column D percentages (accurate to 4 digits to the right of the decimal point) which result from your selected residential factor. (If a residential factor of "1" has been selected, you may leave Column D blank.)

A	B	C	D
Class	Certified Full and Fair Cash Value	Percentage Full Value Shares of Total Tax	New Percentage Shares of Total
1. Residential	6,036,956,400	77.3261%	63.0503%
2. Open Space	0	0.0000%	0.0000%
3. Commercial	1,079,322,350	13.8248%	22.5291%
4. Industrial	246,327,200	3.1551%	5.1416%
5. Personal Property	444,536,550	5.6940%	9.2790%
Totals	7,807,142,500	100.0000%	100.0000%

6. I hereby attest that notice was given to taxpayers that a public hearing on the issue of adopting the tax levy percentages for fiscal year 2008 would be held 12/20/2007 (date), 1:00 PM (time), at City Hall (place), by _____ (describe type of notice).

[Signature]
City/Town/District Clerk

7. We hereby attest that (12/20/2007 (date) 1:00 PM (time), at City Hall (place) a public hearing was held on the issue of adopting the percentages for fiscal year 2008, that the Board of Assessors presented information and data relevant to making such determination and the fiscal effect of the available alternatives at the hearing and that the percentages set forth above were duly adopted in public session on 12/20/2007 (date).

8. We have been informed by the Assessors of excess levy capacity \$16,858.27

For cities: City Councilors, Aldermen, Mayor
 For towns: Board of Selectmen
 For districts: Prudential Committee or Commissioners

[Signature] [Signature] [Signature]
[Signature]

BUREAU OF ACCOUNTS
SCHEDULE A-2
ENTERPRISE FUNDS CH.44 S.53F 1/2 et al
SPRINGFIELD

City/Town/District

Trash

Type of enterprise fund/statutory reference

1. Enterprise revenues & available funds

- a. User charges
- Connection fees
- Other departmental revenue
- Investment income
- Total revenues
- Retained earnings appropriated **
- Other enterprise available funds
- Specify: _____
- Total current year revenues and available funds
- b. Retained earnings appropriated for PY costs **
- Other enterprise available funds for PY costs
- Total revenues and available funds for PY costs

	(a) FY2007 Actual Revenues	(b) FY2008 Estimated Revenues
	\$	\$ 4,310,500.00 *
	0.00	4,310,500.00
	0.00	4,310,500.00
	0.00	0.00
Total revenues and available funds	\$ 0.00	\$ 4,310,500.00

To Recap pg 2, Part IIIB, line 3

* Written documentation should be submitted to support increases/decreases of estimated revenues to actual revenues.
 ** Retained earnings should be certified by the Director of Accounts prior to appropriation.

I hereby certify that the amount of retained earnings reported in Part I column(b) correctly reflects the votes of town meeting/city council.

Wayne Lee

 Clerk

12/20/07

 Date

I hereby certify that the actual revenues as shown in part 1 column (a) are to the best of my knowledge correct and complete.

Mark Stenillo

 Accounting Officer

12/20/07

 Date

We hereby attest that the revenues itemized above have not been used as a revenue source elsewhere on the Tax Rate or Pro Forma recap.

MA Lynn *RJ Allen*
 _____ _____
 Board of Assessors

[Signature]

 Date *12-20-07*

2. Total costs appropriated

a. Costs appropriated in the enterprise fund

Salaries and wages	\$	1,394,721.00	
Expenses		5,603,788.00	
Capital outlay			
Reserve Fund			
Other:---> _____			
Prior year costs appropriated from retained earnings or other enterprise available funds			
Total costs appropriated in enterprise fund			\$ 6,998,509.00

(Must equal total part 1b)

b. Costs appropriated in general fund (to be transferred to the enterprise fund)

Health insurance	\$		
Pensions			
Shared employees			
Shared facilities			
Other:---> _____			
Other:---> _____			
Total costs appropriated in general fund			\$ 0.00

Total Costs

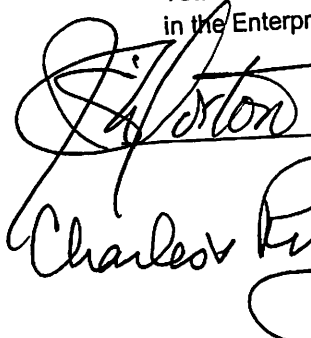

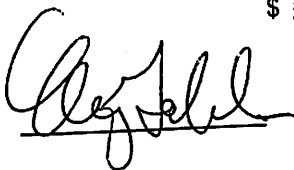
\$ 6,998,509.00

3. Calculation of general fund subsidy (see instructions)

Revenue & available funds	\$	4,310,500.00	(part 1, col. b)
less: Total costs		6,998,509.00	(part 2)
less: Prior year deficit			To Recap pg. 2
(Negative represents general fund subsidy)			Part IIB
	\$	-2,688,009.00	

4. Sources of funding for costs appropriated in the enterprise fund

a. Revenue and available funds	\$	6,998,509.00	
b. Taxation			
c. Free cash			
d. Non-Enterprise Available Funds			
Total Sources of Funding for Costs Appropriated in the Enterprise Fund (must equal total part 2a)			\$ 6,998,509.00

 Board of Commissioners

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

#12-20-15

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:

In accordance with the provisions of Massachusetts General Laws Chapter 40, section 5B. The Finance Control Board establishes a Stabilization Reserve Fund for the purposes of continuing the fiscal recovery and safeguarding the financial stability of the City of Springfield. This fund will be entitled Stabilization Reserve Fund - 2007 Free Cash Allotment

ORDERED:

From:

FY 2007 - Certified Free Cash

\$13,925,000.00

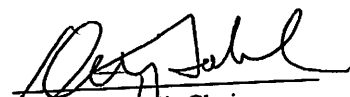
To:

Stabilization Reserve Fund - 2007 Free Cash Allotment

8218-00-000-0000-0000000-0000000-104000

\$13,925,000.00

Date of Vote: December 20, 2007:


Chris Gabrieli, Chairman
Springfield Finance Control Board


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#12-20-17

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 Sale of Surplus Property

Whereas vacant buildings impede the economic growth of the City and the re-use of such properties further the long-term financial health of the City; and

Whereas the City-owned property known as "East Side Elliot Street" (Street #04550, Parcel #0040), commonly referred to as the former Technical High School (the "Parcel"), as further described in Exhibit A attached hereto and incorporated herein by reference, has long stood vacant and its revitalization is otherwise not economically feasible; and

Whereas the City anticipates the Commonwealth of Massachusetts committing economic development funds to revitalize and redevelop this Parcel of land, which has been identified by the Governor as a priority project for the revitalization of Springfield;

Pursuant to its authority under sections 4(b) and 4(d)(13), and finding as required by Mass Gen. Law chapter 30B section 16(i) and (a) that the property is no longer needed for general municipal purposes and is available for disposition, the Control Board hereby directs the Executive Director to:


- (1) take all steps necessary to record a plan attached hereto entitled "PLAN OF LAND IN SPRINGFIELD, MASSACHUSETTS, HAMPDEN COUNTY, OWNED BY THE CITY OF SPRINGFIELD" prepared by Huntley Associates, P.C. dated March 14, 2006, showing the Parcel; and
- (2) take all steps necessary to transfer the said Parcel to the Commonwealth of Massachusetts, or its instrumentality the Massachusetts Industrial Financing Authority, in accordance with the provisions of Section 4(d)(13) of Chapter 169 of the Acts of 2004, and subject to the approval of the Secretary of Administration and Finance, including executing a Quitclaim Deed transferring the said Parcel to the Commonwealth of Massachusetts, for consideration of One Dollar and 00/100 (\$1.00), in substantially the same form as the draft deed attached hereto as Exhibit A, with the restrictions and easements of record, if any, described therein, and

Prior to undertaking such transfer, the Executive Director shall otherwise comply with the provisions of Chapter 30B section 16(i) of the General Laws, including determining the value of the property through procedures customarily accepted by the appraising profession as valid, and if applicable, publishing in the central register a disclosure as to the difference between such value and the price to be received for said transfer, and explaining the reasons for the transfer, being the redevelopment of vacant property and the economic growth of the city, all as otherwise required by law.

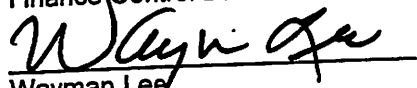
This transfer is conditioned upon the ability of the Commonwealth to obtain authorization and funding sufficient to redevelop the above referenced Parcel by June 30, 2008 unless otherwise agreed upon in writing by the City. In the event of a failure of this condition the City shall have the right to re-enter and take possession of the Parcel and to terminate (and re-vest in the City) the estate conveyed by the Deed to the Commonwealth, it being the intent of this, together with other provisions of this Executive Order, that the conveyance of the Parcel to the Commonwealth shall be

made upon, and that the Deed shall contain, a condition subsequent to the effect that in the event of such failure to obtain financing, the City at its option may declare a termination in favor of the City of the title, and of all the rights and interests in the Property and that such title, and all rights and interest of the Commonwealth, and any assigns or successors in interest, in the Parcel, shall revert to the City

Executive Order approved this 20th day of December, 2007.



Christopher Gabrieli, Chairman
Finance Control Board



Wayman Lee
Clerk of the Finance Control Board

"EXHIBIT A"

MASSACHUSETTS QUITCLAIM DEED BY CORPORATION (short form)

KNOW ALL BY THESE PRESENTS that CITY OF SPRINGFIELD, MASSACHUSETTS, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts and having its usual place of business at 36 Court Street, Springfield, Hampden County, Massachusetts, in consideration of One and 00/100 Dollars (\$1.00), grants to the COMMONWEALTH OF MASSACHUSETTS, acting by and through its _____ of _____ Boston, Suffolk County, Massachusetts 02108, with QUITCLAIM COVENANTS, the land in said Springfield described as follows, for public purposes:

Land known as East Side Elliot Street (site of the former Springfield Technical High School) and shown on a plan entitled "PLAN OF LAND IN SPRINGFIELD, MASSACHUSETTS, HAMPDEN COUNTY, OWNED BY THE CITY OF SPRINGFIELD PREPARED FOR: THE DIVISION OF CAPITAL ASSET MANAGEMENT & MAINTENANCE ON BEHALF OF THE MASSACHUSETTS INFORMATION TECHNOLOGY DIVISION" prepared by Huntley Associates, P.C. dated March 14, 2006 and recorded in Book of Plans _____, Page _____, at the Hampden County Registry of Deeds.

For Grantor's title, see Hampden County Registry of Deeds: Book 680, Page 439 (portion of), Book 682, Page 117, Book 682, Page 373, Book 684, Page 205, Book 889, Page 169 (portion of), Book 959, Page 159, and Book 975, Page 273.

The said parcel is identified by the Springfield Board of Assessors as street number 04550, parcel number 0040 and shown on block plan 405 on file at the Springfield Board of Assessors.

This deed shall be subject to all easements and restrictions of record, if any, lawfully existing in, upon or over said property or appurtenant thereof.

There has been full compliance with the provisions of Chapter 44, Section 63A of the Massachusetts General Laws.

A failure of the Commonwealth of Massachusetts to obtain authorization and funding sufficient to redevelop the above referenced Parcel by June 30, 2008, unless otherwise agreed upon in writing by the City, the City at its option may declare a termination in favor of the City of the title and of all the rights and interests in the Property and that such title, and all rights and interest of the Commonwealth, and any assigns or successors in interest, in the Parcel, shall revert to the City effective upon the filing of a declaration by the Mayor, to be recorded in the Hampden County Registry of Deeds.

IN WITNESS WHEREOF, the said CITY OF SPRINGFIELD has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged, and delivered in its name and behalf by Stephen Lisauskas, Executive Director of the Finance Control Board, executing this instrument this _____ day of _____ 2007, and APPROVED by Leslie A. Kirwan, Secretary for Administration and Finance of the Commonwealth of Massachusetts, this _____ day of _____, 2007, hereto duly authorized by Chapter 169 of the Acts of 2004, Section 4(d)(13) and by Springfield Finance Control Board Executive Order # _____ approved on _____, 2007, a copy which is attached hereto as Exhibit "A".

CITY OF SPRINGFIELD

Signed and sealed
in the presence of

By _____
Stephen Lisauskas, Executive Director
Finance Control Board
Date signed: _____

APPROVED

By _____
Leslie A. Kirwan
Secretary for Administration and Finance
Commonwealth of Massachusetts
Date signed: _____

THE COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

Springfield, Massachusetts

On this _____ day of _____ 2007, before me, the undersigned Notary Public, personally appeared the above-named Stephen Lisauskas, Executive Director of the Finance Control Board, who proved to me through satisfactory evidence of identification, which was personal knowledge, 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, and acknowledged to me that he executed the same as his free act and deed, and as the free act and deed of the City of Springfield, and as the free act and deed of the Springfield Finance Control Board.

Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Boston, Massachusetts

On this _____ day of _____, 2007, before me, the undersigned Notary Public, personally appeared the above-named Leslie A. Kirwan, Secretary for Administration and Finance, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, and acknowledged to me that she executed the same as her free act and deed and as the free act and deed of the Secretary for Administration and Finance.

Notary Public
My Commission Expires:



CHRIS GABRIELI
CHAIRMAN

The Commonwealth of Massachusetts

Springfield Finance Control Board

*36 Court Street, Room 312
Springfield, MA 01103*

MEETING AGENDA

October 16, 2007
Room 220, City Hall
12:30 PM

	<u>Item</u>	<u>Start Time</u>
I.	Public Comment	12:30
II.	Approval of Minutes	1:00
III.	Transfer of Property – 31 Elm Street	1:05
IV.	Transfer of Property – Taylor Street for Worthington Street Land Swap	1:20
V.	Appropriation for Federal Mandate – Levy/Dike Work	1:35
VI.	New Business	1:45
VII.	Adjournment to Executive Session	

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#10-16-04

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 Authorizing the Mayor To Engage in a Land Transfer with Springfield Foodservice Corporation, Without Competitive Bidding, and for the Executive Director to File a Report with the House and Senate Ways and Means Committees

WHEREAS, the Board finds that the City of Springfield ("City") is the owner of four parcels of land in Springfield, Massachusetts known as 1) South Side Taylor St. (11430-0137) containing about 6,695 square feet, 2) South Side Taylor Street (11430-0138) containing about 4,697 square feet, 3) South Side Taylor Street (11430-0139) containing about 5,141 square feet, and 4) South Side Taylor Street (11430-0140) containing about 4,908 square feet; and

WHEREAS, the Board finds that Springfield Foodservice Corporation ("SFC"), a wholly owned subsidiary of the Performance Food Group, is the owner of two parcels of land in Springfield, Massachusetts known as 1) North Side Worthington Street (12535-0081) containing about 11,150 square feet and 2) 734 Worthington Street (12535-0073) containing about 5,111 square feet; and

WHEREAS, the Board finds that it has the power, pursuant to Chapter 169 of the Acts of 2004, Section 4(d)(13) to sell, lease, or otherwise transfer real property and other assets of the City with the approval of the Secretary for Administration and Finance; and

WHEREAS, the Board finds that it has the power, pursuant to Chapter 169 of the Acts of 2004, Section 4(d)(14) to purchase, lease, or otherwise acquire property or other assets on behalf of the City with the approval of the Secretary for Administration and Finance; and

WHEREAS, the Board finds that its Chief Development Officer recommends that the City and SFC enter into an agreement for a direct transfer of land between the parties whereby the City will acquire title to the two parcels on Worthington Street referenced above owned by SFC for consideration of one dollar (\$1.00) and SFC will acquire title to the four parcels on Taylor Street referenced above owned by the City for consideration of one dollar (\$1.00) for the reason that such a direct land transfer will allow both parties to

assemble parcels that are contiguous and marketable as summarized in the report prepared by the Office of Planning and Economic Development attached hereto as Exhibit "A"; and

WHEREAS, the Board finds that the Chairman of the City's Board of Assessors has undertaken an analysis of the value of the properties to be transferred and has determined that the assessed value of the two properties to be transferred by SFC to the City is \$384,600.00 and the assessed value of the four properties to be transferred by the City to SFC is \$49,400.00 recognizing that site improvements estimated at \$16,000.00 may be necessary; and

WHEREAS, the Board finds that the decision to engage in a land transfer with SFC, without a competitive bidding process, is necessary and essential to the City as it enables the City to assemble and market a contiguous one acre site along Worthington Street for industrial and commercial development and provide needed employment opportunities for the neighborhood; and

WHEREAS, the Board certifies that its Chief Development Officer engaged in arms-length negotiations on the SFC properties with SFC and the terms of the proposed "land swap" represents the best possible arrangement for the City under the circumstances to acquire the two Worthington Street parcels which are needed for economic development; and

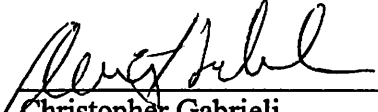
WHEREAS, the Board further certifies that the proposed "land swap" represents an arms length transaction based upon assessed value, gross acreage, and condition of the property and will provide the City with property that is significantly higher in value, while providing SFC with property that enhances the marketability of their adjacent refrigeration/distribution facility, whose resale and reuse will be an economic development benefit to the City as a whole.

NOW THEREFORE IN LIGHT OF THE ABOVE FINDINGS, the Board, acting pursuant to Section 9 (b) of Chapter 169 of the Acts of 2004, hereby authorizes that the following actions be taken:

- 1) That the Executive Director 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 "B" indicating the Board's intent to engage in a land transfer with SFC without competitive bidding; and
- 2) That the Board's authority to sell the four parcels on Taylor Street to SFC and to purchase the two parcels on Worthington Street from SFC as part of a land transfer be delegated to the Mayor subject to the approval of the Secretary for Administration and Finance; and

3) That 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 this 18th day of October, 2007.



Christopher Gabrieli
Chairman
Finance Control Board

Exhibit "A"

**OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT
CITY OF SPRINGFIELD, MASSACHUSETTS**

MEMORANDUM

To: Christopher Gabrieli, Chairman
Charles V. Ryan, Mayor
James O'S Morton
Robert Nunes
Kateri Walsh, City Council President

From: David B. Panagore, Chief Development Officer

Date: October 11, 2007

Re: Proposed Land Transfer between Springfield Foodservice Corporation
and the City of Springfield

Pursuant to Section 9(b) of Chapter 169 of the Acts of 2004, the Chief Development Officer (CDO) is recommending that the Finance Control Board authorize entering into an agreement with Performance Food Group (also known as the Springfield Foodservice Corporation, a wholly owned subsidiary of PFG) for a direct transfer of land between the parties, which will allow both parties to assemble parcels that are contiguous and marketable. The parcels are located in the northeast corner of Metro Center along Taylor and Worthington Streets.

The "land swap" will enable the City to market a contiguous one (1) acre site along Worthington Street for industrial and commercial development. After consultation and review the Chairman of the Board of Assessors, it is our recommendation that this represents an arms length transaction based upon assessed value, gross acreage and condition of the property and will provide the City with property that is significantly higher in value, while providing Springfield Foodservice Corporation (SFC) will receive property that enhances the marketability of their adjacent refrigeration/distribution facility, whose resale and reuse will be an economic development benefit to the city as a whole.

SFC is the owner of the two (2) parcels of land along Worthington Street that total 16,261 square feet and have an assessed value totaling \$384,600. Each parcel contains a garage facility (one of which may need to be demolished at an estimated price of \$16,000, which has been assumed in the transaction valuation)

The City of Springfield owns four (4) parcels along Taylor Street totaling 21,441 square feet and is assessed at \$49,400.

	SFC parcels	City parcels
# of Parcels	2	4
Area	16,261 SF	21,441 SF
Value *	\$384,600	\$49,400

* based upon assessed value

Background:

The land transfer between the City and SFC will assist both parties to

- assemble enough land for parking along Taylor Street which will increase the functionality and marketability of the former SFC facility.
- the two vacant parcels and small buildings along Worthington Street will increase the square footage, value and desirability for industrial and commercial development in the City.

These sites located in the northeast corner of Metro Center are in one of Springfield's poorest census tracts. Redevelopment will compliment the private multi-family housing rehabilitation project currently underway in the neighborhood and will create job opportunities for residents.

Springfield Foodservice Corporation

Over the last twenty years, SFC has operated in a 138,000 square foot building located on Taylor Street in the city's North Center Industrial area on a total site of 317,000 square feet. In addition they have leased four (4) parcels from the City along Taylor Street for employee parking. It is these four parcels that the City would transfer to SFC.

Due to an inability to expand on Taylor Street, SFC began a New England real estate search for a new location. In 2005, Springfield Foodservice Corporation, d/b/a PFG, Inc. announced plans to remain in Springfield and purchased the first 33 acres in the new Springfield Smith & Wesson Industrial Park and are constructing an initial 236,000 square foot distribution facility with expansion potential for an additional 180,000 square feet, retaining 300 jobs and creating 240 new jobs over the next 7 years. Nearly 80% of the \$30 million dollar project has gone to local construction companies.

City of Springfield

Over the last five years the City of Springfield has made an effort to assemble and market a business zone in the north end of Metro center.

This one (1) acre site along Worthington Street would be well suited for industrial development and provide needed employment opportunities for the neighborhood. Two (2) SFC parcels would be transferred to the City.

Parcel Information:

Below is a description of each of the parcels followed by a summary.

Springfield Foodservice Parcels

The following two (2) parcels on Worthington Street would be transferred to the City.

N/S Worthington Street (Street and Parcel # 12535-0081)

- Parcel Size – 11,150 square feet
- Assessment - \$255,700
- This parcel contains a garage facility totaling 5,099 square feet.

734 Worthington Street (Street and Parcel # 12535-0073)

- Parcel Size – 5,111 square feet
- Assessment - \$128,900
- The parcel also contains a structure of 4,790 square feet.

City of Springfield Parcels

The following four (4) parcels on Taylor Street would be transferred to Springfield Foodservice Corporation.

S/S Taylor Street (Street and Parcel # 11430-0137)

- Parcel Size – 6,695 square feet
- Assessment - \$13,700

S/S Taylor Street (Street and Parcel # 11430-0138)

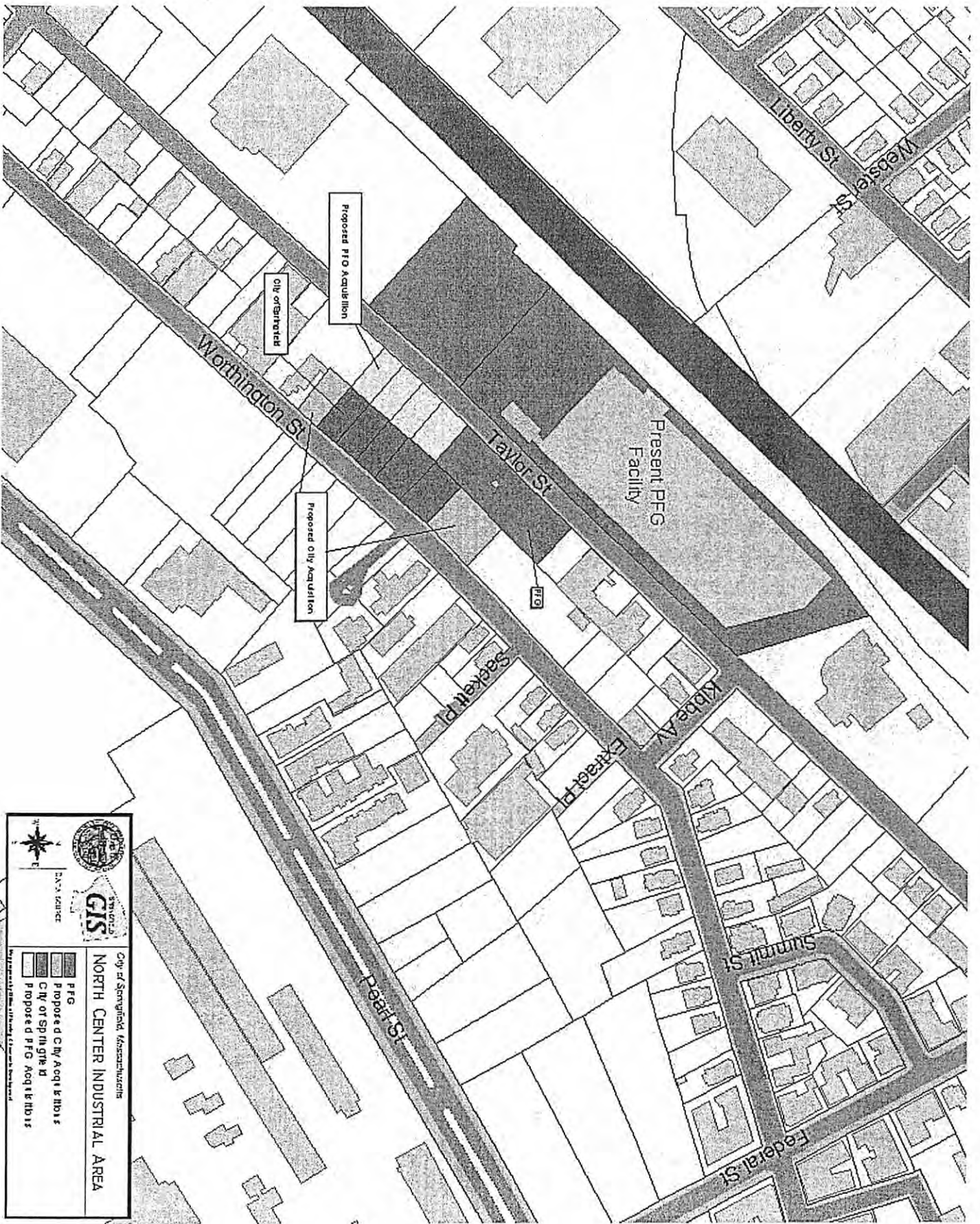
- Parcel Size – 4,697 square feet
- Assessment - \$11,700

S/S Taylor Street (Street and Parcel # 11430-0139)

- Parcel Size – 5,141 square feet
- Assessment - \$12,100

S/S Taylor Street (Street and Parcel # 11430-0140)

- Parcel Size – 4,908 square feet
- Assessment - \$11,900



City of Springfield, Massachusetts
CIS
 City Information System

NORTH CENTER INDUSTRIAL AREA

Legend:

- FG
- Proposed City Acq. Rights
- City of Springfield
- Proposed PFG Acquisition

Scale: 1 inch = 100 feet

North Arrow

Map Date: 10/15/03

Map Author: GIS



Performance Food Group
Springfield

September 21, 2007

Springfield Finance Control Board
Springfield Redevelopment Authority
Mr. David Panagore
Chief Development Officer

Dear Dave and members of the Board and Authority,

Performance Food Group is very excited about our imminent relocation and business expansion in the City of Springfield.

We are in the process of marketing our existing multi-temperature distribution center located at 340 Taylor Street and have a number of businesses express interest in the building. One of the issues that comes up with many of these interested businesses is the access to additional parking.

As the City knows, we are presently leasing the City owned unpaved parking lot contiguous to our paved associate parking lot to mitigate our existing parking needs. Performance Food Group owns two parcels on Worthington Street which today contain both vacant lots and two small buildings. I would like to propose to the City a swap in parcels with the City accepting PFG's Worthington lots, as is, and PFG receiving the City's Taylor street lot, as is. I believe this transaction is in the interest of the City as they will be gaining more square footage in this zone as well as increasing the functionality of our Taylor Street facility in the hopes of luring new business and jobs to the area.

Respectfully,

Sean F. Griffin
President
PFG Springfield

Exhibit "B"

CONTROL BOARD LETTERHEAD

_____, 2007

Sen. Steven C. Panagiotakos, Chairman
Senate Ways and Means Committee
State House, Room 212
Boston, MA 02133

Rep. Robert A. DeLeo, Chairman
House Ways and Means Committee
State House, Room 237
Boston, MA 02133

RE: Report on Proposed Land Transfer with Springfield Foodservice Corporation

Dear Chairman Panagiotakos and Chairman DeLeo:

The Springfield Finance Control Board ("Board"), acting pursuant to Chapter 169 of the Acts of 2004, Section 9(b), hereby reports to the House and Senate Committees on Ways and Means, that it intends to engage in a land transfer, without competitive bidding, with Springfield Foodservice Corporation ("SFC"), a wholly owned subsidiary of the Performance Food Group.

As required by Chapter 169, Section 9 (b) the Board must file this report not later than five (5) days before such award.

The City of Springfield ("City") is the owner of four parcels of land in Springfield known as South Side Taylor St. (11430-0137) containing about 6695 square feet, South Side Taylor St. (11430-0138) containing about 4697 square feet, South Side Taylor St. (11430-0139) containing about 5141 square feet, and South Side Taylor St. (11430-0140) containing about 4908 square feet.

Springfield Foodservice Corporation ("SFC") is the owner of two parcels of land in Springfield known as North Side Worthington St. (12535-0081) containing about 11,150 square feet and 734 Worthington St. (12535-0073) containing about 5111 square feet.

Under the proposed land transfer, the City will acquire title to the two parcels on Worthington Street owned by SFC for consideration of one dollar (\$1.00) and SFC will acquire title to the four parcels on Taylor Street owned by the City for consideration of one dollar (\$1.00). This direct transfer will allow both parties to assemble parcels that are contiguous and marketable as more fully explained in the report prepared by the Office of Planning and Economic Development attached hereto.

The City will be acquiring parcels significantly higher in value than the parcels it is transferring. The Chairman of the Board of Assessors has undertaken an analysis of the value of the parcels to be transferred and has determined that the assessed value of the two parcels to be transferred by SFC to the City is \$384,600.00 and the assessed value of the four parcels properties to be transferred by the City to SFC is \$49,400,00.

The Board finds that the decision to engage in a land transfer with SFC, without using the competitive bidding process under Mass. Gen. Laws ch. 30B, is necessary and essential to the City because it enables the City to assemble and market a contiguous one acre site along Worthington Street for industrial and commercial development and provide needed employment opportunities for the neighborhood.

The Board certifies that its Chief Development Officer engaged in arms-length negotiations with SFC and the terms of the proposed "land swap" represents the best possible arrangement for the City under the circumstances to acquire the two Worthington Street parcels which are needed for economic development. These parcels are located in the northeast corner of Metro Center which is one of Springfield's poorest census tracts. Redevelopment will compliment the private mult-family housing rehabilitation project current underway in the neighborhood and will create job opportunities for residents.

The Board further certifies that the proposed "land swap" represents an arms length transaction based upon assessed value, gross acreage, and condition of the property and will provide the City with property that is significantly higher in value, while providing SFC with property that enhances the marketability of their adjacent refrigeration/distribution facility, whose resale and reuse will be an economic development benefit to the City as a whole.

Thank you for your consideration. If you have any questions regarding this report, please contact me at the following phone number _____.

Sincerely,

Steve Lisauskas
Executive Director
Finance Control Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

APPROPRIATIONS ORDER

10-16-05

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: October 16, 2007

ORDERED:

From:

Fund Balance Reserved for Capital

0100-00-000-0000-0000-000000-0000000-328600

\$1,056,780

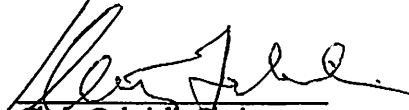
To:

Levy/Dike Repair

3412-40-400-0000-0000-0090-000000-0000000-580800

\$1,056,780

Voted:



Chris Gabriell, Chairman
Springfield Finance Control Board


City Clerk

**Finance Control Board
Springfield, Massachusetts
March 30, 2007**

The twentieth-eighth meeting of the Finance Control Board (ST.2004, C.169) was held on Friday, March 30, 2007 at 10:00 A.M. in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Alan LeBovidge and Members Michael J. Jacobson and Thomas F. Gloster III.

I. Prior to the business meeting the Board held thirty (30) minutes of public speak-out with the following speakers and topics:

- A. Ms. Lois Smith spoke about public schools and the need for an exercise program and her concerns regarding the School Superintendent.
- B. Mr. Edward Geier spoke about the lack of a police supervisor contract with the City and the Board.
- C. Mr. Timothy T. Collins spoke about City insurance, teacher's contract and the need for the City to have the ability to generate revenue on its own.
- D. Mr. Alex Nickett spoke about the need for City Libraries to be open later.
- E. Mr. Frank H. Buntin spoke about ward representation issues and lack of racial equality.

II. The Board voted to approve the minutes of the February 12, 2007 meeting. On motion by Member Gloster and seconded by Member Jacobson minutes were approved by a unanimous voice vote. Board Chairperson LeBovidge announced that the Board would be going Executive Session at the end of the meeting and would not be returning to open session.

III. Executive Director Philip Puccia and Police Commissioner Edward A. Flynn made a verbal and written report to the Board relative to crime statistics in the City. Commissioner Flynn reported some positive trends regarding crime in Springfield, but assured the Board that he is far from satisfied. Commissioner Flynn provided statistics showing that violent crime (murder, rape, robbery and aggravated assault) dropped by 16 percent in 2006, compared to the prior year. The 2006 rate for violent crime was at its lowest point in seven (7) years, compared to 2005, murders declined by 17 percent, robbery declined by 12 percent, gun robbery down 26 percent, gun assaults down 16 percent and aggravated assaults dropped by 19 percent for 2006. However, rape increased by 4 percent, burglary and motor vehicle theft both increased 2 percent comparing to 2005. But crime in all categories declined by 3 percent in 2006, compared to 2005. Commissioner Flynn stated that the City continues to have too much crime, regardless of statistics showing declines including a significant drop in violent crime. Commissioner Flynn said that the department will continue its assessments and adjust its strategies, as needed, to combat crime. Commissioner Flynn further stated that while the department is proceeding in the right direction, it has not achieved a huge victory over crime

Commissioner Flynn said that violent crime continues to show a decline in 2007, except for murder. There have been seven (7) homicides thus far, compared to one (1) homicide last year at this time but, at least six (6) of the seven (7) homicides were either domestic related or the victim and attacker were known to each other. Commissioner Flynn also stated that one of the

challenges facing the City is getting people to believe in the good news, it will take work and resources and he thanks the Board for providing new cruisers and technology for the department.

Member Jacobson asked "how violent crimes in Springfield compare to Boston, Worcester and Hartford violent crimes?" Commissioner Flynn said that murder is in the middle, assaults are higher but more other crimes are lower. Mayor Ryan asked "is the trend going up or down?" Commissioner Flynn stated that the trend is down, but any spike could reverse the trend. Chairman LeBovidge asked "are citizens more or less cooperative with the investigation of violent crimes the City?" Commissioner Flynn stated that in all categories except murder most citizens do cooperate. City Council President Walsh asked "have we changed the way we report crime to the FBI?" Commissioner Flynn stated that the City has adjusted the way City reports assaults but has not made any significant changes in the way crime is reported to the FBI. Mayor took a moment to thank Christine Cole for her service with the Police department for the last year and wished her well on her new position with Kennedy School of Government. The Board took no action but received the report.

IV. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a verbal and written presentation to the Board relative to the City's insurance programs. Mr. Lisauskas stated that the change from Blue Cross Blue Shield to the State Health Insurance Plans has saved the City approximately \$10-12 million dollars. The change also has resulted in a saving to the employees of \$107 per month for a single plan and \$270 per month for a family plan and about \$18 million dollars in Medicare B savings. Mr. Lisauskas also stated that without the changes made by the Board the City would be paying additional \$90-\$100 million in health insurance costs. Member Jacobson asked "What would have been the impact without the changes? Mr. Lisauskas stated that there would have been more than 400 layoffs without the changes. The Board took no action but received the report.

V. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #03-30-01 (Authorizing the City to Lay out and Construct/Reconstruct Sidewalks) for various locations in the City including Bradley Road; Plumtree Road; Parker Street; Grayson Drive; Berkshire Avenue; Oak Street, Indian Orchard; Harvey Street; and Roosevelt Avenue all in accordance with city ordinances and state rules and regulations. The sidewalks were needed because many children now walk to school as required by the school department. The Board stated that there would be a public hearing on the Plumtree Road sidewalk construction plan because some neighbors did not want their trees and front lawns to be disturbed. Mr. Jacobson asked "How do other cities handle construction of sidewalks?" Mr. Lisauskas stated that various cities and towns handle the matter differently and that the construction of sidewalks is a 50/50 plan, where the city pays 50% and homeowner pays 50%. Mr. Jacobson said the homeowners were getting a bargain. The Board on a motion by Gloster and seconded by Jacobson passed Executive Order #03-30-01, by a unanimous voice vote.

VII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas asked Mayor Ryan to make a presentation to the Board relative to Executive Order #03-30-02 (Approving Certain Agreements with the Springfield Library and Museums Association) including the following: Memorandum of Understanding, City Contract No. 0474; Museum Services Agreement, City Contract No. 0743; Central Library Lease, City Contract No. 0471; Branch Libraries Lease, City Contract No. 0472 and draft Special Act exempting the City and

the Springfield Library and Museums Association from certain provisions of the General Laws. Mayor Ryan further stated that the agreements would settle the issues around the endowments, provide for the sale of the library branches to City for a \$1 dollar; payment of 50% of the sale of all "rare books"; free admission to museums for citizens of Springfield; and a \$1.3 million dollars payment from the Springfield Library and Museums Association to the City for the construction of a Mason Square Library. The Mayor stated that the City Council would have to approve the draft special act before it could be sent to General Court. The Board on a motion by Mayor Ryan and seconded by City Council President Walsh passed Executive Order #03-30-02, by a unanimous voice vote.

VIII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to a settlement with Department of the Treasury, Internal Revenue Service regarding the treatment of retirees' health insurance premium payments as pre-tax payments. The IRS closed their file on the matter with the payment of \$250,000 by the City and would not require City retirees to file amended Federal tax returns for the years 2004 and 2005. The Board thanks Congressman Richard E. Neal and Mayor Charles V. Ryan for their assistance in resolving the matter. The settlement agreement was sign by Mayor Charles V. Ryan, Executive Director Philip Puccia and Jayne E. Maxwell for Sumita Lough, Director, Federal, State, and Local Governments for the IRS. The Board took no action but received the settlement agreement dated March 15, 2007.

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IX. Executive Director Philip Puccia made a presentation to the Board relative to a pay increase for the Board's Executive Assistant Ann Marie Mahnken to set her rate of pay inline with other state union-eligible DOR employees. Mr. Puccia asked for an increase of \$6,245 bringing Ms. Mahnken's annual compensation to \$47,350.00, in recognition of her significantly increased job responsibilities and outstanding performance. The Board on a motion by Jacobson and seconded by Gloster granted the increase by a unanimous voice vote.

X. Member Jacobson talked about the lack of a settlement in the Police supervisor's contract negotiations and asked if the Board would consider going to the Joint Labor Management Commission if the new negotiations did not prove fruitful. Mr. Puccia stated that the City only has a certain amount of money but he would be willing to go before the Commission if the new negotiations proved not to be fruitful.

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Respectfully submitted,

DRAFT

Wayman Lee
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
March 30, 2007**

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New Business:

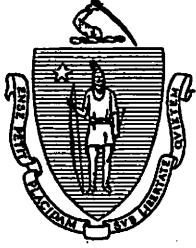
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Respectfully submitted,

Wayman Lee
Clerk of the Board



ALAN LEBOVIDGE
CHAIRMAN

The Commonwealth of Massachusetts

Springfield Finance Control Board

*436 Dwight St.
Springfield, MA 01103*

MEETING AGENDA

March 30, 2007
Room 220, City Hall
10:30 AM

- I. Public Comment
- II. Approval of Minutes
- III. Presentation Regarding Crime Statistics
- IV. Presentation Regarding Health Insurance Rates -- Impact of GIC
- V. Consideration of Two Executive Orders Concerning Donations to the Parks Department
- VI. Consideration of an Executive Order Authorizing the City to Lay Out and Construct / Reconstruct Sidewalks
- VII. Consideration of An Executive Order Approving Certain Agreements with the Springfield Library and Museums Association
- VIII. Discussion of Internal Revenue Service Settlement
- IX. New Business
- X. Adjournment to Executive Session

Crime Down in Springfield

Springfield Police Department

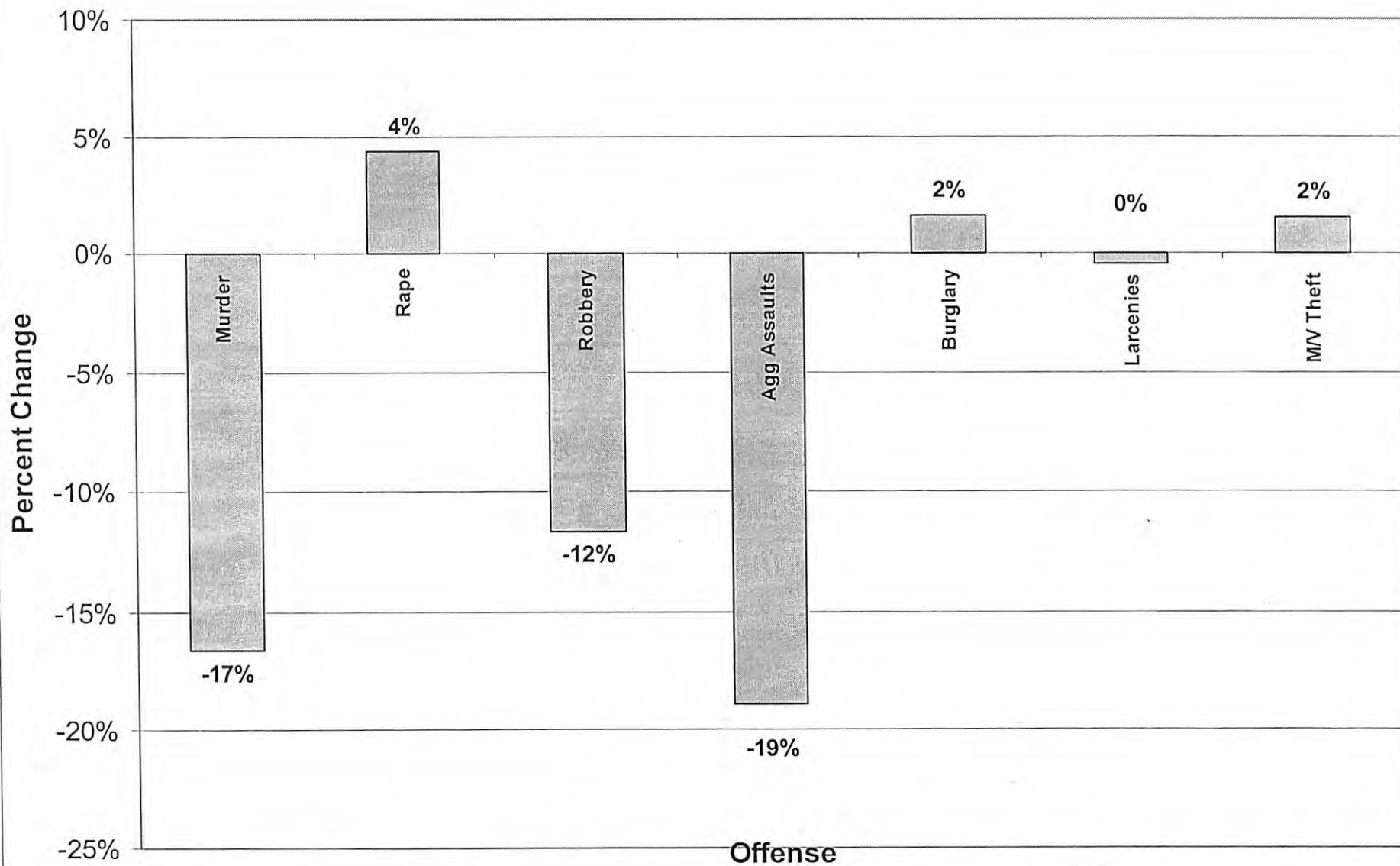


Springfield Police Department Crime Report Data 2005/2006 Comparison

Crime	2005	2006	% CHANGE	
Murder	18	15	-17%	Down
Rape	110	115	4%	Up
Robbery	772	682	-12%	Down
Agg Assaults	1792	1453	-19%	Down
Burglary	2144	2179	2%	Up
Larcenies	6018	5994	0%	Even
M/V Theft	1592	1617	2%	Up
Total	12446	12055	-3%	Down



Percent Change of Crime from 2005/2006



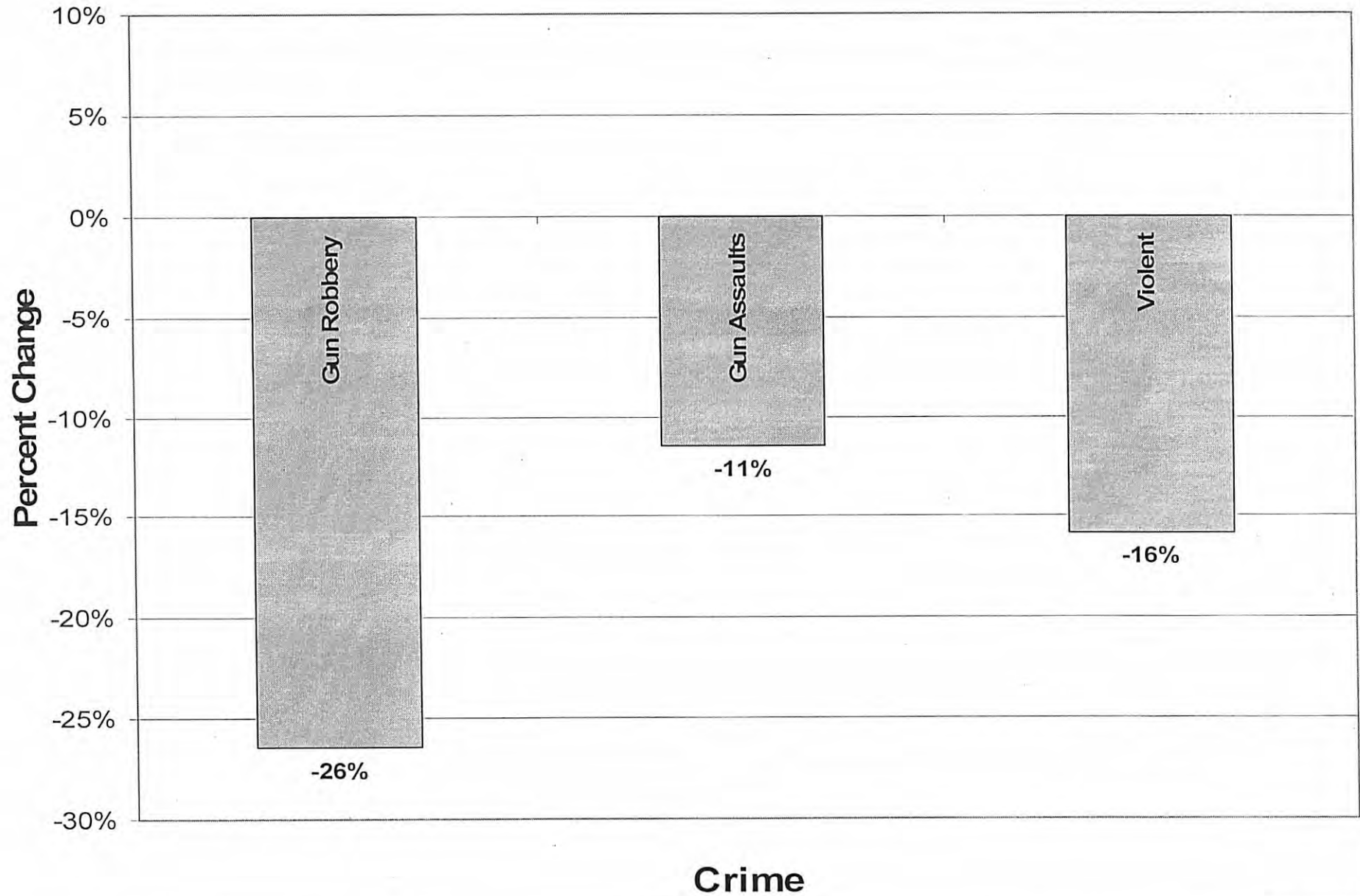
Springfield Police Department Violent Crime

** Violent Crime composed of Murder, Rape, Robbery
and Aggravated Assaults*

Crime	2005	2006	% CHANGE	
Gun Robbery	265	195	-26%	Down
Gun Assaults	323	286	-11%	Down
Violent	2692	2265	-16%	Down

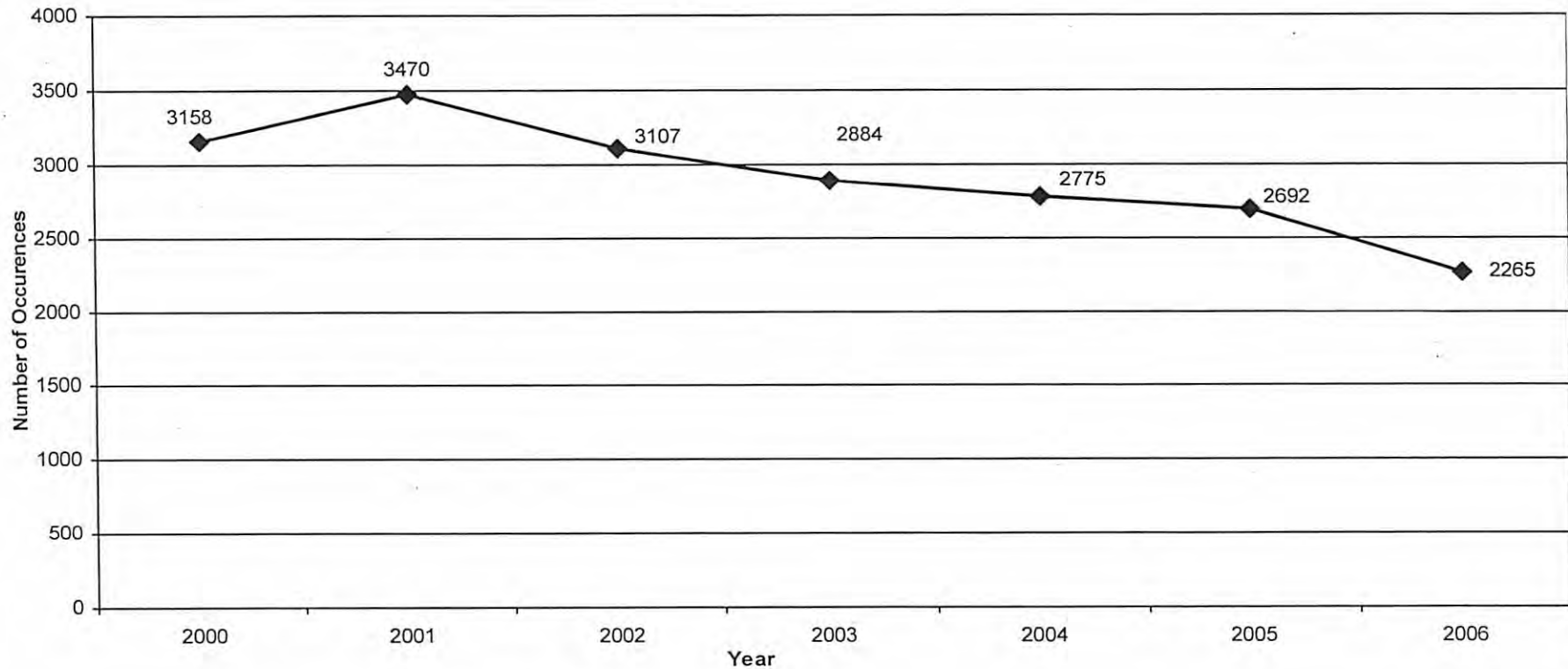


Comparision of Violent Crime 2005/2006

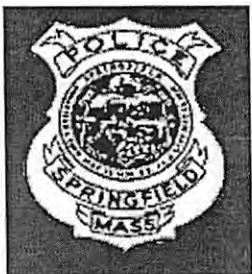


Violent Crime Seven Year Trendline (Murder, Rape, Robbery, and Aggravated Assault)

Data as Reported to the FBI from MA Crime Reporting Unit



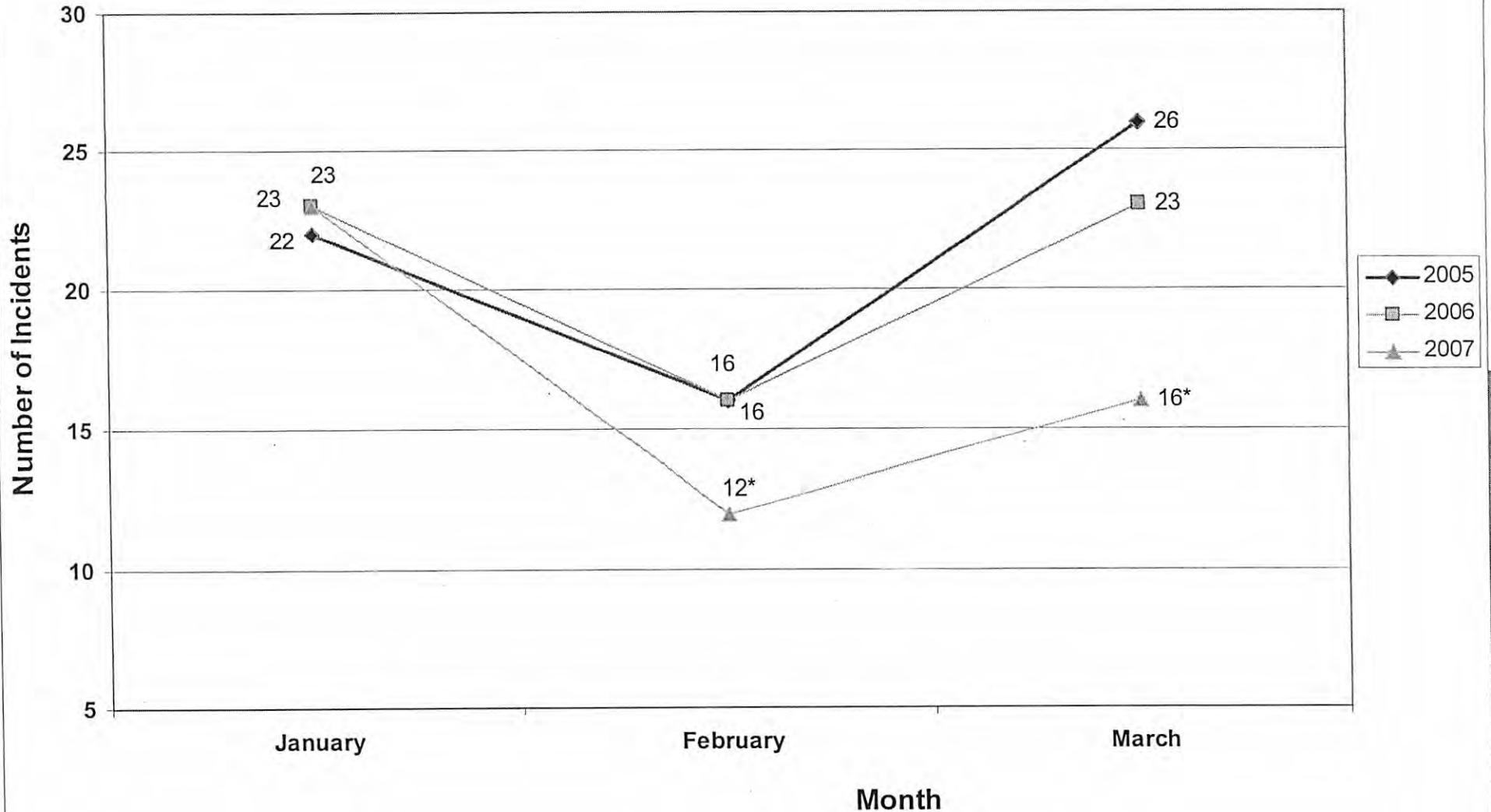
	% Change
2000-2001	10%
2001-2002	-11%
2002-2003	-7%
2003-2004	-4%
2004-2005	-3%
2005-2006	-16%



Month by Month Gun Robbery Three Year Comparison

UCR Data from MSP Crime Reporting Unit

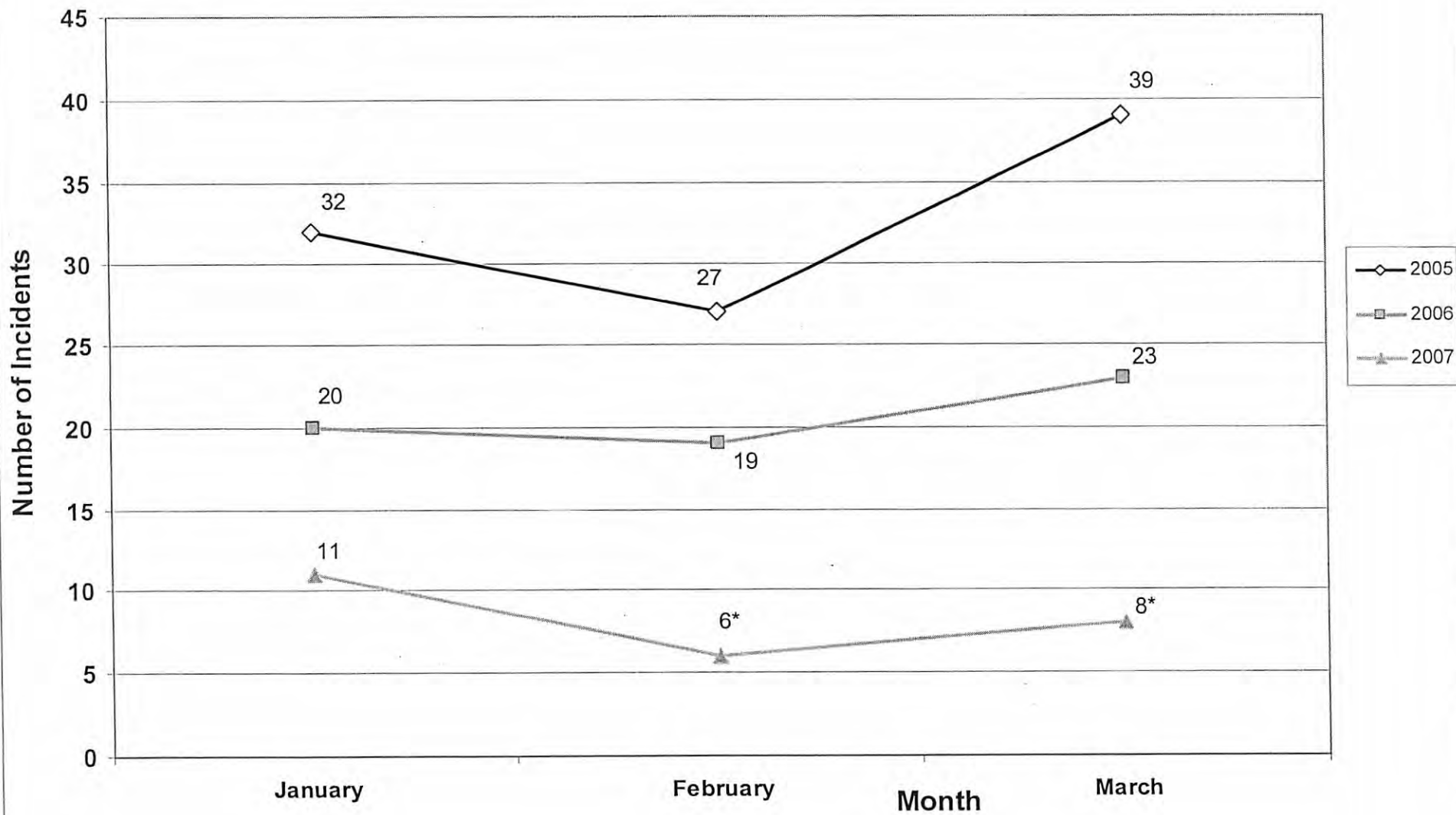
(*February and March Data from SPD IMC Database; March data through the 27th)



Month by Month Gun Assaults Three Year Comparison

UCR Data From MSP Crime Reporting Unit

(*February and March 2007 Data from SPD IMC Database; March data through the 27th)

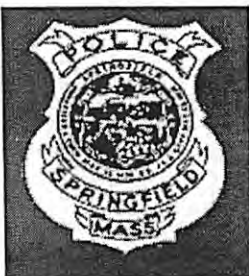


SPRINGFIELD POLICE DEPARTMENT IMC TOTALS FOR DATE ENDING 3/25/2007

(Data derived from SPD IMC database)

CITY WIDE TOTALS

	7 Day			28 Day			Year To Date		
	2006	2007	%	2006	2007	%	2006	2007	%
Murder	0	0	0%	1	3	200%	1	7	600%
Rape	4	3	-25%	11	10	-9%	24	21	-13%
Robbery	14	12	-14%	80	57	-29%	170	138	-19%
Burglary	31	43	39%	173	213	23%	408	466	14%
M/V Theft	48	29	-40%	171	143	-16%	393	313	-20%
Larcenies	72	54	-25%	399	370	-7%	962	887	-8%
FLNY Aslts	24	16	-33%	159	131	-18%	320	273	-15%
TOTAL	193	157	-19%	994	927	-7%	2332	2105	-10%

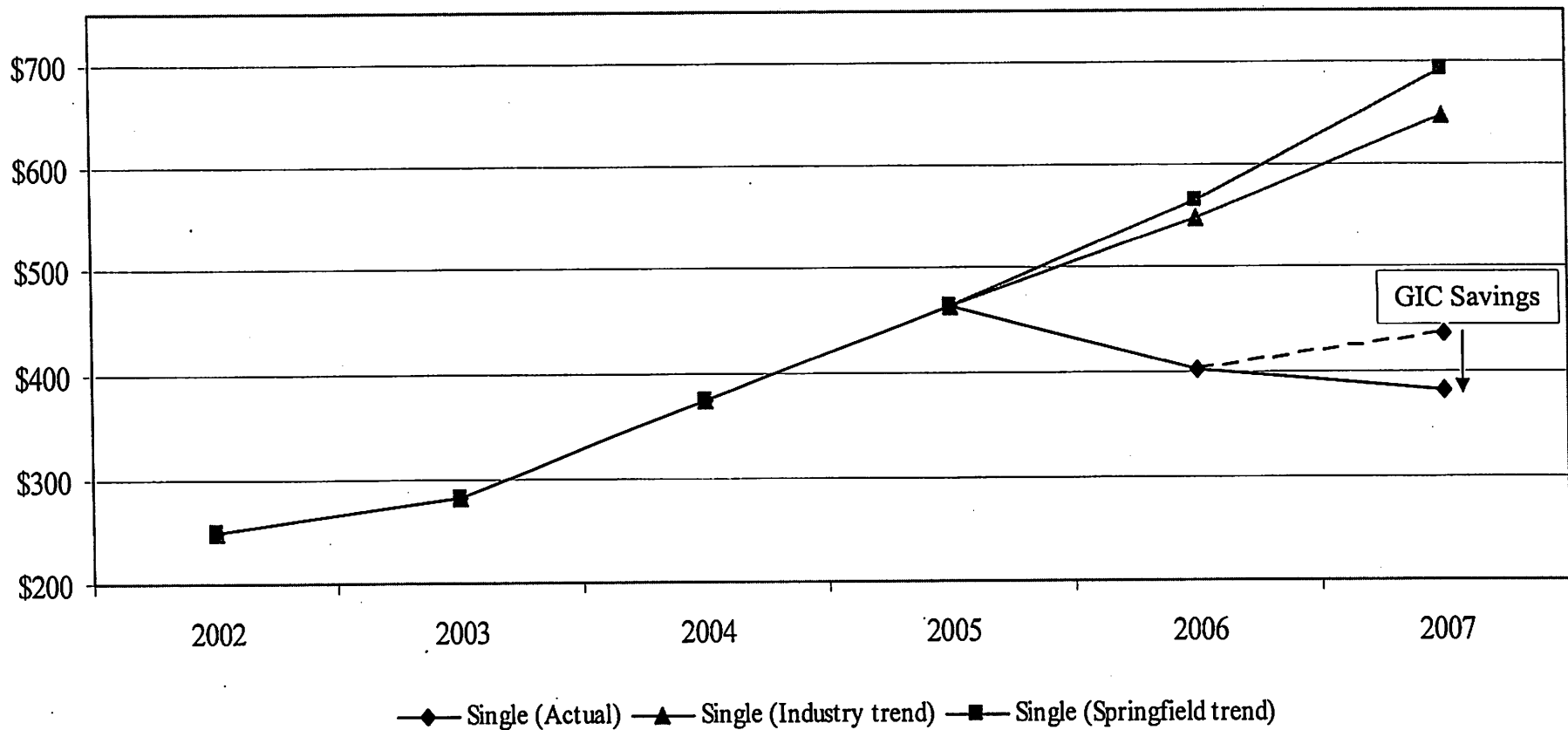


Impact of Health Insurance Changes on Employee Health Costs and the City Budget



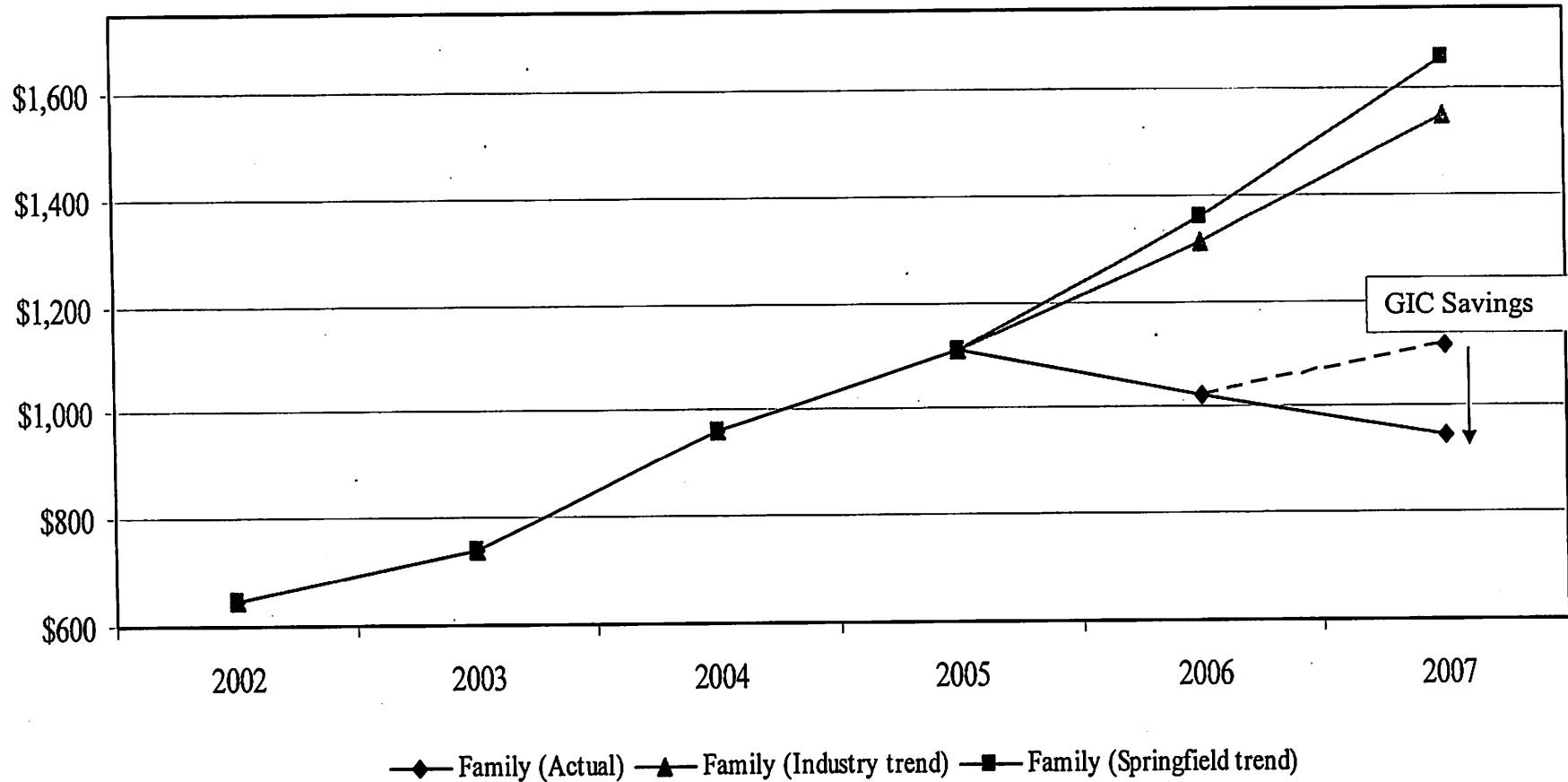
Springfield Employee Health Insurance Premiums

HMO Single Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Springfield and Average Massachusetts Municipal Increase



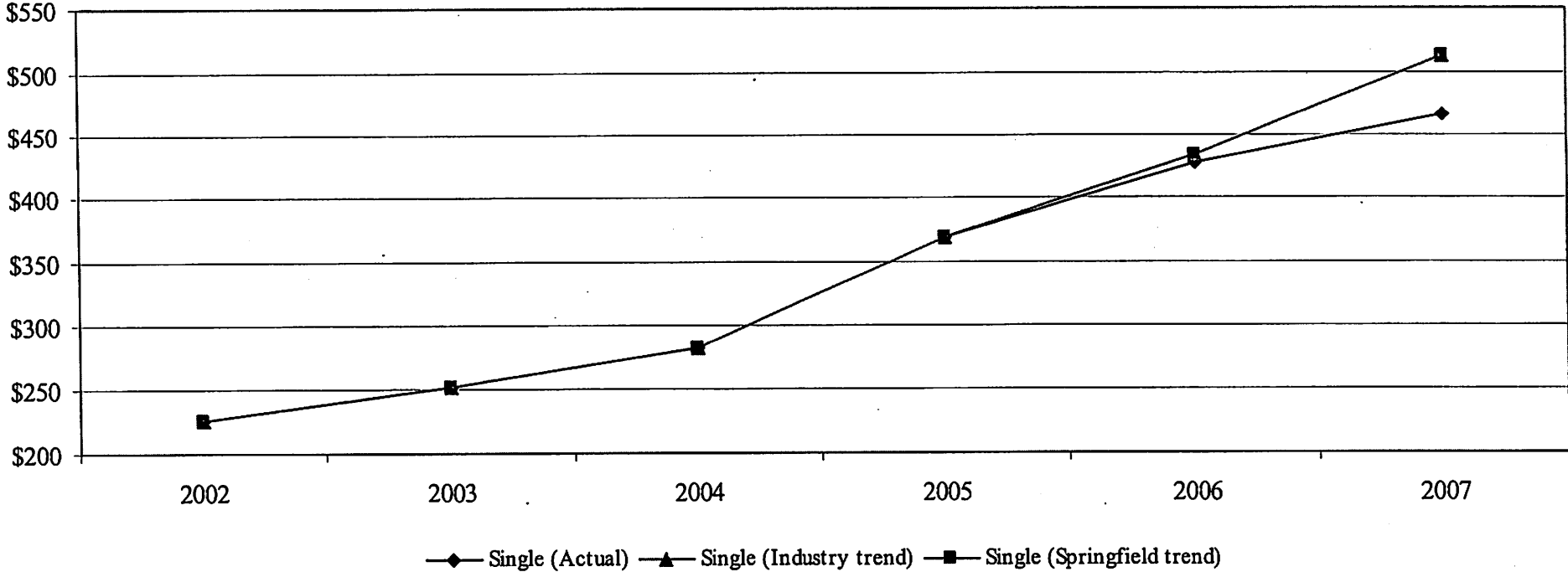
Springfield Employee Health Insurance Premiums

HMO Family Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Springfield and Average Massachusetts Municipal Increase



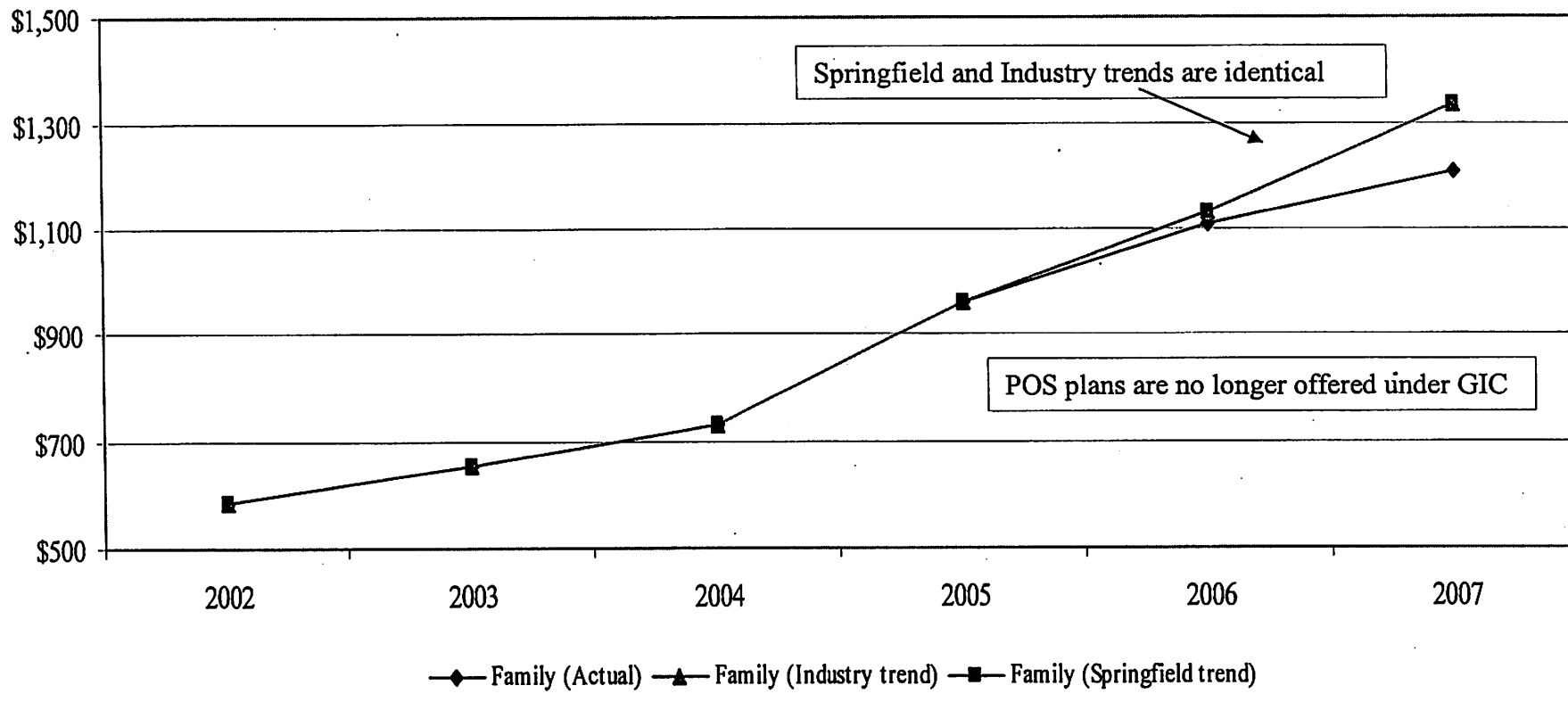
Springfield Employee Health Insurance Premiums

POS Single Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Springfield and Average Massachusetts Municipal Increase



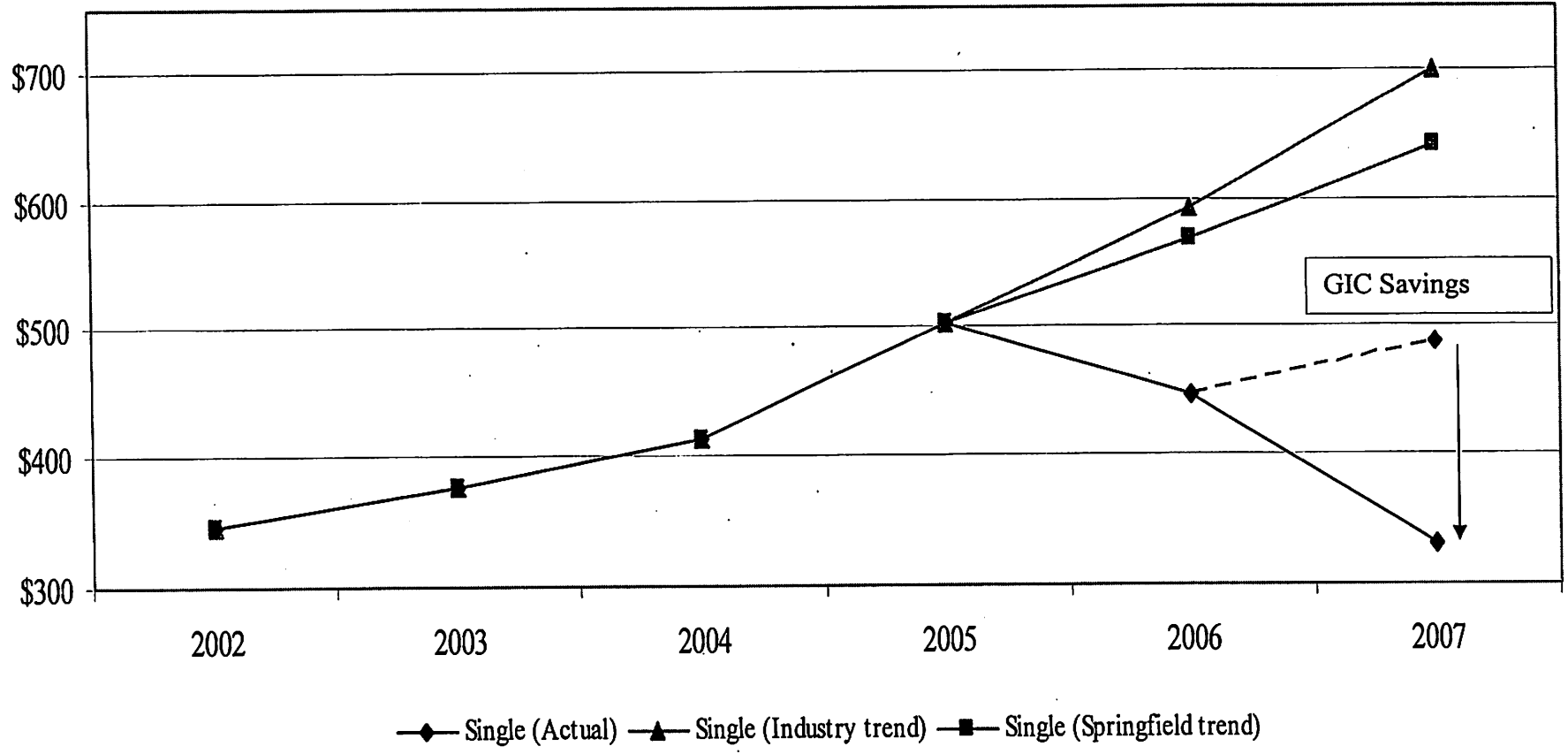
Springfield Employee Health Insurance Premiums

POS Family Plans - Comparison of Actual Rates (with FCB Changes)
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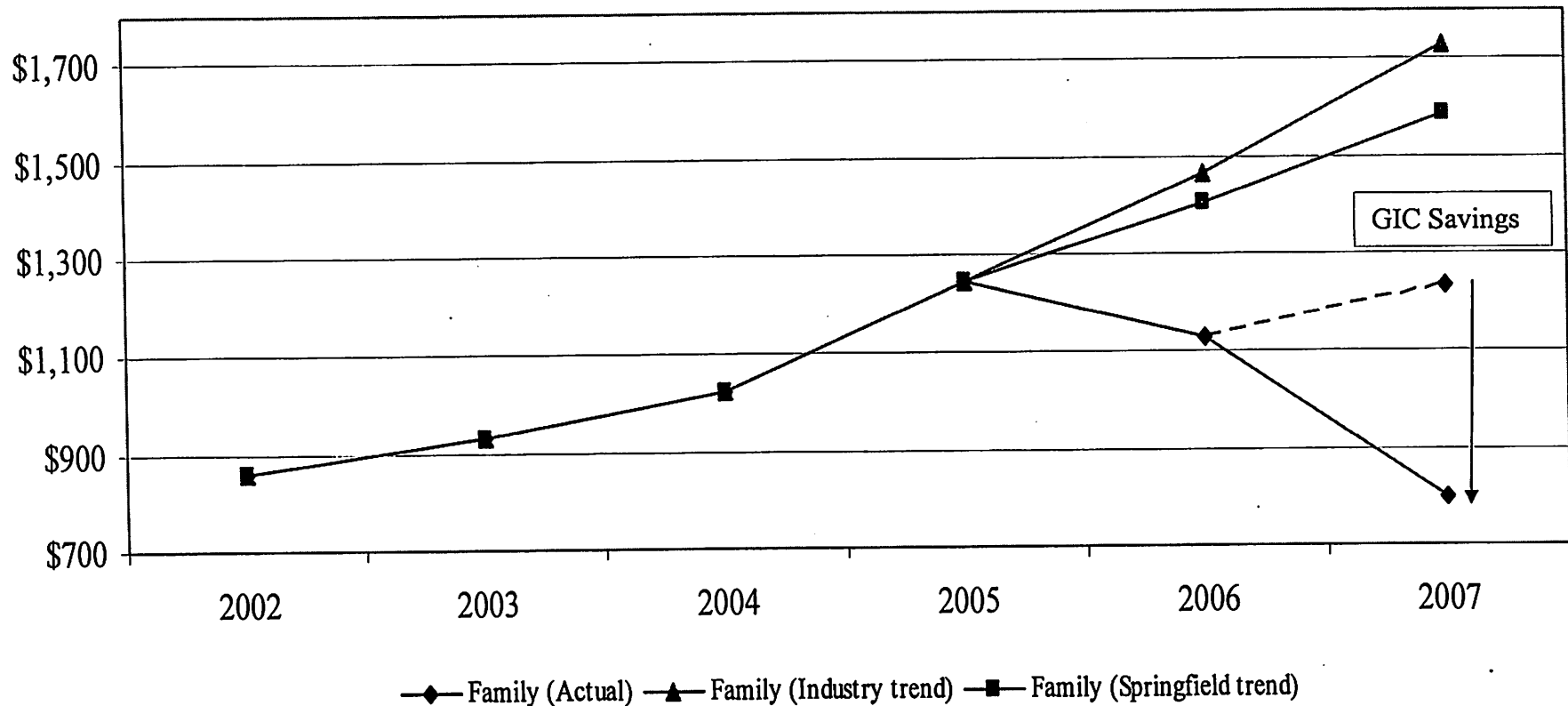
Springfield Employee Health Insurance Premiums

PPO Single Plans - Comparison of *Best Case* Actual Rates (with FCB Changes)
and Rates Using Springfield and Average Massachusetts Municipal Increase



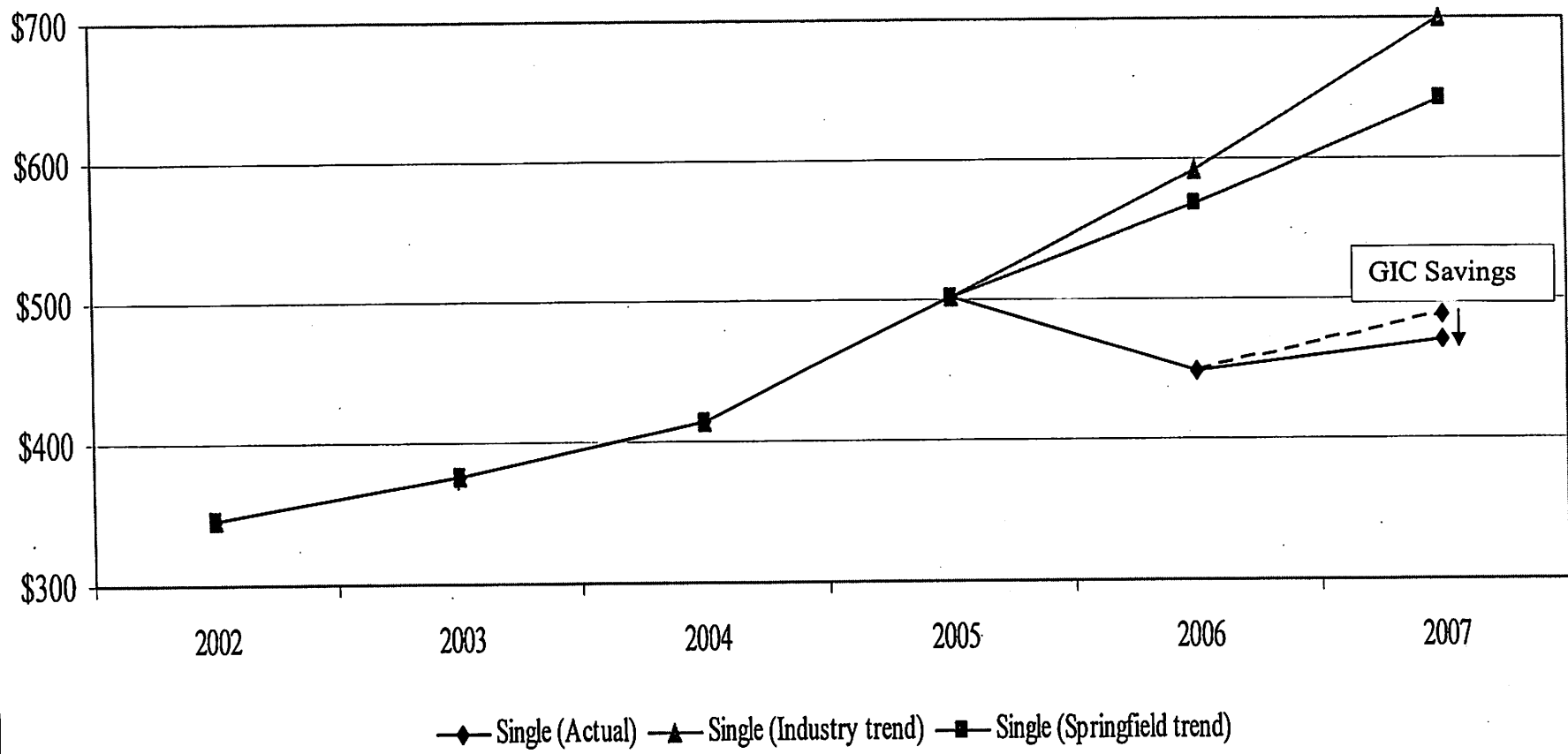
Springfield Employee Health Insurance Premiums

PPO Family Plans - Comparison of *Best Case* Actual Rates (with FCB Changes)
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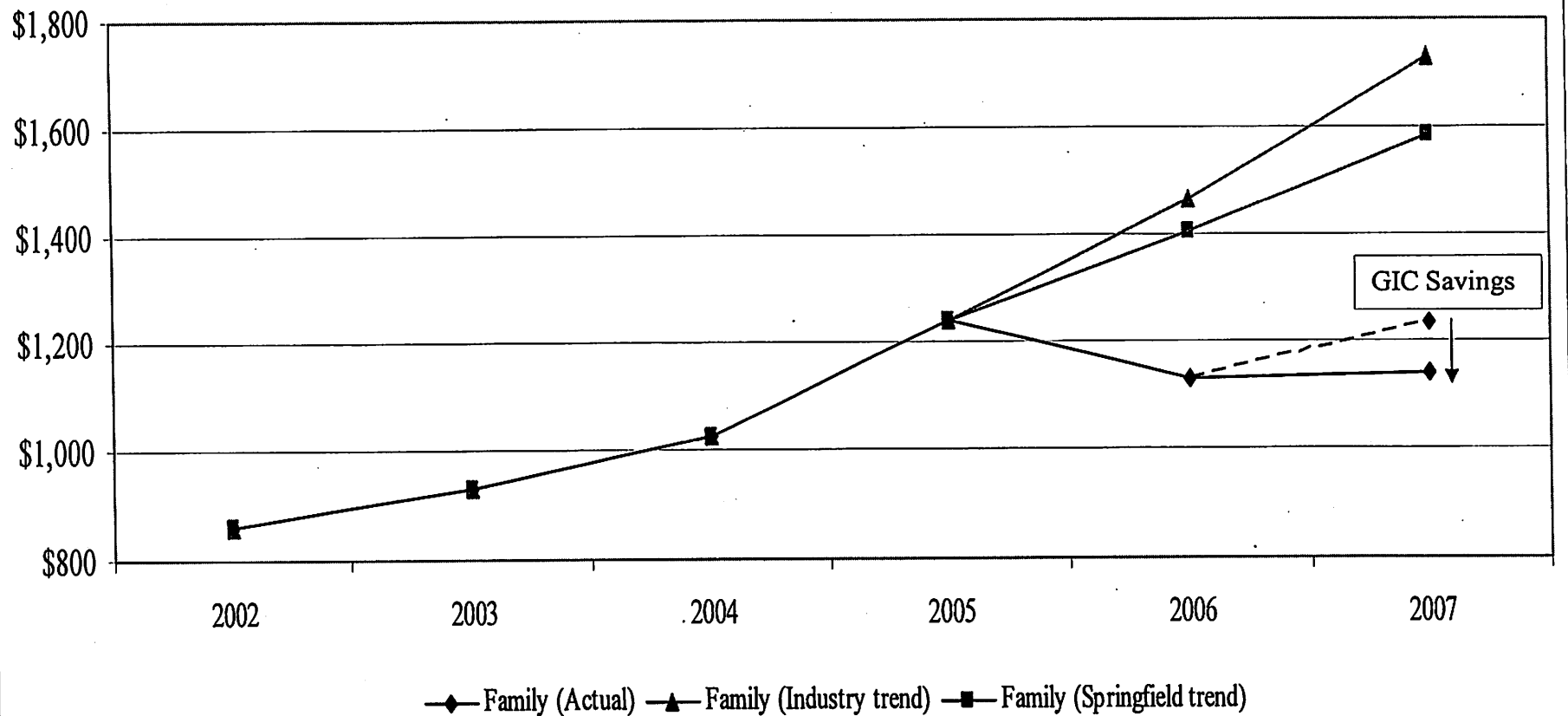
Springfield Employee Health Insurance Premiums

PPO Single Plans - Comparison of *Worst Case* Actual Rates (with FCB Changes)
and Rates Using Springfield and Average Massachusetts Municipal Increase



Springfield Employee Health Insurance Premiums

PPO Family Plans - Comparison of *Worst Case* Actual Rates (with FCB Changes)
and Rates Using Springfield and Average Massachusetts Municipal Increase



Comparison of Health Insurance Costs Before and After Changes

History of Health Insurance Cost Increases			
	HMO	POS	PPO
2002-2003	14%	12%	8%
2003-2004	31%	12%	10%
2004-2005	20%	31%	22%
2005-2006	-7%	15%	-10%
2006-2007			
July - December	9%	9%	9%
January - June	-13%	N/A	-4% to -32%

FCB changes

Average Annual Changes in Health Insurance Rates			
	HMO	POS	PPO
Before FCB Changes	22%	18%	13%

There is a favorable trend in rates since the Control Board and City have begun making improvements.

Financial Impact of Improvements on Employees

2007 Rate Information

	Annual Savings Due to... (employee's 25% share)		
	Prior Changes	GIC	Total
HMO Single	\$ 764	\$ 169	\$ 933
HMO Family	\$ 1,625	\$ 509	\$ 2,134
PPO Single (best case)	\$ 459	\$ 470	\$ 929
PPO Family (best case)	\$ 1,060	\$ 1,307	\$ 2,367
PPO Single (worst case)	\$ 459	\$ 53	\$ 513
PPO Family (worst case)	\$ 1,060	\$ 282	\$ 1,342

Comparison of Health Insurance Costs Before and After Control Board Modifications

History of Health Insurance Cost Increases			
	HMO	POS	PPO
2002-2003	14%	12%	8%
2003-2004	31%	12%	10%
2004-2005	20%	31%	22%
2005-2006	-7%	15%	-10%
2006-2007			
July - December	9%	9%	9%
January - June	-13%	N/A	-4% to -32%

FCB changes

Average Annual Changes in Health Insurance Rates			
	HMO	POS	PPO
Before FCB Changes	22%	18%	13%

There is a favorable trend in rates since the Control Board and City have begun making improvements

Impact of Improvements on Employees
Monthly Health Insurance Costs - 2007 Rates

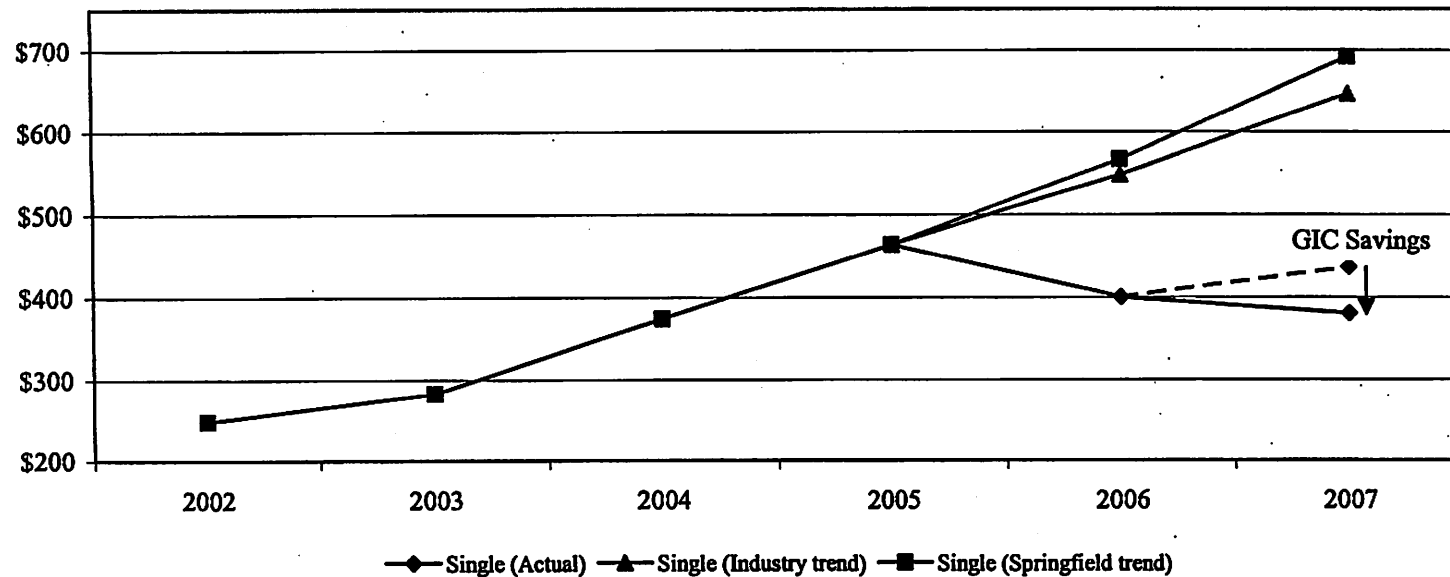
	Health Insurance Rates		
	Springfield Trend Assumes No Improvements	Assuming only Prior Changes	GIC
HMO Single	\$ 691.73	\$ 437.08	\$ 380.77
HMO Family	\$ 1,655.43	\$ 1,113.74	\$ 944.14
PPO Single (best case)	\$ 641.39	\$ 488.33	\$ 331.56
PPO Family (best case)	\$ 1,586.24	\$ 1,232.94	\$ 797.29
PPO Single (worst case)	\$ 641.39	\$ 488.33	\$ 470.53
PPO Family (worst case)	\$ 1,586.24	\$ 1,232.94	\$ 1,138.98

	Monthly Savings Due to (employee's 25% share)		
	Prior Changes	GIC	Total
HMO Single	\$ 63.66	\$ 14.08	\$ 77.74
HMO Family	\$ 135.42	\$ 42.40	\$ 177.82
PPO Single (best case)	\$ 38.26	\$ 39.19	\$ 77.46
PPO Family (best case)	\$ 88.33	\$ 108.91	\$ 197.24
PPO Single (worst case)	\$ 38.26	\$ 4.45	\$ 42.71
PPO Family (worst case)	\$ 88.33	\$ 23.49	\$ 111.82

	Annual Savings Due to (employee's 25% share)		
	Prior Changes	GIC	Total
HMO Single	\$ 764	\$ 169	\$ 933
HMO Family	\$ 1,625	\$ 509	\$ 2,134
PPO Single (best case)	\$ 459	\$ 470	\$ 929
PPO Family (best case)	\$ 1,060	\$ 1,307	\$ 2,367
PPO Single (worst case)	\$ 459	\$ 53	\$ 513
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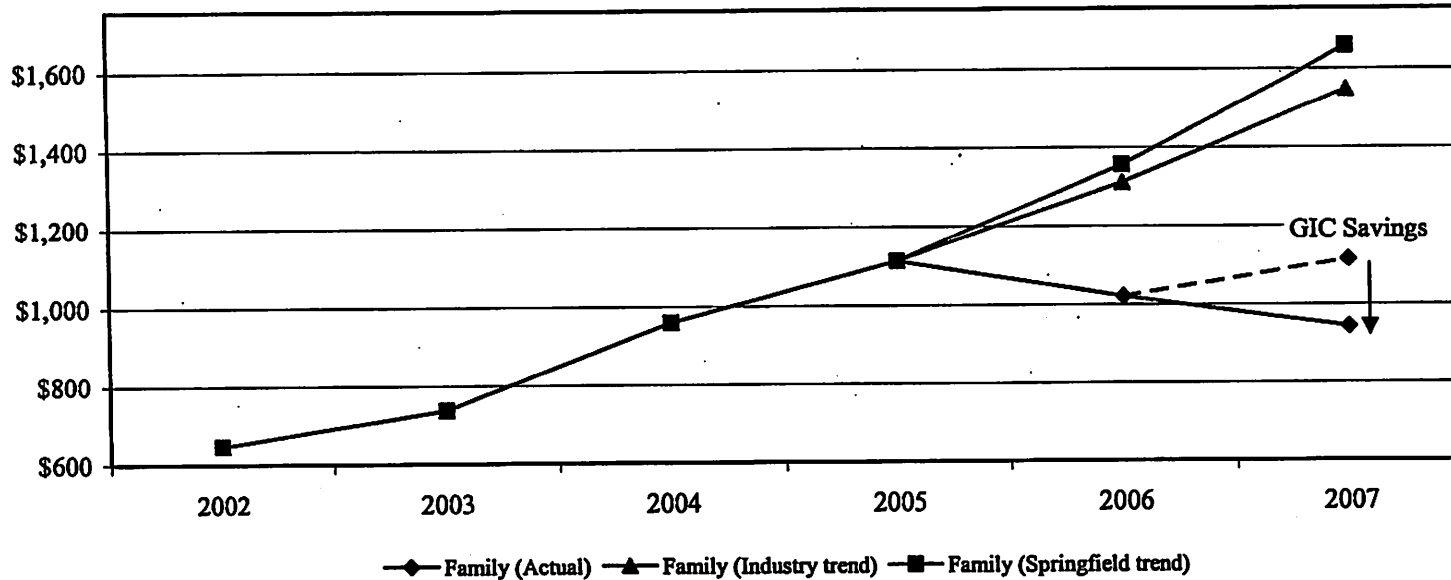
Springfield Health Insurance Premiums

HMO Single Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Average Springfield and Massachusetts Municipal Increases



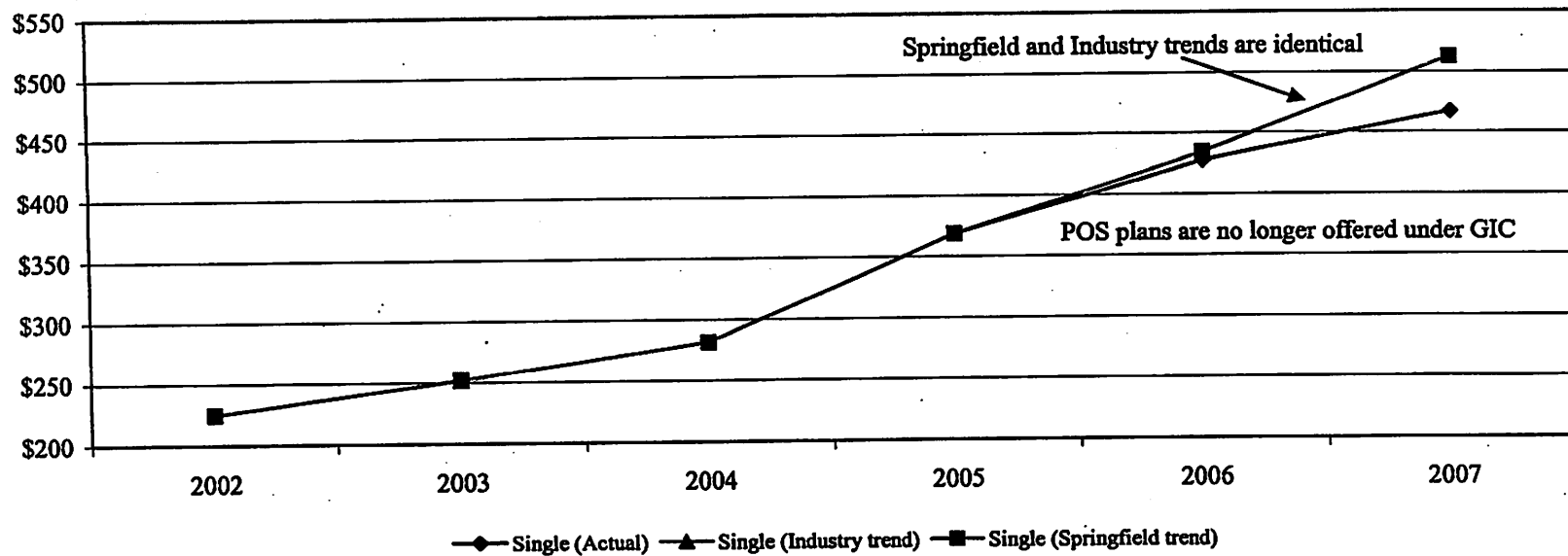
Springfield Health Insurance Premiums

HMO Family Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Average Springfield and Massachusetts Municipal Increases



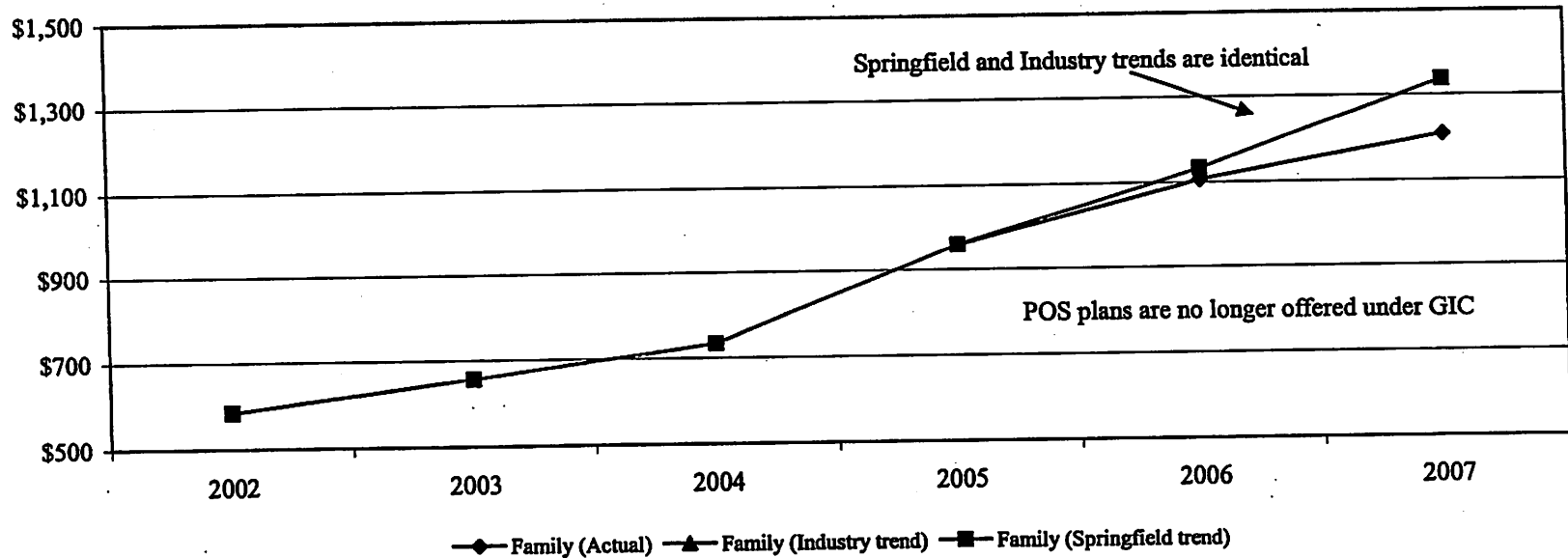
Springfield Health Insurance Premiums

POS Single Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Average Springfield and Massachusetts Municipal Increases

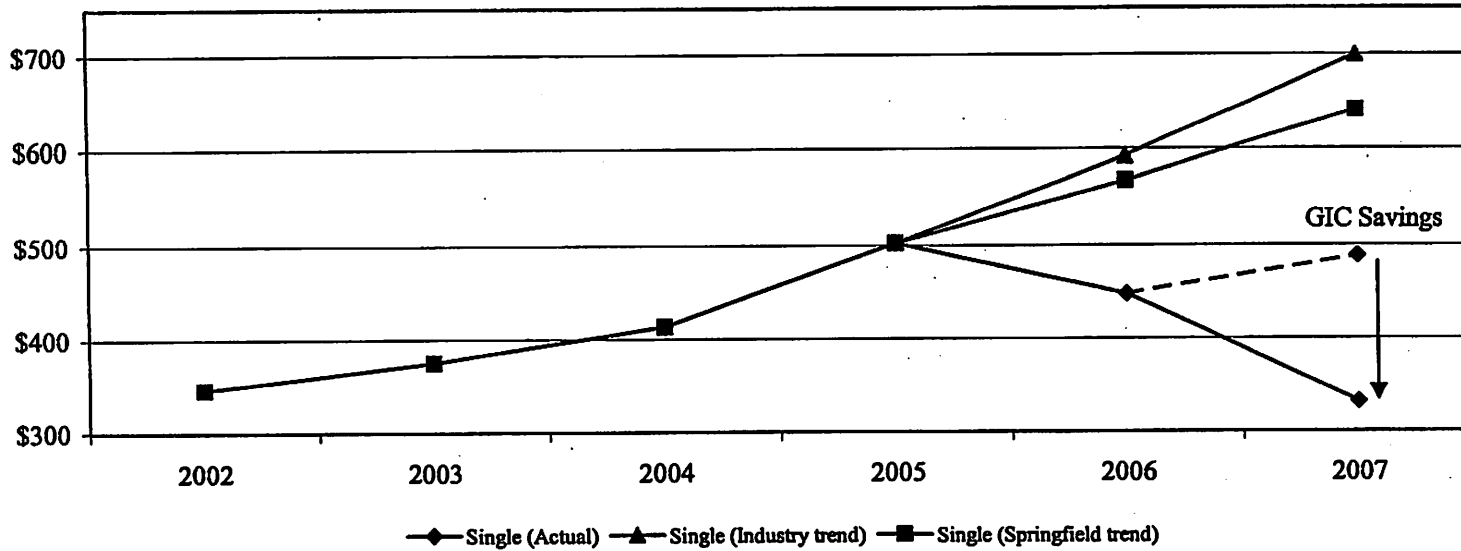


Springfield Health Insurance Premiums

POS Family Plans - Comparison of Actual Rates (with FCB Changes)
and Rates Using Average Springfield and Massachusetts Municipal Increases

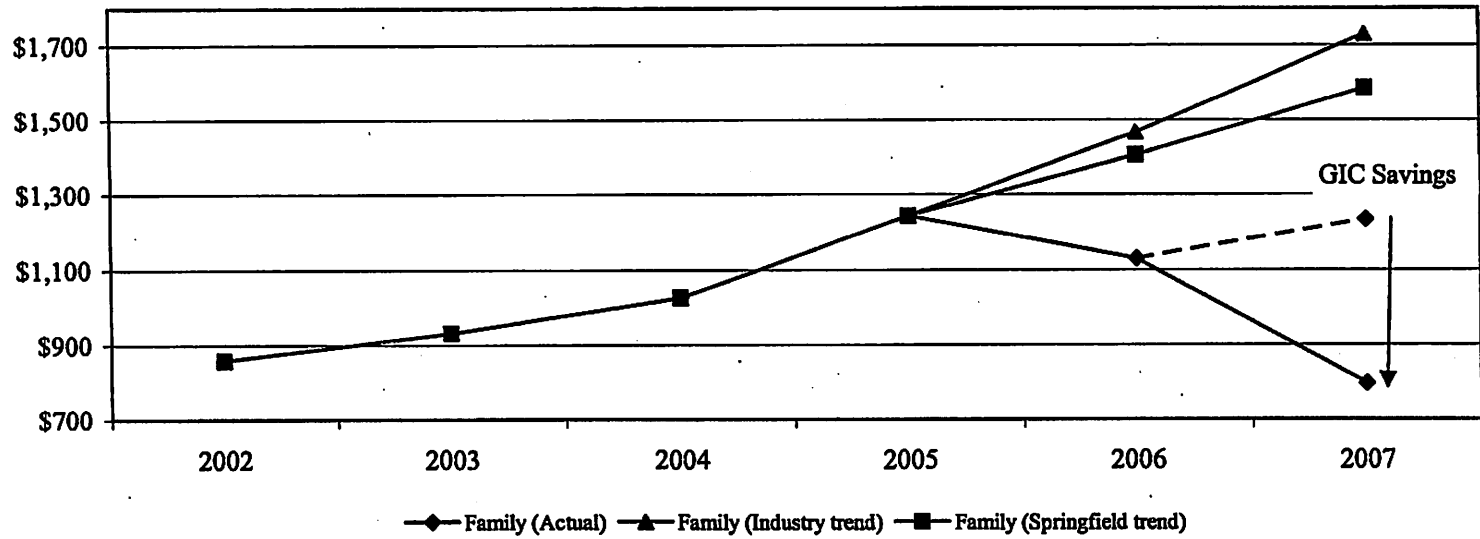


Springfield Health Insurance Premiums PPO Single Plans - Comparison of *Best Case* Actual Rates (with FCB Changes) and Rates Using Average Springfield and Massachusetts Municipal Increases



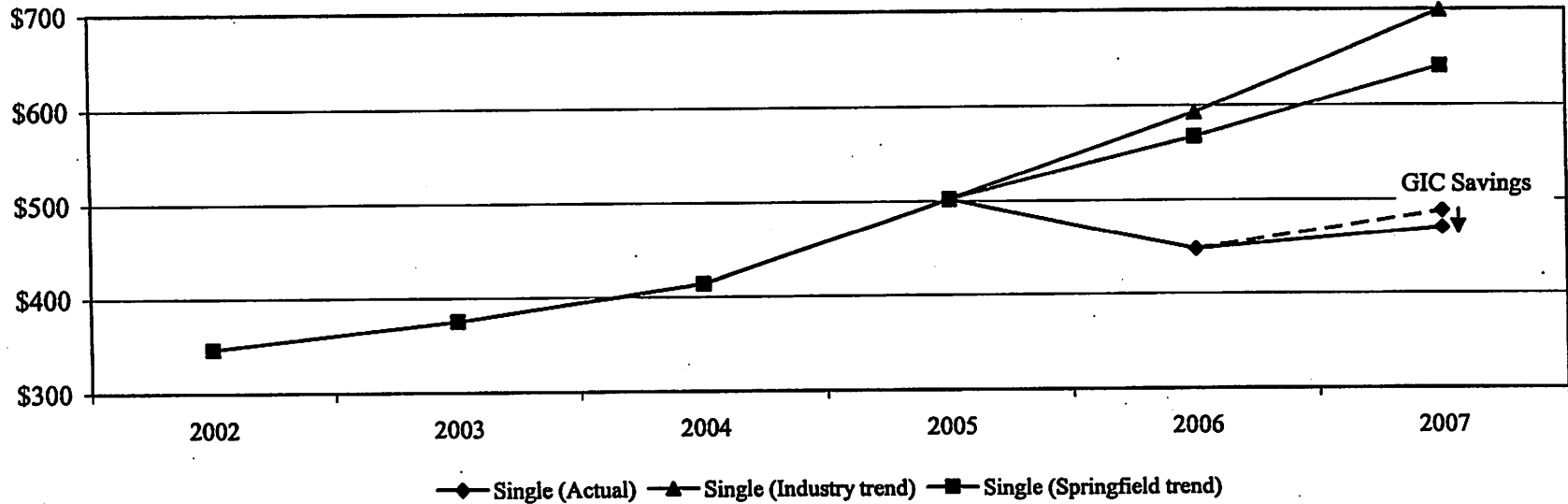
Springfield Health Insurance Premiums

PPO Family Plans - Comparison of *Best Case* Actual Rates (with FCB Changes) and Rates Using Average Springfield and Massachusetts Municipal Increases



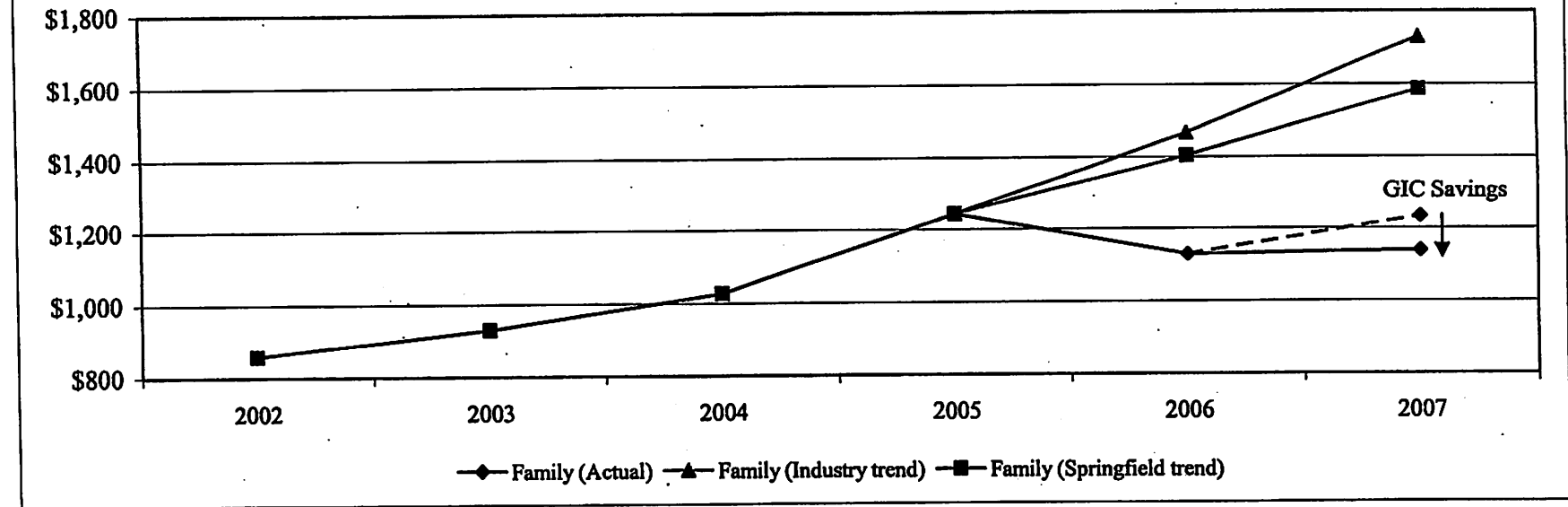
Springfield Health Insurance Premiums

PPO Single Plans - Comparison of *Worst Case* Actual Rates (with FCB Changes)
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Springfield Health Insurance Premiums

PPO Family Plans - Comparison of *Worst Case* Actual Rates (with FCB Changes)
and Rates Using Average Springfield and Massachusetts Municipal Increase



COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#02-12-02

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.*

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

Pursuant to Mass. General Law Chapter 44 Section 53A, the Control Board establishes an account for miscellaneous donations to the Springfield Park and Recreation Department. The Control Board authorizes that said funds may only be expended for the purpose of said gifts. The gifts shall be deposited with the City Treasurer and may be expended by the Park Department without further appropriation.

By its Chairman


Alan LeBovidge


City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#02-12-03

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.*

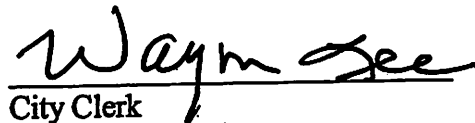
The Board pursuant to its authority under Chapter 169 of the Acts of 2004 hereby authorizes the following order:

Pursuant to Mass. General Law Chapter 44 Section 53A, the Control Board establishes an account for Peoples Bank's gift to the Springfield Park and Recreation Department. The Control Board authorizes that said funds may only be expended for the purpose of restoring the Greenleaf Park Recreational Center. The gift shall be deposited with the City Treasurer and may be expended by the Park Department without further appropriation.

By its Chairman



Alan LeBovidge



City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#3-30-01

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 Authorizing the City to Lay Out and Construct/Reconstruct Sidewalks

Pursuant to its authority under Sections 4(b), 4(c) and 4(d)(20) of Chapter 169 of the Acts of 2004, after consideration of the report of the Board of Public Works attached hereto as Exhibit A, the Finance Control Board ORDERS:

that it being necessary for common convenience and necessity, the following sidewalks shall be laid out, established or reestablished, and constructed or reconstructed as described,

Bradley Rd.	from - Allen St.	to	Plumtree Rd.	E'LY
Plumtree Rd.	from - Bradley Rd.	to	Wilbraham Rd.	N'LY
Parker St.	from - Greenleaf Pk.	to	N. Branch Pkwy.	E'LY
Grayson Dr.	from - Breckwood Cir.	to	Slater Ave.	N'LY
Berkshire Ave.	from - Bay St.	to	Elizabeth St.	E'LY
Oak St. I.O.	from - Odessa St..	to	Goodwin St.	E'LY
Oak St. I.O.	from - Odessa St..	to	Opposite Wing St.	W'LY
Harvey St.	from - Boston Rd.	to	Berkshire Ave.	S'LY
Roosevelt Ave.	from - Alton St.	to	Blunt Park Rd.	S'LY

that five (5) or six (6) feet of said sidewalk width shall be well paved over with Portland cement concrete and/or bituminous concrete, and made and laid according to the City of Springfield's Standard Specifications. The top surface of said cement and/or asphalt shall slope uniformly downward from the back of said sidewalk towards the curbing at the rate of three-sixteenth (3/16") of an inch for each foot of width to the outer edge of said cement concrete and/or bituminous concrete sidewalk nearest the curbing unless otherwise shown. The grade, width, elevation, and location of the sidewalks shall be as directed by the city engineer;

that ramps for the handicapped be constructed or reconstructed under the provisions of the Massachusetts General Laws and in conformance with the Rules and Regulations of the Massachusetts Architectural Barriers Board;

that sidewalks as above described be constructed or reconstructed under the provisions of the Massachusetts General Laws and Chapter 169 of the Acts of 2004, notwithstanding the Revised Ordinances of the City of Springfield;

that pursuant to Chapter 169 of the Acts of 2004, the sidewalks as above described be constructed or reconstructed with Portland cement concrete and/or bituminous concrete to the City of Springfield's Standards Specifications in accordance plans and specifications of the City engineer, by the Director of the Department of Public Works;

that no damages be awarded inasmuch as no damages will be sustained by any person, firm, or corporation in their land by reason of the laying out, establishment, or construction of said sidewalks on the aforementioned limits;

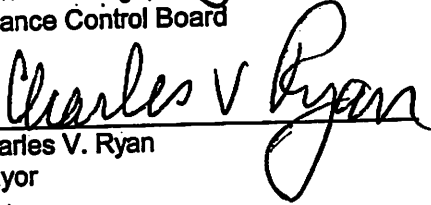
that no assessments be levied.

An appropriation for the above-referenced work was previously approved by the Finance Control Board on December 18, 2006.

Approved by the Finance Control Board March 30, 2007:



Alan LeBovidge, Chairman
Finance Control Board



Charles V. Ryan
Mayor

CITY OF SPRINGFIELD, MASSACHUSETTS

February 22, 2007

TO THE MAYOR AND SPRINGFIELD FINANCIAL CONTROL BOARD:

The Board of Public Works, to which was referred the Petition of the Director of the Department of Public Works praying:

“To establish or reestablish and construct or reconstruct sidewalks on the following Streets:”

Bradley Rd.	Allen St.	Plumtree Rd.	E'LY
Plumtree Rd.	Bradley Rd.	Wilbraham Rd.	N'LY
Parker St.	Greenleaf Pk.	N. Branch Pkwy.	E'LY
Grayson Dr.	Breckwood Cir.	Slater Ave.	N'LY
Berkshire Ave.	Bay St.	Elizabeth St.	E'LY
Oak St. I.O.	Odessa St.	Goodwin St.	E'LY
Oak St. I.O.	Odessa St.	Opposite Wing St.	W'LY
Harvey St.	Boston Rd.	Berkshire Ave.	S'LY
Roosevelt Ave.	Alton St.	Blunt Park Rd.	S'LY
S. Branch Pkwy.	Bradley Rd.	W. Crystal Brook	S'LY

reports thereon pursuant to the Revised Ordinances of the City of Springfield, as follows:

The Board notified all known interested parties of its intent to view the aerial photos and hold a hearing set for February 21, 2007, on the petition by mailing notices, postage prepaid, and delivering notices, to their respective addresses of record as well as posting notices in two (2) public places and publishing in a newspaper, all at least seven (7) days prior to said date.

Pursuant to said notices and all other statutory notice requirements the Board viewed the aerial photos and held an open hearing on February 21, 2007 at 5:00 P.M. at/in Career Development Center, Meline Kasparian Center, 60 Alton Street (behind Science and Technology High School). Three (3) members of the Board, and Seventeen (17) parties interested in the

matter were present. Two (2) of the latter were in favor of the petition and Fifteen (15) were in opposition thereto.

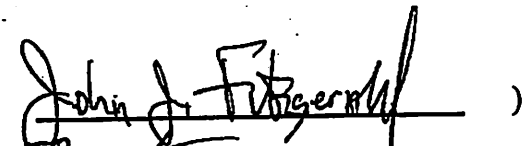


After careful consideration of the above matter, the Board is of the opinion that common convenience and necessity require that sidewalks listed below should be forwarded to the Mayor and Financial Control Board for their decision. Said sidewalks should be constructed of Portland Cement Concrete or Bituminous Concrete to City Standard Specifications and as otherwise hereto laid out and established, said specifications being on file in the office of the Engineering Division, Department of Public Works, Springfield, Massachusetts, and are hereby incorporated herein by reference.

Bradley Rd.	from - Allen St.	to	Plumtree Rd.	E'LY
Plumtree Rd.	from - Bradley Rd.	to	Wilbraham Rd.	N'LY
Parker St.	from - Greenleaf Pk.	to	N. Branch Pkwy.	E'LY
Grayson Dr.	from - Breckwood Cir.	to	Slater Ave.	N'LY
Berkshire Ave.	from - Bay St.	to	Elizabeth St.	E'LY
Oak St. I.O.	from - Odessa St.	to	Goodwin St.	E'LY
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Harvey St.	from - Boston Rd.	to	Berkshire Ave.	S'LY
Roosevelt Ave.	from - Alton St.	to	Blunt Park Rd.	S'LY
S. Branch Pkwy.	from - Bradley Rd.	to	W. Crystal Brook	S'LY

Accompanying this report are orders implementing the above recommendation.

The Board recommends that no assessments be levied.

The Board is of the opinion that no damages should be sustained by any person, firm, or corporation in their property by reason of the construction or reconstruction of said sidewalks as above described.

BOARD OF PUBLIC WORKS

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#3-30-02

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 Approving Certain Agreements with the Springfield Library and Museums Association

WHEREAS, beginning in 1864, the Springfield Library & Museums Association ("SLMA") provided library and museum services to the residents of the City of Springfield; and

WHEREAS, in 2003, the City of Springfield ("City") created a department known as the "Library Department", and created a Library Commission to oversee the Library Department; and

WHEREAS, on July 1, 2003, the City, acting by and through its Library Department, took over and assumed the operations of the SLMA's library system in order to provide library services to the residents of the City; and

WHEREAS, in order to settle a number of unresolved issues between SLMA and the City regarding the disposition of certain assets which are utilized in the library system, as well as other issues which have arisen between the parties, the City and SLMA drafted four (4) agreements - a Memorandum of Understanding, a Museum Services Agreement, the Central Library Lease, and the Branch Libraries Lease - which are before the Finance Control Board for approval:

NOW THEREFORE, Pursuant to its authority under Sections 4(b), 4(c), 4(d)(6), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004 ("Act"), the Finance Control Board ("Board") hereby approves the following agreements between the City of Springfield and the Springfield Library and Museums Association, and authorizes the Chairman to execute the same on behalf of the Board:

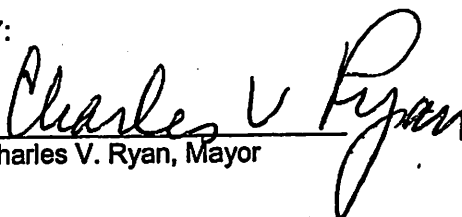
- 1) Memorandum of Understanding, City Contract No. 0474, attached as Exhibit A;
- 2) Museum Services Agreement, City Contract No. 0473, attached as Exhibit B;
- 3) Central Library Lease, City Contract No. 0471, attached as Exhibit C; and
- 4) Branch Libraries Lease, City Contract No. 0472, attached as Exhibit D.

The Board further authorizes the Executive Director to seek the approval of the Secretary for Administration and Finance for the Central Library Lease and the Branch Libraries Lease, pursuant to Section 4(d)(14) of the Act.

Approved by the Finance Control Board on March 30, 2007:



Alan LeBovidge, Chairman
Finance Control Board



Charles V. Ryan, Mayor

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#3-30-___

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An Executive Order Approving Certain Agreements with the Springfield Library and Museums Association

WHEREAS, beginning in 1864, the Springfield Library & Museums Association ("SLMA") provided library and museum services to the residents of the City of Springfield; and

WHEREAS, in 2003, the City of Springfield ("City") created a department known as the "Library Department", and created a Library Commission to oversee the Library Department; and

WHEREAS, on July 1, 2003, the City, acting by and through its Library Department, took over and assumed the operations of the SLMA's library system in order to provide library services to the residents of the City; and

WHEREAS, in order to settle a number of unresolved issues between SLMA and the City regarding the disposition of certain assets which are utilized in the library system, as well as other issues which have arisen between the parties, the City and SLMA drafted four (4) agreements - a Memorandum of Understanding, a Museum Services Agreement, the Central Library Lease, and the Branch Libraries Lease - which are before the Finance Control Board for approval:

NOW THEREFORE, Pursuant to its authority under Sections 4(b), 4(c), 4(d)(6), 4(d)(14) and 4(d)(20) of Chapter 169 of the Acts of 2004 ("Act"), the Finance Control Board ("Board") hereby approves the following agreements between the City of Springfield and the Springfield Library and Museums Association, and authorizes the Chairman to execute the same on behalf of the Board:

- 1) Memorandum of Understanding, City Contract No. 0474, attached as Exhibit A;
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The Board further authorizes the Executive Director to seek the approval of the Secretary for Administration and Finance for the Central Library Lease and the Branch Libraries Lease, pursuant to Section 4(d)(14) of the Act.

Approved by the Finance Control Board on March 30, 2007:

Alan LeBovidge, Chairman
Finance Control Board

Charles V. Ryan, Mayor

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made effective the 1st day of January, 2007 by and between the CITY OF SPRINGFIELD, a Massachusetts municipal corporation, with its usual place of business located at 36 Court Street, Springfield, Massachusetts 01103 (the "City"), and SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Massachusetts 01103 ("SLMA"). The City and SLMA are hereinafter collectively referred to as the "Parties".

WHEREAS, since 1864 SLMA has been providing library and museum services to the residents of the City of Springfield; and

WHEREAS, in 2003 the City created a Library Department as a department of the City and a Board of Library Commissioners to oversee the Library Department; and

WHEREAS, effective July 1, 2003, the City, acting by and through its Library Department, took over and assumed the operation of SLMA's Library system, in order to provide Library services to the residents of the City of Springfield; and

WHEREAS there are some unresolved issues between SLMA and the City regarding the disposition of certain assets which are utilized in the library system as well as other issues which have arisen between the Parties and which they now wish to settle;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties intending to be legally bound agree as follows:

- 1. Mason Square Branch Library. In 2003, SLMA sold the Mason Square Branch Library located at 765 State Street, Springfield, Massachusetts to The Urban League of Springfield, Inc. ("Urban") for a purchase price of Seven Hundred Thousand (\$700,000) Dollars. Out of the proceeds from such sale, approximately Six Hundred Thousand (\$600,000) Dollars which was received from the Annie Curran Endowment Fund, has been returned to such Endowment Fund with the balance of such proceeds being deposited in SLMA's Plant Fund.

The City has commenced an action in the Hampden County Superior Court against SLMA, contesting SLMA's right to sell the Mason Square Branch Library to Urban, which allegations SLMA denies. The Parties have agreed to settle this dispute upon the following basis:

The City has determined that the residents of Mason Square can best be served by the construction of a new branch library and/or rehabilitation of an existing structure for said new branch library. SLMA has agreed to contribute one-third (1/3rd) of the cost of such construction and/or rehabilitation, not to exceed the sum of Three Hundred Thirty-Three Thousand, Three Hundred Thirty-Four (\$333,334) Dollars.

SLMA agrees to execute a Security Agreement in favor of the City whereby SLMA grants to the City a security interest in a segregated portion of its endowment funds in the amount of Three Hundred Thirty-Three Thousand, Three Hundred Thirty-Four (\$333,334) Dollars, which funds are to be used to satisfy its obligation to pay for a portion of the costs of constructing a new building and/or rehabbing an existing building for, the Mason Square Library of up to Three Hundred Thirty-Three Thousand, Three Hundred Thirty-Four (\$333,334) Dollars. The monetary obligations of SLMA under this Section 1 shall survive the execution of this Agreement.

Upon execution of this Agreement and the Security Agreement, the City agrees to dismiss, with prejudice, the above-referenced lawsuit against SLMA and further agrees that all issues regarding any obligation to repay any funds which were received from City bonding for the Mason Square Branch Library shall have been satisfied in full.

2. Library Endowment and Trust Funds. SLMA and the City have agreed to take whatever action may be necessary to transfer to the Springfield Library Foundation, a 501(c)(3) entity created by the City (the "Foundation"), the endowment and trust funds which are donor restricted for the purpose of operating a public library (the "Library System").

Attached hereto as Exhibit "A-1" is a listing of the funds which the Parties have agreed are specific to the Library System and on Exhibit "A-2", a listing of those funds specific to the Museums. SLMA has agreed to forthwith file a petition with the Hampden County Probate Court seeking the consent of the court to transfer the Library System endowment funds as designated on Exhibit "A-1" to the Foundation. Attached hereto, as Exhibit "A-3", is a list of the Trusts which are administered by Bank of America, as Trustee, specifying those trusts which are specific to the Library System and on Exhibit "A-4", a listing of those Trusts which are specific to Museums. SLMA agrees to forthwith request that the Bank of America take whatever action may be required, including a petition to the Hampden County Probate Court, to allow the Foundation to become the beneficiary of the Library System Trusts. Attached hereto, as Exhibit "A-5", is a list of trusts and endowments which either have no specific designation or use, or are general bequests made to SLMA. In the event that the Parties cannot agree upon an allocation of any or all of these trusts and endowments, then and in such event, within thirty (30) days after the filing of the initial petition with the Hampden County Probate Court, SLMA agrees to file a second petition with the court to be heard independently, requesting that the Court determine, after testimony of the Parties, the lawful ownership rights of such funds. In addition to the petitions to the Hampden County Probate Court, the Parties shall seek Attorney General or other legal approval which may be necessary in order to transfer any funds which may be determined to be Library System funds. Each party agrees to pay its own costs of obtaining such transfer(s). Prior to receipt of approval for the fund transfer(s), SLMA will continue to maintain the Library System Endowment and Trust Funds for the benefit of the City Library Department and make quarterly distributions of interest and dividends.

The City and SLMA acknowledge that they have reviewed the KPMG audit of Trusts and Endowments which the City commissioned in 2003 and believe that neither of them have knowledge of any other Trusts or Endowments which would belong to the Library System.

3. Museum Services Agreement. The City agrees to enter into a long-term agreement with SLMA to provide Museum Services to the City's residents and visitors (the "Museum Services Agreement"). The long-term Agreement shall be included within the Special Act Legislation which the City seeks and which is referenced in Section 9 herein. The terms of such Museum Services Agreement shall be as follows:

(i) The initial term shall be three (3) years and upon passage of the Special Act Legislation, the term shall become twenty-five (25) years, with successive five-year options to extend, exercisable at the City's option, upon the terms and conditions as are then in effect during the last year of the then current term, including any provisions for increases in the Museum Services Fee.

(ii) The City shall pay SLMA Two Hundred Seventy-Five Thousand (\$275,000) Dollars on January 1, 2007 and a like amount on April 1, 2007 for services under this Agreement.

(iii) The City agrees to pay SLMA One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars ("Museum Services Fee") for the services to be provided under this Agreement for the fiscal year ending June 30, 2008, and for each subsequent fiscal year during the term of this Agreement and such additional funds as the City may elect to provide to SLMA in the future, payable in at least quarterly payments commencing on or about July 1, 2007 (the "Museum Services Fee"). An invoice for payment will be submitted to the City Auditor for the initial and subsequent billing on July 1, 2007, October 1, 2007, January 1, 2008 and April 1, 2008 and on the same days each year thereafter.

The Museum Services Fee which is to be paid for a minimum of twenty five (25) years as provided in the Special Act Legislation is being paid in consideration of the museum services to be provided by SLMA to the residents of the City and additionally for the transfer of the SLMA's branch libraries, the contents therein and the transfer of the furniture, fixtures and circulating book collections in the central library, which transfers would not be made without a guaranteed twenty five year Museum Services Agreement upon the terms provided herein.

In the event that the Museum Services Agreement is extended beyond twenty-five (25) years, the annual Museum Services Fee shall be such sum as SLMA and the City may agree upon, but in the event that the City is still occupying the Central Library, in no event shall such annual sum be less than One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars.

A copy of said Museum Services Agreement is attached hereto as Exhibit "B".

(iv) Prior to obtaining approval of the Special Act Legislation, the City shall enter into a Museum Services Agreement for a minimum term of three (3) years.

(v) SLMA's obligation under the Museum Services Agreement shall be to continue to provide museum services to the residents of the City of Springfield and its

visitors as heretofore provided in the buildings located at the Quadrangle. The present hours of operation of the Museums are set forth on Exhibit "B". SLMA will reasonably review on a periodic basis the hours of operation for the Museums so as to provide access to residents of Springfield and others based upon the stated desire of the public for such access and the economic ability of SLMA to provide any increased hours. SLMA will continue to provide free access and admission to all Springfield school children and Springfield school system classes. On and after May 1, 2007, SLMA shall also provide free access and admission to all individuals who are legal residents of the City of Springfield and it shall have the right to require any Springfield resident to exhibit proof of residency and to issue such resident a Museum Access Card identifying such resident. SLMA shall be permitted to continue its current practice of charging all patrons of the Museums (including Members and Springfield residents) admission fees for special exhibits. SLMA retains the right, in its exclusive discretion, to deny access and admission to any person whom it deems to be a threat to the integrity of SLMA's property, Museums, and collections or whom it believes might endanger the safety of other Museum patrons or create a disturbance or breach of the peace.

4. Rental of SLMA's Branches. The term "SLMA's Branches" whenever used herein shall mean the branch library land and buildings owned by SLMA described in Exhibit "C" hereto.

(a) SLMA and the City shall enter into a triple-net lease, whereby SLMA leases to the City the four (4) branch library buildings which it owns together with the furniture, fixtures, equipment and books located therein. The terms of such Lease shall be as follows:

- (i) Rent to be One (\$1) Dollars per annum;
- (ii) Term to be three (3) years which shall continue to be rolled over for additional three (3) year terms until passage of the Special Act Legislation;
- (iii) The City to maintain, repair, renovate, and replace as necessary, all of the land and buildings to be leased, and to pay for all utilities and reimburse SLMA for its costs of all-risk insurance on said assets;
- (iv) SLMA to have no obligation or responsibility for any costs or expenses related to the land and buildings;
- (v) A failure by the City to pay the Museum Services Fee shall be a material default under the Lease.

A copy of the Lease is attached hereto as Exhibit "C".

Upon approval of the Special Act Legislation as set forth in Section 9 hereto, and the expiration of any and all appeal periods, SLMA shall convey to the City by Quitclaim Deed, title to all of the SLMA-owned branch libraries and the contents thereof, for no additional

consideration. The four branch libraries are the East Springfield Branch Library, the Forest Park Branch Library, the Indian Orchard Branch Library, and the Liberty Branch Library.

(b) SLMA has previously assigned to the City its existing Lease for the East Forest Park Branch Library located on 122-124 Island Pond Road, Springfield, Massachusetts, and the City hereby agrees to assume such obligation and hold SLMA harmless from any claims, causes of action, or other demands, arising after the Effective Date (as hereinafter defined).

5. Central Library. SLMA agrees to lease to the City, the Central Library building located at 220 State Street, Springfield, Massachusetts, for a term to expire upon the earlier of (i) twenty-five (25) years from the Effective Date; or (ii) at such time as the City no longer occupies the building as its Central Library. Specifically excluded from such Lease shall be the area containing SLMA's telephone system located on the upper first floor of the Central Library building, together with access to such telephone equipment area. The terms and provisions of the Lease shall be as follows:

- (i) A term of twenty-five (25) years, or less, at the option of the City;
- (ii) In the event that the City still occupies the Demised Premises on July 1, 2032, the City shall have successive options to extend the term of the Lease for five (5) year terms upon the same terms and conditions as are contained herein provided that the City extends the Museum Services Agreement with SLMA for the same five (5) year terms, and upon the same terms and conditions as are then in effect during the last year of the then current term, including any agreed-upon increases in the Museum Services Fee.
- (iii) Rent shall be One (\$1) Dollar per annum, plus the Museum Services Fee.
- (iv) SLMA shall provide heat to the building during the normal heating season, through its central heating plant. The City shall reimburse SLMA for its pro rata share of the utility, maintenance and repair costs for such heating system and the premiums for all-risk insurance coverage for the building.
- (v) SLMA shall continue to maintain and repair the exterior portions of the building and the City shall reimburse it for such costs. The City shall, at its own cost and expense, repair and maintain the interior of the building.
- (vi) Any alteration of the interior of the Central Library must be approved by both the SLMA and the Library Commission with such approval not to be unreasonably withheld, delayed or conditioned.

The Special Act Legislation shall include the authority of the City to enter into the Central Library Lease. Prior to passage of the Special Act Legislation, the term of the Lease shall be three (3) years which shall continue to be rolled over until passage of the Special Act Legislation. A copy of the Lease is attached hereto as Exhibit "D".

6. Rare Books. SLMA claims ownership to the "Rare Books" so called, which have been the subject of discussions between the City and SLMA. The term "Rare Books" includes art and historical collections and materials which are to be specifically excluded from this definition. "Art and Historical Collections and Materials" shall be those items set forth on Exhibit "E" hereto which shall include all art collections and materials and Connecticut Valley historical collections and materials, including the Curtis Prints, which have heretofore been sold. The determination of whether or not an object is an "art" and/or "historical" object or material shall be made by SLMA in its reasonable discretion based upon museum industry standards. Rare Books shall be all items which have been placed for sale, as of this date, either with Christie's or Knotty Pine Auction Service other than the items set forth on Exhibit "E" hereto. SLMA agrees that the proceeds from the Rare Books which it has sold through an auction at Christie's in 2005, and any other Rare Books (as defined above) sales which have been contracted for with Knotty Pine Auction Service, but have not yet been held (including the sale at Knotty Pine Auction Service on May 27, 2006), shall be shared equally between the City and SLMA). SLMA shall provide the City with periodic accountings of each sale of Rare Books.

7. Transfer of Furniture, Equipment and Circulating Books. SLMA agrees, upon approval of the Special Act Legislation to transfer to the City all of SLMA's right, title and interest, in and to, the furniture, fixtures and equipment located in the SLMA branches, as well as those items located in the Central Library. In addition, such transfer shall also include the circulating book collections as well as the Springfield newspapers, microfilm collection which shall be returned from the Connecticut Valley Historical Museum to the Central Library (such return to be upon execution of this Agreement).

8. Springfield Retirement System. The City acknowledges that SLMA has made its contribution to the Springfield Retirement System for SLMA employees up through April 30, 2005, the date of withdrawal of SLMA from the Springfield Retirement System. This Agreement does not provide for, and the Parties specifically acknowledge, that there is no agreement between the Parties as to whether or not SLMA has any liability or responsibility to the Springfield Retirement System for unfunded pension liability for vested SLMA employees.

9. Special Act. The City shall, within sixty (60) days from the date hereof, file documentation with the Massachusetts General Court to obtain Special Act Legislation to allow it to enter into the Central Library Lease and the Museum Services Agreement with SLMA for providing Museum Services to the City's residents. The City agrees to take all reasonable measures necessary to obtain City Council and if necessary, the Springfield Finance Control Board, consent to such Special Act legislation, to file same expeditiously with the General Court, and to diligently pursue the approval of such legislation. A copy of the proposed Special Act Legislation is attached hereto as Exhibit "F". The City's failure to file the Special Act Legislation within the sixty (60) day period shall be a default under this Agreement.

10. Phantom Employees (so-called). The City had previously raised the issue as to whether or not SLMA had actually funded all employee positions which the City had paid for and whether or not there were phantom employees so-called. The City acknowledges that

SLMA has provided it with sufficient information to determine that SLMA expended all sums which the City had paid it for employee positions in previous years and therefore the City agrees that the issue of phantom employees so-called is settled in its entirety.

11. Opinions. The City agrees to provide SLMA with an opinion of its City Solicitor that this Agreement, and the other documents to be executed pursuant to this Agreement, have been executed by the City in strict accordance with all laws and regulations of the Commonwealth of Massachusetts and the City of Springfield; that the persons executing such Agreements on behalf of the City have been duly authorized to do so and that upon execution by such persons, this Agreement, and the other documents to be executed pursuant to this Agreement, shall be binding upon the City according to its terms. There shall also be included within such opinion that the Springfield Finance Control Board has approved the terms of this Agreement and has authorized the City, through its duly authorized representatives, to execute this Agreement and the other documents to be executed pursuant to this Agreement.

SLMA shall provide an opinion of Cooley, Shrair P.C., its general counsel, to the effect that this Agreement is binding upon SLMA according to its terms; has been duly authorized by the Executive Committee of its Board of Trustees who has the authority to approve such transaction and that Joseph Carvalho, as President, has been duly authorized by such Executive Committee in his capacity as President, to execute this Agreement and the other documents to be executed pursuant to this Agreement.

12. Effective Date. The Effective Date for the events contemplated by this Memorandum of Understanding shall be January 1, 2007.

13. Composition of SLMA Board of Directors. SLMA agrees that, as long as this Agreement is in force and effect and the City is paying the Museum Services Fee, it will cause the membership of its Board of Trustees and its Executive Board to be comprised at least twenty-five (25%) percent by Springfield residents. Included within the twenty-five (25%) percent Springfield resident membership requirement, the then elected Mayor of the City of Springfield shall have the right to nominate two (2) Springfield residents to serve on the Board of Trustees who shall also become members of the Executive Committee. The Mayor's nominees shall be neither a City of Springfield or SLMA employee. Prior to June 1 of each year when there is a Mayoral appointee vacancy, the Mayor of Springfield shall provide SLMA with the names of two proposed nominees and two alternates. SLMA shall have the right to reject two (2) of such nominees. The nominees so chosen shall be elected at the SLMA annual meeting in September and shall serve for a three (3) year term, or until the termination of the appointing Mayor's term in office, whichever occurs first.

14. Applicable Law. This Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts. The parties hereto expressly agree that the sole and exclusive place, status and forum of this Agreement shall be the City of Springfield, Hampden County, Massachusetts. All actions and legal proceedings which in any way relate to this Agreement shall be solely and exclusively brought, heard, conducted, prosecuted, tried and determined within the City of Springfield, Hampden County, Massachusetts. It is the express intention of the parties to this Agreement that the exclusive venue of all legal actions and procedures of any nature whatsoever which relate in any way to this Agreement shall be either

the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts sitting in the Hampden County Hall of Justice, Springfield, Hampden County, Massachusetts, or the United States District Court sitting in Springfield, Hampden County, Massachusetts.

15. Concluding Provisions.

(a) Entire Agreement. This Agreement contains the entire understanding of the Parties with regard to the subject matter contained herein. There are no oral understandings, terms or conditions, and no party has relied upon any representation, express or implied, not contained in this Agreement.

(b) Amendments. This Agreement may not be amended in any respect whatsoever except by a further agreement, in writing, fully executed by each of the Parties.

(c) Successors. This Agreement shall be binding upon and inure to the benefit of the Parties and to their respective heirs, personal representatives, successors and assigns.

(d) Joint Effort. Preparation of this Agreement has been a joint effort of the Parties, and the resulting document shall not be construed more severely against one of the Parties than the other.

(e) Captions. The captions of this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement or the intent of any provision contained in this Agreement.

(f) Counterparts. This Agreement may be executed in one or more copies, each of which shall be deemed an original.

(g) Partial Invalidity. The invalidity of one or more of the phrases, sentences, clauses, Sections or Articles contained in this Agreement shall not affect the validity of the remaining portions so long as the material purposes of this Agreement can be determined and effectuated.

(h) Applicable Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.

(i) Exhibits. All exhibits referred to in this Agreement shall be incorporated into this Agreement by such reference and shall be deemed a part of this Agreement as if fully set forth in this Agreement.

(j) No Offer. The delivery of an unexecuted copy of this Agreement shall not be deemed an offer. No rights are to be conferred upon any party until this Agreement has been executed and delivered to each party.

(k) Genders. Any reference to the masculine gender shall be deemed to include the feminine and neuter genders, and vice versa, and any reference to the singular shall include the plural, and vice versa, unless the context otherwise requires.

(l) Initialing. Each page which contains a handwritten or typewritten change and each exhibit which is not attached to this Agreement shall be initialed or signed by each party.

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the Parties have hereunto caused this Memorandum of Understanding to be executed as of the date it is signed by all parties, on the latest date written below.

CITY OF SPRINGFIELD

By: Charles V. Ryan
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2007

SPRINGFIELD LIBRARY COMMISSION

By: Paul Tully
Its duly authorized Chairman

lnw #0100-613-5383-07 \$550,000.00 partial
Approved as to Appropriation:

By: Patricia A. Bunn 3/1/07
Deputy City Auditor

Approved as to Form:

By: Joseph J. [Signature]
ASSOCIATE City Solicitor

Reviewed by:

Mary Zamboni
Chief Financial Officer

SPRINGFIELD FINANCE CONTROL BOARD

By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

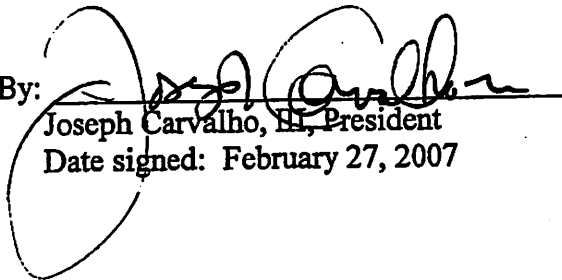
By: 
Joseph Carvalho, III, President
Date signed: February 27, 2007

EXHIBIT "A-1"

Undisputed Library Endowments

	<u>12/31/06 Value¹</u>	
1. Elizabeth D. Rice-Biancardi	\$56,110	Library
2. John Bryant	\$11,599	Library
3. Robert J. Contant Fund	\$16,161	Library
4. Annie Curran	\$4,617,494	Library
5. Dental Library	\$342	Library
6. Alfredo Facchini	\$3,688	Library
7. Frederick Gillett	\$13,523	Library
8. Harry L. Hawes	\$58,180	Library
9. Bessie E. Howes	\$1,610	Library
10. J. Searle Hulburt	\$3,668	Library
11. Gertrude and Meyer Levinson	\$1,954	Library
12. Elizabeth Martowski	\$14,146	Library
13. Edward and Edith Merriam	\$19,609	Library
14. Charles Merriam	\$55,741	Library
15. Portia C. Remington	\$9,972	Library
16. Caroline Rice	\$34,349	Library
17. Edna Shadic	\$9,972	Library
18. Joseph L. and Margaret H. Shipley	\$6,951	Library
19. Mary E. Spooner	\$3,340	Library
20. Winthrop D. Stebbins	\$8,869	Library
21. James Thompson	\$14,695	Library
22. William Tully	\$7,094	Library
23. Isabel Westfall	\$5,286	Library
24. Mary Wilkinson	\$3,667	Library

EXHIBIT "A-2"

Undisputed Museum Endowments

	<u>12/31/06 Value</u>	
1. Henry Phillips	\$20,392	Museums
2. Frances Scheckter	\$13,550	Museums

EXHIBIT "A-3"

Undisputed Trusts for Benefit of Library²

	<u>12/31/06 Value</u>	
1. James Corcoran	\$1,120,101 (50% of Total)	Library
2. James Garvey	\$202,422 (33% of Total)	Library
3. Horace Moses	\$485,533	Library
4. William Walker	\$1,587,679 (33% of Total)	Library

EXHIBIT "A-4"

Undisputed Museum Trusts

	<u>12/31/06 Value</u>	
1. Charles Spaid	\$294,308	Museums

EXHIBIT "A-5"

Disputed Endowments

	<u>12/31/06 Value</u>	<u>Current Income Allocation</u>
1. Eugene Aston	\$1,377	Library
2. Annie Berman	\$2,805	Library
3. Fanny Bond (Hazard)	\$146,221	Library
4. Samuel C. Booth	\$86,206	Museums
5. Esther Bowles	\$33,101	Museums
6. Irene H. Brown	\$44,522	Library
7. Chester Chapin	\$43,878	Library
8. Charles Emery	\$18,108	Library
9. Augustus Hazard	\$6,882	Library
10. Catherine Howard	\$8,559	Library
11. Effalene King	\$61,261	Library
12. John King	\$48,210	Library
13. Charles Kirkham	\$29,732	Library
14. Henry Morgan	\$13,870	Library
15. Albert Nason	\$36,381	Library
16. Grace Rumrill	\$123,249	Museums
17. Gertrude Skinner	\$62,056	Museums
18. Hiller Wellman	\$5,972	Library
19. David Wells	\$376,864	Museums

Disputed Trusts

1. Frances Cooper	\$200,747	(20% of Trust) Museums
2. Grace Meekins	\$727,563	(25% of Trust) Museums
3. Rose Smith	\$663,986	Museums

¹ 12/31/06 Values are based on non-audited work papers. The values are market value on 12/31/06 and will certainly change over time depending on the market conditions.

² For a number of the trusts, the SLMA is not the sole beneficiary. If that is the case, the value stated is the value of the SLMA portion of the trust, not the entire value of the trust. The percentage "ownership" is in parentheses to the right of the dollar value.



MUSEUM SERVICES AGREEMENT

AGREEMENT made effective the 1st day of January, 2007 by and between the **CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Hampden County, Massachusetts 01103, acting by and through its Mayor and the Springfield Library Commission (the "City"), and **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Hampden County, Massachusetts 01103 ("SLMA").

WHEREAS, SLMA is an entity created by the Massachusetts General Court pursuant to Chapter 142 of the Acts of 1864 and originally named the "City Library Association", as amended by Chapter 47 of the Acts of 1887; Chapter 95 of the Acts of 1901; Chapter 155 of the Acts of 1902; Chapter 40 of the Acts of 1912; Chapter 23 of the Acts of 1929; and Chapter 331 of the Acts of 1948; and Chapter 180 of the Acts of 1998, which amendments broadened its powers and included the George Walter Vincent Smith Museum, the Science Museum, the Connecticut Valley Historical Museum, and the Museum of Fine Arts (collectively, the "Museum"); and

WHEREAS, effective this date, the City wishes to enter into a long-term Museum Services Agreement to provide museum services to the City's residents and visitors pursuant to the above-cited Acts; and

WHEREAS, the City regards the establishment and maintenance of the Museums of History, Science and Art essential public services for the diffusion of knowledge, the promotion of intellectual improvement and for the educational, civic, and cultural well-being of its residents and visitors, and wishes to continue the outstanding services of these essential governmental functions provided by SLMA to the residents of the City of Springfield and to the region; and

WHEREAS, the property upon which the Museums are located is private property owned by SLMA and the City acknowledges SLMA's need to protect its property, Museums and the collections contained therein by retaining the right to refuse admission to any persons whom it believes may cause harm to its property or endanger its patrons; and

WHEREAS, the City and SLMA have entered into a Memorandum of Understanding ("MOU") whereby SLMA is to provide museum services in the City of Springfield based upon the terms and conditions as are outlined in the MOU.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties intending to be legally bound hereby agree as follows:

1. Scope of Services.

1.01 SLMA's obligation under the Museum Services Agreement shall be to continue to provide Museum Services to the residents of the City of Springfield and its visitors as heretofore provided in the buildings, now and in the future, located at the Quadrangle area (including without limitation, George Walter Vincent Smith Museum, the Science Museum, the Connecticut Valley Historical Museum ("CVH"), and the Museum of Fine Arts). The current hours per week for Museum Service are attached hereto as Exhibit "A". SLMA will periodically review its hours of operation to determine if the needs of the City's residents are being met and whether it can economically afford to increase its hours of operation. SLMA will currently agree to extend the CVH hours to sixteen (16) hours per week.

1.02 SLMA will continue to provide free access and admission to all Springfield school children and Springfield school system classes, and on and after May 1, 2007, SLMA shall provide free access and admission to all individuals who are legal residents of the City of Springfield. SLMA shall have the right to require any Springfield resident to exhibit proof of residency and to issue such resident a Museum Access Card identifying such resident.

SLMA shall be permitted to continue its current practice of charging all patrons of the museums admission fees (including SLMA members and Springfield residents) for special exhibits.

1.03 SLMA retains the right, in its exclusive discretion, to deny access and admission to any person whom it deems to be a threat to the integrity of SLMA's property, Museums, and collections or whom it believes might endanger the safety of other Museum patrons or create a disturbance or breach of the peace.

1.04 No Museums or any other facility operated by SLMA may be permanently closed or have its hours of operation materially reduced without the prior approval of the Mayor and such approval shall not be unreasonably withheld.

1.05 SLMA will make the exterior facilities of the Quadrangle available for Library functions provided that it receive prior notice and provided that there is not then an SLMA event scheduled. In such event, the City shall be responsible for cleaning the area after such Library function(s) and shall provide, at its cost, such additional security as may be required by SLMA upon reasonable prior notice.

2. Term.

2.01 The initial term of this Agreement shall be for a period of three (3) years beginning January 1, 2007 and terminating on December 31, 2009, unless extended due to the enactment of the Special Act Legislation to be filed within sixty (60) days from

the date of this Agreement with the Massachusetts General Court, as provided in the MOU.

2.02 The City shall extend the term of this Agreement for successive three (3) year terms upon all of the same terms and conditions as are contained herein until passage of the Special Act Legislation.

2.03 Upon passage of the Special Act Legislation, the term of this Agreement shall be twenty-five (25) years from the effective date, with successive five-year options to extend exercisable at the City's option, upon the terms and conditions as are then in effect during the last year of the then current term, including any provisions for increases in the Museum Services Fee.

3. Funding.

3.01 The City shall pay SLMA Two Hundred Seventy-Five Thousand (\$275,000) Dollars on January 1, 2007 and the same amount on April 1, 2007 for a Museum Services Fee for the balance of fiscal year ending June 30, 2007.

3.02 The City agrees to pay SLMA One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars for the services to be provided under this Agreement for the fiscal year ending June 30, 2008 and for each subsequent fiscal year during the term of this Agreement, and such additional funds as the City may elect to provide to SLMA in the future, payable in at least quarterly payments commencing on or about July 1, 2007 (the "Museum Services Fee"). An invoice for payment will be submitted to the City Auditor for the initial and subsequent billing on July 1, 2007, October 1, 2007, January 1, 2008 and April 1, 2008 and on the same days each year thereafter. The Museum Services Fee which is to be paid for a minimum of twenty five (25) years as provided in the Special Act Legislation is being paid in consideration of the museum services to be provided by SLMA to the residents of the City and additionally for the transfer of the SLMA's branch libraries, the contents therein and the transfer of the furniture, fixtures and circulating book collections in the central library, which transfers would not be made without a guaranteed twenty five year Museum Services Agreement upon the terms provided herein.

In the event that the Museum Services Agreement is extended beyond twenty-five (25) years, the annual Museum Services Fee shall be such annual sum as SLMA and the City may agree upon, but in the event that the City is still occupying the Central Library, in no event shall such sum be less than One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars.

4. Financial Reporting.

4.01 SLMA shall submit its financial reports at the request of the Mayor, or his designee, as such person may direct and in such reasonable form as shall be

requested from time to time. SLMA shall receive at least sixty (60) days notice of the date on which such reports shall be required.

4.02 The financial reporting requirements set forth herein are in addition to, and do not supplant, the various reports and returns to be filed by SLMA with city, state and federal authorities. SLMA shall file annually with the City, a copy of its independent financial audit.

4.03 The records of SLMA as they relate to this Agreement shall be kept on a generally accepted accounting basis. The City, acting through its Mayor, shall, upon providing thirty (30) days written notice, have made available to it, any books, documents, papers and records of SLMA which relate solely to this Agreement for the purposes of making audit, examination, excerpts, copies and transcriptions. Any such audit costs shall be paid by the City.

5. Utilities, Maintenance and Alterations.

5.01 Subject to the provisions of this Agreement, SLMA agrees to furnish and pay all charges for heat (to be maintained at reasonable temperatures), sanitary sewer, water, gas, electricity, power and other utilities used by SLMA to operate the Museums, including trash collection and removal.

5.02 SLMA agrees to furnish and pay all costs related to yard and parking maintenance, maintenance to secure Museums and premises, including maintenance of all outside locks in good working order; major repairs to the Museums and premises, including roof repairs, etc., and all normal exterior and interior maintenance.

5.03 SLMA shall maintain the Museums and the premises clear of obstructions for emergency purposes in accordance with all applicable city and state laws, ordinance and regulations.

6. Insurance.

6.01 SLMA shall maintain general comprehensive liability insurance and fire insurance at its own expense, with respect to the Museums, issued by insurance companies authorized to do business in the Commonwealth of Massachusetts in adequate amounts, as well as required Workers' Compensation insurance for its employees.

7. Access to Museums and Recognition.

7.01 The City, its agents, servants and/or licensees shall have the right to enter upon the public areas of the Museum premises at all reasonable and convenient times, upon one (1) business day prior notice, for the purposes of inspecting the Museums for compliance with this Agreement.

7.02 SLMA agrees to install appropriate plaques in prominent locations in each museum acknowledging its deep appreciation to the residents of the City of Springfield for their financial contributions to the museums.

8. Casualty.

8.01 In the event that the Museums, or any part thereof, during the term of this Agreement, shall be destroyed or damaged by fire or other casualty, so that same shall be thereby rendered unfit for use and occupancy, then to the extent that it is required to reduce Museum Services, a portion of the Museums Services Fee, according to the nature and extent of the reduction in services, shall be suspended or abated until the Museum Services have been restored for access by the residents and/or visitors of the City of Springfield. Any reduction in the Museum Services Fee shall be based solely upon SLMA's variable costs in operating the Museum which has been damaged and shall not relate to its fixed costs of overhead to run SLMA's total Museum business.

9. Default.

9.01 The failure of the City to pay the Museum Services Fee shall be a material default hereunder as well as a default under the Branch Libraries Lease (if in effect) and the Central Library Lease which shall allow SLMA to proceed at law or equity to recover damages for such breach.

A default by SLMA hereunder in failing to provide the Museum Services shall be a material default which shall allow the City to proceed at law or equity to recover damages for such breach.

10. Equal Employment Opportunity.

10.01 During the performance of this Agreement, SLMA agrees as follows:

(i) SLMA will not discriminate against any client or applicant for services because of race, color, religion, sex, sexual orientation, disability, family status, or national origin. SLMA will take affirmative action to ensure that clients, applicants, and employees are treated without regard to their race, color, religion, sex, sexual orientation, disability, family status, or national origin.

(ii) In the event of SLMA's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this Museum Services Agreement may be cancelled, terminated, or suspended, in whole or in part, and SLMA may be declared ineligible for further City contracts. SLMA shall have the right and obligation to cure any condition of discrimination within thirty (30) days of written notice thereof or to defend such claim in accordance with the laws of the Commonwealth of Massachusetts or federal agencies.

11. Applicable Law.

11.01 This Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts. The parties hereto expressly agree that the sole and exclusive place, status and forum of this Agreement shall be the City of Springfield, Hampden County, Massachusetts. All actions and legal proceedings which in any way relate to this Agreement shall be solely and exclusively brought, heard, conducted, prosecuted, tried and determined within the City of Springfield, Hampden County, Massachusetts. It is the express intention of the parties to this Agreement that the exclusive venue of all legal actions and procedures of any nature whatsoever which relate in any way to this Agreement shall be either the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts sitting in the Hampden County Hall of Justice, Springfield, Hampden County, Massachusetts, or the United States District Court sitting in Springfield, Hampden County, Massachusetts.

12. Notices.

12.01 All notices and other communications authorized or required hereunder shall be in writing and shall be given either by mailing the same by certified or registered mail, return receipt requested, postage prepaid, or by personal delivery of same. If given to the City by mail, same shall be mailed to the City at:

The City of Springfield:

Mayor's Office
City of Springfield
36 Court Street
Springfield, MA 01103

with a copy to:

City Solicitor, Law Department
City of Springfield
36 Court Street
Springfield, MA 01103

And if given by mail to SLMA, same shall be mailed to SLMA at:

SLMA:

President's Office
Springfield Library &
Museums Association
220 State Street
Springfield, MA 01103

with a copy to:

Cooley, Shrair P.C.
1380 Main Street
Springfield, MA 01103

13. Composition of SLMA Board of Directors. SLMA agrees that, as long as this Agreement is in force and effect and the City is paying the Museum Services Fee, it will cause the membership of its Board of Trustees and its Executive Board to be comprised by at least

twenty-five (25%) percent of Springfield residents. Included within the twenty-five (25%) percent Springfield resident membership requirement, the then elected Mayor of the City of Springfield shall have the right to nominate two (2) Springfield residents to serve on the Board of Trustees who shall also become members of the Executive Committee. The Mayor's nominees shall be neither a City of Springfield or SLMA employee. Prior to June 1 of each year when there is a Mayoral appointee vacancy, the Mayor of Springfield shall provide SLMA with the names of two (2) proposed nominees and two (2) alternates. SLMA shall have the right to reject two (2) of such nominees. The nominees so chosen shall be elected at the SLMA annual meeting in September and shall serve for a three (3) year term or until the termination of the appointing Mayor's term in office, whichever occurs first.

14. Miscellaneous Provisions.

14.01 Conflict of Interest.

(i) SLMA further covenants that in the performance of this Agreement, it does not have any interest, direct or indirect, which will conflict in any manner or degree with the performance of the services hereunder, as set forth in Chapter 268A of the Massachusetts General Laws.

(ii) No officer or employee of the City shall participate in any decision relating to this Agreement which affects his/her personal interest or the interest of any corporation, partnership, or association in which he/she is directly, or indirectly, interested. No officer or employee of the City shall have any interest direct, or indirect, in this Agreement or the proceeds thereof.

14.02 Compliance with Laws. SLMA, its servants, agents, employees, volunteers and subcontractors shall comply with all applicable rules and regulations promulgated by all local, state and national boards, bureaus and agencies.

14.03 Severability. Each provision of this Agreement is intended to be severable. If any term or provision hereof shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason, such provision shall be severed from the Agreement and shall not affect the validity of the remainder of this Agreement.

14.04 Amendments. All amendments, modifications, supplements, or changes to this Agreement shall be in writing and signed by both parties hereto, including the schedules and exhibits to be appended hereto annually.

14.05 Waivers. No waiver of or breach by either party of any covenant or condition of this Agreement shall not be deemed of any force or effect whatsoever in construing this Agreement.

14.06 Assignability. This Agreement shall not be assignable by either party without the prior written consent of the other party.

14.07 Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the successors and permitted assigns of the parties hereto.

14.08 Headings. Headings are intended only as a matter of convenience and for reference and in no way define, limit, or describe the scope or intent of the Agreement, nor shall they be given legal effect.

14.09 Applicable Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.

14.10 Exhibits. All exhibits referred to in this Agreement shall be incorporated into this Agreement by such reference and shall be deemed a part of this Agreement as if fully set forth in this Agreement.

15. Entire Agreement.

15.01 This Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument, in writing, executed by the parties or their respective successors in interest.

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be signed, respective seals to be affixed hereto and delivered their names and behalf by their duly authorized officers on the day and year above first written.

CITY OF SPRINGFIELD

By: _____
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2007

SPRINGFIELD LIBRARY COMMISSION

By: _____
Its duly authorized Chairman

Approved as to Appropriation:

By: _____
City Auditor

Approved as to Form:

City Solicitor

Reviewed by:

Chief Financial Officer

SPRINGFIELD FINANCE CONTROL BOARD

By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By: _____
Joseph Carvalho, III, President
Date signed: February 27, 2007

Commonwealth of Massachusetts
County of Hampden

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III, as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

Commonwealth of Massachusetts
County of Hampden

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

EXHIBIT "A"

Springfield Science Museum

Tuesday through Sunday – 10:00am – 5:00pm

**Museum of Fine Arts
George Walter Vincent Smith Art Museum
Connecticut Valley Historical Museum**

Tuesday through Sunday – 11:00am – 4:00pm

Dr. Seuss National Memorial Sculpture Garden

Spring/Summer: Daily – 9:00am – 8:00pm

Fall/Winter: Daily – 9:00am – 5:00pm

Welcome Center

Daily: 9:00am – 5:00pm

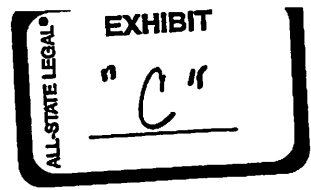
Museum Store

Tuesday through Sunday – 10:00am – 5:00pm

Genealogy & Local History Library
Located in the Connecticut Valley Historical Museum

Wednesday through Saturday – Noon – 4:00pm

Museums are closed New Year's Day, Easter, Independence Day, Thanksgiving, Christmas Eve, and Christmas Day



BRANCH LIBRARIES LEASE

This Indenture made effective this 1st day of January, 2007, by and between **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Massachusetts 01103 hereinafter referred to as "Lessor" or "SLMA" (which expression shall include the Lessor's successors, representatives and assigns where the context so requires or admits), and the **CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Massachusetts 01103 acting by and through the Springfield Library Commission, hereinafter called "Lessee" or the "City" (which expression shall include the Lessee's successors, representatives, and assigns where the context so requires or admits).

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. Term, Options and Demised Premises.

1.01 Premises. Lessor does hereby lease and let certain premises consisting of four (4) branch library buildings, together with the land under and surrounding same, as further described on Exhibit "A" attached hereto and made a part hereof. The four branch libraries are the East Springfield Branch Library, the Forest Park Branch Library, the Indian Orchard Branch Library, and the Liberty Branch Library.

1.02 Furniture, Fixtures, Equipment and Circulation Book Collections. SLMA also leases to the City all of its furniture, fixtures, equipment and circulation book collections now located within the four (4) SLMA branches, as well as those items located within the City-owned branches also described and set forth on Exhibit "A" hereto, and in addition, the furniture, fixtures, equipment and circulation books located in the East Forest Park Branch at 122-124 Island Pond Road, Springfield, Massachusetts and the Mason Square Branch located at 765 State Street, Springfield, Massachusetts.

Whenever used herein, the term "furniture, fixtures, equipment and circulation book collections" shall also be known as the "Library Assets".

1.03 Term. The term of this Lease shall initially be for three (3) years and shall be extended at the option of the City for additional three (3) year terms until approval of the Special Act legislation, which it has, or is about to, apply for, from the Massachusetts General Court.

2. Rentals.

2.01 Rent. Lessee agrees to pay Rent for the Demised Premises and the Library Assets, the sum of One and no/100 (\$1.00) Dollars per annum.

3. Use.

3.01 That the Demised Premises are to be used solely for the operation of branch libraries and related office facilities and for no other purpose. The City shall, at its sole option, have the right to close, either temporarily or permanently, one or more of the branch libraries, as set forth on Exhibit "A" and to either leave the Library Assets located within such facility, or upon agreement of SLMA and the City, to relocate such Library Assets to a different facility. Notwithstanding the closure or vacating of any branch library, the City shall continue to be liable to maintain and repair such premises as set forth herein.

4. Utilities and Services.

4.01 The Lessee agrees to pay as they become due all charges for electricity, gas, water, sewer usage, telephone, and other utilities furnished to the Demised Premises and used by the Lessee.

5. Repairs and Maintenance.

5.01 Lessee shall make all repairs and replacements made necessary as a result of negligence, use, or misuse by Lessee and Lessee's invitees and all interior and exterior structural and non-structural repairs and replacements, including repairs and replacements to the heating system, and air conditioning systems, electrical and plumbing systems, roof, walls and floor necessary to keep and maintain the Demised Premises in good order and state of repair. Lessor shall be responsible for no repairs or maintenance whatsoever.

5.02 Lessee covenants to keep the Demised Premises free from rubbish and containers and the sidewalks in front of the Demised Premises and parking area reasonably free of debris, ice and snow.

5.03 Lessee further covenants and agrees with the Lessor that it will keep all the glass on the premises whole and in good condition with glass of the same quality as that broken or injured; and will keep the Demised Premises in as good order and repair as the same are in at the commencement of the term, reasonable use and wearing thereof, fire and other unavoidable insured casualty excepted; except as provided herein, that it will save the Lessor harmless from all loss or damage occasioned by the use or misuse of water fixtures, plumbing drains and gas fixtures, boilers and steam vessels (except such as is caused by the Lessor or its agents).

5.04 The Lessee agrees not to injure, overload, deface or otherwise harm the Demised Premises; nor commit any nuisance; nor make any use of the Demised Premises which is improper, offensive or contrary to any law or ordinance. The Lessee agrees not to make, allow or suffer any waste; nor to dump, flush, or in any way introduce any hazardous material or oil into the septic, sewage or other waste disposal system serving the Demised Premises; nor, to generate, store, use or dispose of hazardous material or oil in or on the Demised Premises, or dispose of hazardous material or oil from the Demised Premises to any other location, or commit

or suffer to be committed in or on the Demised Premises any act which would require the filing of official notice pursuant to applicable law, without the prior written consent of Lessor and then only in compliance with any and all Federal, state and local laws and ordinances regulating such activity. "Hazardous material and oil" as used in this Section, shall have the same meanings as defined and used in the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Section 9601 et seq; ("CERCLA") and Mass. G.L. ch. 21E et sequi, as the same may be amended from time to time.

5.05 Maintenance of Library Assets. The City agrees that it will maintain the furniture, fixtures and equipment which are owned by SLMA and used by the City pursuant to this Lease, in good operating condition and when necessary, replace such equipment. The City also agrees to maintain in good condition, the circulation book collections and to upgrade such collection by the addition of new books and other materials based upon the needs of its Library System. The City shall have the right, without notice to SLMA to dispose of any portions of such circulation book collections as it may deem reasonable and necessary.

6. Alterations by Lessee.

6.01 The Lessee shall have the right to make changes or alterations to the Demised Premises, provided, however, that any such changes or alterations shall be made in all cases subject to the following conditions which Lessee agrees to observe and perform:

- i. No change or alteration shall at any time be made which shall impair the structural soundness or diminish the value of the Demised Premises.
- ii. No changes or alterations shall be undertaken until Lessee shall have procured and paid for all required municipal and governmental permits and authorizations of the various municipal departments and governmental subdivisions having jurisdiction.
- iii. All work done in connection with any change or alteration shall be done in a good and workmanlike manner and in compliance with the building and zoning laws, and with all other laws, ordinances, orders, rules, regulations and requirements of all federal, state and municipal governments and the appropriate departments, commissions, boards and officers thereof, and Lessee shall procure certificates of occupancy and other certificates if required by law.
- iv. Lessee shall pay for all work and materials within a reasonable time and shall see to it that no materialman's liens are filed against the Demised Premises.
- v. All structural installations to the Demised Premises shall become the property of the Lessor and shall not be removed by the Lessee at the expiration or sooner termination of this Lease.

7. Insurance Requirements.

7.01 The City represents that it does not obtain insurance to cover public

liability. The City therefore agrees that it shall assume all obligations for public liability damage which may occur on the Demised Premises at any time during the term of this Lease and to hold SLMA harmless as otherwise provided in this Lease from any occurrences on or within the Demised Premises.

7.02 SLMA agrees to continue in force the all-risk insurance which it maintains on the Demised Premises. The City agrees, as Additional Rental hereunder, to reimburse SLMA on an annual basis its costs of maintaining such all-risk insurance. Upon receipt of an invoice for such insurance, the City agrees to pay such invoice within sixty (60) days of receipt thereof.

8. Taxes.

8.01 In the event that real estate taxes should ever be assessed against the Demised Premises, or personal property taxes shall be assessed against the Library Assets, then, and in such event, the City shall take whatever action is necessary to either pay, abate or otherwise eliminate such taxes. SLMA shall bear no responsibility or liability for any personal property or real estate taxes hereunder.

9. Indemnity.

9.01 To the extent permitted by law, the Lessee shall hold the Lessor harmless against any and all claims, damages or cause of action for damages arising after the commencement of the term hereof and any orders, decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of life sustained in or about the said Demised Premises and the buildings and improvements thereon, or in or upon the sidewalks, or streets in front of or appurtenant thereto by any person or persons whatever. It is the intention and agreement that the Lessor shall not be liable for any personal injuries or damage to the Lessee or its officers, agents, employees, invitees and all persons having business with the Lessee, or to any other persons or to any occupant of any part of the Demised Premises, or for any injury or damage to any goods, wares, merchandise or property of the Lessee or of any occupant of any part of the said Demised Premises, irrespective of how the same may be caused, whether from action of the elements or acts of negligence of the owner or occupants of the adjacent properties, excepting however, the negligence of the Lessor.

9.02 To the extent permitted by law, the Lessee shall and will indemnify and save harmless the Lessor of and from any and all liability, loss, damage or expense, causes of action, suits, claims and judgment, including reasonable legal expenses in connection with defending against any such action, suit or claim arising from injury to persons or property of any and every nature and for any matter or thing growing out of the occupation of the Demised Premises, or any part thereof caused by the Lessee, its agents, employees, assigns or occupants of any part of the Demised Premises, or by their agents, or employees, respectively, or which may be occasioned by any person or thing whatsoever at any time during the term of this Lease.

10. Yielding Up.

10.01 Lessee agrees to quit and deliver up the Demised Premises to the Lessor or its representatives peaceably and quietly at the end of said term or extensions hereof, free and clear of all Lessee's personal property and equipment; that it will not suffer to be made any major alterations therein without the written consent of the Lessor; that it will not make or suffer any waste, or any unlawful, improper, noisy or offensive use of the Demised Premises.

11. Assignment and Subletting.

11.01 Lessee will not assign this Lease, in whole or in part, nor sublet all or a part of the Demised Premises without the consent of Lessor which shall not be unreasonably withheld or delayed.

12. Fire and Other Casualty.

12.01 In the event the Demised Premises or any part thereof during said term or extension thereof shall be destroyed or damaged by fire or other unavoidable casualties so that the same shall be rendered unfit for the conduct of a branch library, then and in such case, Lessee shall repair and restore the damaged Premises to their condition prior to such damage or destruction. Lessee shall diligently complete the work, repair and restoration in a good, workmen-like manner.

12.02 Notwithstanding anything contained herein to the contrary, Lessee shall have the right to terminate the within Lease for the damaged Premises if such Premises are destroyed or damaged by fire or other casualty to the extent of at least fifty percent (50%) during the term hereunder. In the event that Lessee desires to terminate the Lease as to any damaged branch library, then it shall demolish the building located thereon, level the land and return such Premises to Lessor.

12.03 To the extent that it receives proceeds from its all-risk insurance policies maintained by SLMA on the Demised Premises, Lessor shall remit to the City any such proceeds collected as a result of a fire or other insured casualty received by SLMA, which funds shall be used by the City to offset the costs of restoration and/or repair of the damaged Premises.

13. Notices.

13.01 All notices required to be given hereunder shall be mailed by Certified Mail, Return Receipt Requested, to the Lessor at 220 State Street, Springfield, Massachusetts 01103, Attn: President, and to Lessee at 36 Court Street, Springfield, Massachusetts 01103, Attn: Mayor (with a copy to the City Solicitor and to the Springfield Library Commission), or at such other place as either party may designate in writing to the other.

14. Defaults.

14.01 Lessor may terminate this Lease if (i) Lessee shall have failed to cure a default in the performance of any covenant of this Lease, the Main Library Lease, or any rule or regulation hereinafter set forth, within thirty (30) days after written notice thereof from Lessor, or if default cannot be completely cured in such time, if Lessee shall not promptly proceed to cure such default within said thirty (30) days, or shall not complete the curing of such default with due diligence; or (ii) if Lessee shall fail to pay the Museum Services Fee under the Museums Services Agreement between SLMA and the City of even date. The failure to pay the agreed upon Museum Services Fee required under the Museums Services Agreement shall be a Material Default under this Lease, resulting in Lessor's right to terminate Lessee's possession under this Lease.

14.02 If Lessor shall re-enter the Demised Premises on the default of Lessee, by summary proceedings or otherwise (i) any property left in the Demised Premises by Lessee shall be deemed to have been abandoned by Lessee, and Lessor shall have the right to retain or dispose of such property in any manner without obligation to account therefore to Lessor.

14.03 In addition to the above, Lessee shall be liable for the payment of all costs of collection of rent, the Museum Services Fee and all other expenses necessary to enforce Lessee's covenants hereunder including reasonable attorney's fees.

15. Quiet Enjoyment.

15.01 Lessor covenants and agrees with the Lessee that upon Lessee paying said Rent and performing all the covenants and conditions aforesaid on Lessee's part to be observed and performed, Lessee shall and may peaceably and quietly have, hold and enjoy the Demised Premises hereby demised for the term aforesaid.

16. Triple Net Lease.

16.01 This is a "triple-net" Lease and the Lessor shall not be required to provide any services or do any act in connection with the Demised Premises except as specifically provided herein.

17. Severability.

17.01 If any term or provision of this Lease, or the application thereof, to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease or the application of such term or provisions which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

18. Hazardous Substance

18.01 Definitions. As used in this section, the term "Environmental Law(s)" shall mean all federal, state and local laws, statutes, codes, ordinances regulations, rules or other requirements (including, but not limited to, consent decrees and judicial or administrative orders), relating to the protection of human health or safety or the environment, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") as amended (42 U.S.C. Section 9601 9675); the Resource Conservation and Recovery Act, as amended ("RCRA") (42 U.S.C. Section 6901, et seq.); the Clean Water Act, as amended (33 U.S.C. Section 1251, et seq.); the Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.); the Toxic Substance and Control Act ("TSCA"), as amended (15 U.S.C. Section 2601, et seq.); and all laws applicable to the storage, treatment, disposal, handling and release of any Hazardous Substance.

"Hazardous Substance" shall be any material, substance, waste or constituent as defined or regulated under CERCLA, 42 U.S.C. §9601 et seq. RCRA, 42 U.S.C. §6901 et seq., the Clean Water Act, 42 U.S.C. §1251 et seq., TSCA, 15 U.S.C. §2601 or the laws of the state wherein the Demised Premises are located, as amended from time to time, expressly including petroleum substances, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel.

18.02 Responsibility for Compliance with Environmental Laws. At Lessee's expense, Lessee's activities on the Demised Premises shall materially comply with all applicable Environmental Laws.

18.03 (a) During or after the Lease Term, Lessor shall indemnify Lessee against and hold Lessee harmless of any and all loss, liability, cost, fine, penalty or expense, including reasonable attorneys' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to the use or ownership of the Demised Premises on or prior to the Commencement Date of this Lease.

(b) To the extent permitted by law, Lessee shall indemnify Lessor against and hold Lessor harmless of and from any and all loss, liability, cost, fine, penalty or expense, including reasonable attorneys' and consultants' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions relating to any Environmental Law, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to any occurrence or condition at the Demised Premises arising after the Commencement Date of this Lease caused by Lessee and which are not required to be remedied by Lessor as provided in Section 18.03(a)

hereof.

19. Miscellaneous. The parties further expressly agree as follows:

19.01 The covenants and agreements herein contained shall, subject to the provisions of this Lease, bind and inure to the benefit of the Lessor and Lessee, their successors and assigns, except as otherwise provided herein.

19.02 Words of any gender used in this Lease shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

19.03 The acts or omissions of the servants and agents of the Lessee and the Lessor, and of all persons who are upon the Demised Premises during the term, or any extensions hereof, shall be construed to be the acts or omissions of such party.

19.04 Time shall be construed to be of the essence hereof, wherever any act hereunder is required to be done at a certain time, or within a prescribed period of time.

19.05 This Lease, and any amendments which the parties may execute hereto, sets forth all of the promises, agreements, conditions and understandings between Lessor and Lessee relative to the Demised Premises, and there are no other promises, agreements, conditions and understandings, either oral or written, between them.

19.06 No subsequent alteration, amendment, change, or addition to this Lease shall be binding upon Lessor or Lessee, unless same has been reduced to writing and executed by Lessor and Lessee.

19.07 This Lease is executed under and pursuant to the laws of the Commonwealth of Massachusetts.

19.08 This Lease has been approved by the Finance Control Board and the Secretary for Administration and Finance of the Commonwealth of Massachusetts, pursuant to Chapter 169 of the Acts of 2004, Section 4(d)(14).

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the Lessor and Lessee have executed this Indenture of Lease as of the date it is signed by all parties, on the latest date written below.

CITY OF SPRINGFIELD

By: _____
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2007

SPRINGFIELD LIBRARY COMMISSION

By: _____
Its duly authorized Chairman

Approved:

By: _____
Eddie Corbin, Chief Procurement Officer

Approved as to Appropriation:

By: _____
City Auditor

Approved as to Form:

By: _____
City Solicitor

Reviewed by:

Chief Financial Officer

SPRINGFIELD FINANCE CONTROL BOARD

By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By: _____
Joseph Carvalho, III, President
Date signed: February 27, 2007

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:



CENTRAL LIBRARY LEASE

This Indenture made effective as of the 1st day of January, 2007, by and between **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Massachusetts 01103 hereinafter referred to as "Lessor" or "SLMA" (which expression shall include the Lessor's successors, representatives and assigns where the context so requires or admits), and **THE CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Massachusetts 01103, acting by and through the Springfield Library Commission, hereinafter called "Lessee" or the "City" (which expression shall include the Lessee's successors, representatives, and assigns where the context so requires or admits).

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. Term, Options and Demised Premises.

1.01 *Premises.* The Lessor does hereby lease and let certain premises known as the Central Library Building located at 220 State Street, Springfield, Massachusetts. Excluded from this Lease is the area where SLMA's telephone system is located together with access rights through the library to SLMA's telephone system area.

1.02 *Furniture, Fixtures, Equipment and Circulation Book Collections.* SLMA also leases to the City all of its furniture, fixtures, equipment and circulation book collections (excluding rare books and artwork) now located within the Central Library.

Whenever used herein, the term "furniture, fixtures, equipment and circulation book collections" shall also be known as the "Library Assets". Specifically excluded from the "Library Assets" shall be SLMA's office equipment, furniture, fixtures, and computer system located on the upper first and fourth floors.

1.03 *Term.* The initial term of this Agreement shall be for a period of three (3) years beginning July 1, 2006 and terminating on June 30, 2009. The City shall extend the term of this Agreement for successive three (3) year terms upon all of the same terms and conditions as are contained herein, until passage of the Special Act Legislation to be filed by the City pursuant to the Memorandum of Understanding between the City and SLMA .

Upon passage of the Special Act Legislation, the term of this Agreement shall be twenty-five (25) years from the effective date.

In the event that the City still occupies the Demised Premises on July 1, 2031, the City shall have successive options to extend the term of the Lease for five (5) year terms upon the same terms and conditions contained herein provided that the City extends the Museum Services Agreement with Lessor for the same five (5) year term and upon the same terms and conditions as are then in effect during the last year of the then current term, including any provisions for increases in the Museum Services Fee. Lessee shall provide written notice to

Lessor of its intention to extend the term of this Lease at least twelve (12) months prior to the termination date of the term then in effect., with successive five (5)-year options to extend exercisable at the City's option.

Following passage of the Special Act Legislation, the term of this Lease shall terminate upon the earlier of (i) July 1, 2031, or June 30th of the final year of any option term exercised by the City; or (ii) the date which the City, at its option, vacates the Demised Premises based upon a determination that it is relocating its Central Library to another location.

2. Rentals.

2.01 Lessee agrees to pay as Rent for the Demised Premises, the sum of One and no/100 (\$1.00) Dollars per annum. Lessor shall pay, as Additional Rental, the Museum Services Fee as provided in the Museum Services Agreement of even date between the parties, a copy of which is attached hereto as Exhibit "A".

3. Use.

3.01 The Demised Premises are to be used solely for the operation of the Central Library and related office facilities and for no other purpose.

4. Utilities and Services.

4.01 Lessee agrees to reimburse Lessor for all charges for electricity, gas, water, sewer usage, telephone, and other utilities furnished to the Demised Premises and used by Lessee. Lessor and Lessee shall use good faith efforts to agree as to what constitutes Lessee's share of the utilities furnished to the Demised Premises and shall reimburse Lessor for such proportionate share within sixty (60) days of receipt of a bill therefor; it being understood that the heating and air conditioning systems are part of a central system serving the entire Quadrangle and not exclusively the Central Library Building.

5. Repairs and Maintenance.

5.01 Lessee shall make all repairs and replacements made necessary as a result of negligence, use, or misuse by Lessee and Lessee's invitees and all interior non-structural repairs and replacements, including repairs and replacements to the air conditioning systems, electrical and plumbing systems, roof, walls and floor necessary to keep and maintain the Demised Premises in good order and state of repair. Lessor shall maintain and repair the central heating and air conditioning systems and the structural and exterior portions of the building, the costs of which Lessor repairs shall be reimbursed by Lessee to Lessor within sixty (60) days of billing.

5.02 The Lessee covenants to keep the Demised Premises free from rubbish and containers and the sidewalks in front of the Demised Premises and parking area reasonably free of debris, ice and snow, or Lessor may perform such services on behalf of Lessee and

Lessee agrees to reimburse Lessor for its proportionate share of the cost of such maintenance.

5.03 The Lessee further covenants and agrees with the Lessor that it will keep all the glass on the premises whole and in good condition with glass of the same quality as that broken or injured; and will keep the Demised Premises in as good order and repair as the same are in at the commencement of the term, reasonable use and wearing thereof, fire and other unavoidable insured casualty excepted; except as provided herein, that it will save the Lessor harmless from all loss or damage occasioned by the use or misuse of water fixtures, plumbing drains and gas fixtures, boilers and steam vessels (except such as is caused by the Lessor or its agents).

5.04 The Lessee agrees not to injure, overload, deface or otherwise harm the Demised Premises; nor commit any nuisance; nor make any use of the Demised Premises which is improper, offensive or contrary to any law or ordinance. The Lessee agrees not to make, allow or suffer any waste; nor to dump, flush, or in any way introduce any hazardous material or oil into the septic, sewage or other waste disposal system serving the Demised Premises; nor, to generate, store, use or dispose of hazardous material or oil in or on the Demised Premises, or dispose of hazardous material or oil from the Demised Premises to any other location, or commit or suffer to be committed in or on the Demised Premises any act which would require the filing of official notice pursuant to applicable law, without the prior written consent of Lessor and then only in compliance with any and all Federal, state and local laws and ordinances regulating such activity. "Hazardous material and oil" as used in this Section, shall have the same meanings as defined and used in the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Section 9601 et seq; ("CERCLA") and Mass. G.L. ch. 21E et sequi, as the same may be amended from time to time.

5.05 Maintenance of Library Assets. Prior to a transfer to the City, the City agrees that it will maintain the furniture, fixtures and equipment which are owned by SLMA and used by the City pursuant to this Lease, in good operating condition and when necessary, replace such equipment.

6. Alterations by Lessee.

6.01 The Lessee shall have the right to make non-structural changes or alterations to the interior of the Demised Premises, subject to the prior written approval of Lessor, provided, however, that any such changes or alterations shall be made in all cases subject to the following conditions which Lessee agrees to observe and perform:

(i) No change or alteration shall at any time be made which shall impair the structural soundness or diminish the value of the Demised Premises.

(ii) No changes or alterations shall be undertaken until Lessee shall have procured and paid for all required municipal and governmental permits and authorizations of the various municipal departments and governmental subdivisions having jurisdiction, including the Springfield Historical Commission.

(iii) All work done in connection with any change or alteration shall be done in a good and workmanlike manner and in compliance with the building and zoning laws, and with all other laws, ordinances, orders, rules, regulations and requirements of all federal, state and municipal governments and the appropriate departments, commissions, boards and officers thereof, and Lessee shall procure certificates of occupancy and other certificates if required by law.

(iv) Lessee shall pay for all work and materials within a reasonable time and shall see to it that no materialman's liens are filed against the Demised Premises.

6.02 Lessor, upon reasonable notice, shall be permitted access to the premises for the purpose of inspecting the premises for compliance with the terms of this Lease.

7. Insurance Requirements.

7.01 The City represents that it does not obtain insurance to cover public liability. The City therefore agrees that it shall assume all obligations for public liability damage which may occur on the Demised Premises at any time during the term of this Lease and to hold SLMA harmless as otherwise provided in this Lease from any occurrences on or within the Demised Premises.

7.02 SLMA agrees to continue in force the all-risk insurance which it maintains on the Demised Premises. The City agrees, as Additional Rental hereunder, to reimburse SLMA on an annual basis its costs of maintaining such all-risk insurance. Upon receipt of an invoice for such insurance, the City agrees to pay such invoice within sixty (60) days of receipt thereof. Lessor shall provide Lessee with a Certificate of Insurance naming Lessee as an additional insured as its interests may appear.

8. Taxes.

8.01 In the event that real estate taxes should ever be assessed against the Demised Premises, or personal property taxes shall be assessed against the Library Assets, then, and in such event, the City shall take whatever action is necessary to either pay, abate or otherwise eliminate such taxes. SLMA shall bear no responsibility or liability for any personal property or real estate taxes hereunder.

9. Indemnity.

9.01 To the extent permitted by law, the Lessee shall hold the Lessor harmless against any and all claims, damages or cause of action for damages arising after the commencement of the term hereof and any orders, decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of life sustained in or about the said Demised Premises and the buildings and improvements thereon, or in or upon the sidewalks, or streets in front of or appurtenant thereto by any person or persons whatever. It is the intention and agreement that the Lessor shall not be liable for any personal injuries or damage to the Lessee or its officers, agents, employees,

invitees and all persons having business with the Lessee, or to any other persons or to any occupant of any part of the Demised Premises, or for any injury or damage to any goods, wares, merchandise or property of the Lessee or of any occupant of any part of the said Demised Premises, irrespective of how the same may be caused, whether from action of the elements or acts of negligence of the owner or occupants of the adjacent properties, excepting however, the negligence of the Lessor.

9.02 To the extent permitted by law, the Lessee shall and will indemnify and save harmless the Lessor of and from any and all liability, loss, damage or expense, causes of action, suits, claims and judgment, including reasonable legal expenses in connection with defending against any such action, suit or claim arising from injury to persons or property of any and every nature and for any matter or thing arising out of the occupation of the Demised Premises, or any part thereof caused by the Lessee, its agents, employees, assigns or occupants of any part of the Demised Premises, or by their agents, or employees, respectively, or which may be occasioned by any person or thing whatsoever at any time during the term of this Lease.

10. Yielding Up.

10.01 The Lessee agrees to quit and deliver up the Demised Premises to the Lessor or its representatives peaceably and quietly at the end of said term or extensions hereof, free and clear of all Lessee's personal property and equipment; that it will not suffer to be made any major alterations therein without the written consent of the Lessor; that it will not make or suffer any waste, or any unlawful, improper, noisy or offensive use of the Demised Premises.

11. Assignment and Subletting.

11.01 Lessee will not assign this Lease, in whole or in part, nor sublet all or a part of the Demised Premises.

12. Fire and Other Casualty.

12.01 In the event the Demised Premises or any part thereof during said term or extension thereof shall be destroyed or damaged by fire or other unavoidable casualties so that the same shall be rendered unfit for the conduct of a library, then and in such case, Lessor shall repair and restore the damaged Premises to their condition prior to such damage or destruction. Lessor shall diligently complete the work, repair and restoration in a good, workman-like manner.

12.02 Notwithstanding anything contained herein to the contrary, Lessor or Lessee shall have the right to terminate the within Lease for the damaged Premises if such Premises are destroyed or damaged by fire or other casualty to the extent of at least fifty (50%) percent during the term hereunder.

13. Notices.

13.01 All notices required to be given hereunder shall be mailed by certified

mail, return receipt requested, to the Lessor at 220 State Street, Springfield, Massachusetts 01103, Attn: President, and to the Lessee at 36 Court Street, Springfield, Massachusetts 01103, Attn: Mayor (with a copy to the City Solicitor and the Springfield Library Commission) or at such other place as either party may designate in writing to the other.

14. Defaults.

14.01 Lessor may terminate this Lease if (i) Lessee shall have failed to cure a default in the performance of any covenant of this Lease, the Branch Libraries Lease, or any rule or regulation hereinafter set forth, within sixty (60) days after written notice thereof from Lessor, or if default cannot be completely cured in such time, if Lessee shall not promptly proceed to cure such default within said sixty (60) days, or shall not complete the curing of such default with due diligence; or (ii) if Lessee shall fail to pay the Museum Services Fee under the Museums Services Agreement between SLMA and the City of even date. The failure to pay the agreed upon Museum Services Fee required under the Museums Services Agreement shall be a Material Default under this Lease, resulting in Lessor's right to terminate Lessee's possession under this Lease.

14.02 If Lessor shall re-enter the Demised Premises on the default of Lessee, by summary proceedings or otherwise (i) any property left in the Demised Premises by Lessee shall be deemed to have been abandoned by Lessee, and Lessor shall have the right to retain; or (ii) dispose of such property in any manner without obligation to account therefore to Lessor.

14.03 In addition to the above, Lessee shall be liable for the payment of all costs of collection of rent, the Museum Services Fee, and all other expenses necessary to enforce Lessee's covenants hereunder including reasonable attorney's fees.

14.04 In the event that Lessor defaults in its covenants under this Lease and fails to cure such default(s) within sixty (60) days of receipt of written notice from Lessee, Lessee shall be permitted to proceed at law or equity to recover damages for such breach.

15. Quiet Enjoyment.

15.01 Lessor covenants and agrees with the Lessee that upon Lessee paying said Rent and performing all the covenants and conditions aforesaid on Lessee's part to be observed and performed, Lessee shall and may peaceably and quietly have, hold and enjoy the Demised Premises hereby demised for the term aforesaid.

16. Triple Net Lease.

16.01 This is a "triple-net" Lease and the Lessor shall not be required to provide any services or do any act in connection with the Demised Premises except as specifically provided herein.

17. Severability.

17.01 If any term or provision of this Lease, or the application thereof, to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease or the application of such term or provisions which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

18. Hazardous Substance

18.01 Definitions. As used in this section, the term "Environmental Law(s)" shall mean all federal, state and local laws, statutes, codes, ordinances regulations, rules or other requirements (including, but not limited to, consent decrees and judicial or administrative orders), relating to the protection of human health or safety or the environment, including, but not limited to, the Comprehensive Environmental Response. Compensation and Liability Act ("CERCLA") as amended (42 U.S.C. Section 9601 9675); the Resource Conservation and Recovery Act, as amended ("RCRA") (42 U.S.C. Section 6901, et seq.); the Clean Water Act, as amended (33 U.S.C. Section 1251, et seq.); the Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.); the Toxic Substance and Control Act ("TSCA"), as amended (15 U.S.C. Section 2601, et seq.); and all laws applicable to the storage, treatment, disposal, handling and release of any Hazardous Substance.

"Hazardous Substance" shall be any material, substance, waste or constituent as defined or regulated under CERCLA, 42 U.S.C. §9601 et seq. RCRA, 42 U.S.C. §6901 et seq., the Clean Water Act, 42 U.S.C. §1251 et seq., TSCA, 15 U.S.C. §2601 or the laws of the state wherein the Demised Premises are located, as amended from time to time, expressly including petroleum substances, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel.

18.02 Responsibility for Compliance with Environmental Laws. At Lessee's expense, Lessee's activities on the Demised Premises shall materially comply with all applicable Environmental Laws.

18.03 (a) During or after the Lease Term, Lessor shall indemnify Lessee against and hold Lessee harmless of any and all loss, liability, cost, fine, penalty or expense, including reasonable attorneys' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to the use or ownership of the Demised Premises on or prior to the Commencement Date of this Lease.

(b) To the extent permitted by law, Lessee shall indemnify Lessor against and hold Lessor harmless of and from any and all loss, liability, cost, fine, penalty or

expense, including reasonable attorneys' and consultants' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions relating to any Environmental Law, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to any occurrence or condition at the Demised Premises arising after the Commencement Date of this Lease caused by Lessee and which are not required to be remedied by Lessor as provided in Section 18.03(a) hereof.

19. Miscellaneous. The parties further expressly agree as follows:

19.01 The covenants and agreements herein contained shall, subject to the provisions of this Lease, bind and inure to the benefit of the Lessor and Lessee, their successors and assigns, except as otherwise provided herein.

19.02 Words of any gender used in this Lease shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

19.03 The acts or omissions of the servants and agents of the Lessee and the Lessor, and of all persons who are upon the Demised Premises during the term, or any extensions hereof, shall be construed to be the acts or omissions of such party.

19.04 Time shall be construed to be of the essence hereof, wherever any act hereunder is required to be done at a certain time, or within a prescribed period of time.

19.05 This Lease, and any amendments which the parties may execute hereto, sets forth all of the promises, agreements, conditions and understandings between Lessor and Lessee relative to the Demised Premises, and there are no other promises, agreements, conditions and understandings, either oral or written, between them.

19.06 No subsequent alteration, amendment, change, or addition to this Lease shall be binding upon Lessor or Lessee, unless same has been reduced to writing and executed by Lessor and Lessee.

19.07 This Lease is executed under and pursuant to the laws of the Commonwealth of Massachusetts.

19.08 This Lease has been approved by the Finance Control Board and the Secretary for Administration and Finance of the Commonwealth of Massachusetts, pursuant to Chapter 169 of the Acts of 2004, Section 4(d)(14).

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the Lessor and Lessee have executed this Indenture of Lease on the date it is signed by all parties, on the latest date written below. .

CITY OF SPRINGFIELD

By: _____
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2006

SPRINGFIELD LIBRARY COMMISSION

By: _____
Its duly authorized Chairman

Approved:

By: _____
Eddie Corbin, Chief Procurement Officer

Approved as to Appropriation:

By: _____
City Auditor

Approved as to Form:

By: _____
City Solicitor

Reviewed by:

Chief Financial Officer

SPRINGFIELD FINANCE CONTROL BOARD

By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By: _____
Joseph Carvalho, III, President
Date signed: February 27, 2007

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III, as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

Sold Books primarily of value as literature

1 Bly	Narrative of the Mutiny	1790	3,920.00	3,998.40
2 Johnson's Dictionary			1,960.00	1,999.20
3 Wilkes	Narrative	1848	1,862.00	1,899.24
4 Liber Scriptorum		1893	1,176.00	1,199.52
5 Simpson	The Seed of War		1,176.00	1,199.52
6 Tavermer	A Collection of Several Relations	1680	980.00	999.60
			11,074.00	11,295.48

Books with primary value as ART

- 7 Piranesi Antichita Romane
- 8 Monuments Modernes de a Perse
- 9 Gruner
- 10 Arts Decoratifs de L'Orient
- 11 Goury
- 12 D'Avennes
- 13 Baessler
- 14 Parisien Fashion 6 boxes
- 15 Box of "Chic Parisien Couture"
- 16 d'Avant-Saison. Inspirations, 15 vols.
- 17 L'Egypt (super folios)
- 18 Heap
- 19 Binlon
- 20 Uhle
- 21 Camera Work, Nos.17-24,33-50
- 22 Benjamin
- 23 Jaypore Portfolio, 6 parts
- 24 World's Columblan Exposition, 5 vols.
- 25 Gruner
- 26 Elegance of Paris, 2 boxes
- 27 Vetusta Monuments, 6 vols
- 28 Nouvelles Compositions Decoratives
- 29 Varnet
- 30 Mucha
- 31 Passerio

- 32 Curtis
- 33 La Fiteau
- 34 Ungarelli
- 35 Hamilton
- 36 Bellorius

- 37 Harris
- 38 Denon
- 39 Abbe Saint-non
- 40 Audubon
- 41 Mercurialis

- 42 Reeve
- 43 Cassin
- 44 Des. De l'Egypte, plates
- 45 Harris
- 46 Kilbourne
- 47 Mayer
- 48 Strutt
- 49 Roberts
- 50 Roberts

- 51 Holbrook
- 52 Horace, mss in Dutch, calligraphy
- 53 Muybridge
- 54 Gutenberg Bible, 1 leaf, illus
- 55 Collinot et Beaumont
- 56 Deane Ichnographs from SanStone
- 57 Goode Game Fishes of the United States

- 58 Manutius and Asulanus
- 59 Hardinge India, lithographic plates

- 60 Hogarth & Cook

- 61 McKenney

- 62 Norden
- 63 Norton
- 64 Rossini Le Antichita Romane Ossia...

224 numbered plates

Le Decorations de Palais

Plans of the Alhambra
L'Art Arab , 3 vols.
Ancient Peruvian Art

Pacific
Ancient Egypt. Plates
Sudamerikanschel Volker, 2 vols

Country Builder's Assistant

Specimens of Orn. Art

Kaleidoscope: Ornaments Abstraits
Documents Decoratifs
Picturae Etruscorum In Vasculis

North American Indians, prints\portfolio
De Zeden der Wilden van Amerika
Obeliscorum, 2 vols. Folding plates
Campi Phelgrae
Veteres Arcus Augustorum
Fishes of North America,
chromolithographed plates
Voyages dans Egypt, 3 volsd, illus 3 vols,illus
Pittoresque do Sicilia, 4 vols
Quadrupeds, plates
Arte Gymnastica

Conchologia Systematica, 2 vols.,plates
Illustrations of the Birds

The Aurelian, 44 hand colored plates
Game Fishes, plates
Views in Egypt
Sylva Britannia
Holy Land 6 vols. In 4, plates
Egypt and Nubia, vols 3+4, plates
American Herpetology, 147 hand colored
plates

Animal Locomotion, collotype plates

Arts Decoratifs de l'Orient

20 Mounted plates
Florilegium Diversorum Epigrammatum
plates

Hogarth restored [engravings of Wm
Hogarth]
History of the Indian Tribes, hand
colored lithographic plates
Travels in Egypt & Nubia, numerous
engraved plans, views, & maps
Treasures of Art.....
numerous engraved plates



65 Thomas Aquinas

Super quarto libro sententiarum,
caligraphy, liquid gold filled modeled
foliate decoration armorial shield, pen
work decoration, pen work marginal
extensions, hand tinted illustrations



EXEMPTING THE CITY OF SPRINGFIELD FROM CERTAIN PROVISIONS OF THE GENERAL LAWS.

Notwithstanding the provisions of chapter thirty B of the General Laws or any other general law or special law to the contrary, the city of Springfield is hereby authorized to enter to a lease agreement with the Springfield Library and Museums Association (hereinafter "SLMA") for the use of the central library building located at 220 State Street, Springfield Massachusetts (including the land and building) for a term up to twenty-five years, with successive five-year options to extend at the City's option, under such terms and conditions as the city of Springfield and the SLMA may agree from time to time.

SECTION 2. Notwithstanding the provisions of chapter thirty B of the General Laws or any other general law or special law to the contrary, the city of Springfield is hereby authorized to enter into a written service agreement with SLMA to provide museum services to the city's residents and visitors for a period up to twenty-five years, with successive five-year options to extend at the City's option, under such terms and conditions as the city and the SLMA may agree from time to time.

SECTION 3. Notwithstanding the provisions of chapter thirty B of the General Laws or any other general law or special law to the contrary, the city of Springfield is hereby authorized to enter into a lease agreement with SLMA to rent four branch libraries (East Springfield Branch at 21 Osborne Terrace, Forest Park Branch at 380 Belmont Avenue, Indian Orchard Branch at 44 Oak Street, and Liberty Branch at 773 Liberty Street) in Springfield Massachusetts (including the land and buildings) for successive three-year terms, under such terms and conditions as the city of Springfield and the SLMA may agree from time to time.

Section 4. Notwithstanding the provisions of chapter thirty B of the General Laws or any other general law or special law to the contrary, the city of Springfield is hereby authorized to acquire from the SLMA, by quitclaim deed, the four SLMA-owned branch libraries described herein, and contents thereof, under such terms and conditions and the city and the SLMA may agree.

SECTION 5. This act shall take effect upon its passage.

Mayor of the City of Springfield

in the name and on behalf of said City, and in the pursuance of an order, a duly attested copy of which is hereto annexed, respectfully petition the General Court for legislation entitled "An Act Exempting the City of Springfield from Certain Provisions of the General Laws," in substantially the same form as a draft Act attached hereto.

Respectfully submitted,

Charles V. Ryan, Mayor

**City of Springfield
36 Court Street
Springfield, MA 01103**

EX.B
C#0473

MUSEUM SERVICES AGREEMENT

AGREEMENT made effective the 1st day of January, 2007 by and between the **CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Hampden County, Massachusetts 01103, acting by and through its Mayor and the Springfield Library Commission (the "City"), and **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Hampden County, Massachusetts 01103 ("SLMA").

WHEREAS, SLMA is an entity created by the Massachusetts General Court pursuant to Chapter 142 of the Acts of 1864 and originally named the "City Library Association", as amended by Chapter 47 of the Acts of 1887; Chapter 95 of the Acts of 1901; Chapter 155 of the Acts of 1902; Chapter 40 of the Acts of 1912; Chapter 23 of the Acts of 1929; and Chapter 331 of the Acts of 1948; and Chapter 180 of the Acts of 1998, which amendments broadened its powers and included the George Walter Vincent Smith Museum, the Science Museum, the Connecticut Valley Historical Museum, and the Museum of Fine Arts (collectively, the "Museum"); and

WHEREAS, effective this date, the City wishes to enter into a long-term Museum Services Agreement to provide museum services to the City's residents and visitors pursuant to the above-cited Acts; and

WHEREAS, the City regards the establishment and maintenance of the Museums of History, Science and Art essential public services for the diffusion of knowledge, the promotion of intellectual improvement and for the educational, civic, and cultural well-being of its residents and visitors, and wishes to continue the outstanding services of these essential governmental functions provided by SLMA to the residents of the City of Springfield and to the region; and

WHEREAS, the property upon which the Museums are located is private property owned by SLMA and the City acknowledges SLMA's need to protect its property, Museums and the collections contained therein by retaining the right to refuse admission to any persons whom it believes may cause harm to its property or endanger its patrons; and

WHEREAS, the City and SLMA have entered into a Memorandum of Understanding ("MOU") whereby SLMA is to provide museum services in the City of Springfield based upon the terms and conditions as are outlined in the MOU.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties intending to be legally bound hereby agree as follows:

1. Scope of Services.

1.01 SLMA's obligation under the Museum Services Agreement shall be to continue to provide Museum Services to the residents of the City of Springfield and its visitors as heretofore provided in the buildings, now and in the future, located at the Quadrangle area (including without limitation, George Walter Vincent Smith Museum, the Science Museum, the Connecticut Valley Historical Museum ("CVH"), and the Museum of Fine Arts). The current hours per week for Museum Service are attached hereto as Exhibit "A". SLMA will periodically review its hours of operation to determine if the needs of the City's residents are being met and whether it can economically afford to increase its hours of operation. SLMA will currently agree to extend the CVH hours to sixteen (16) hours per week.

1.02 SLMA will continue to provide free access and admission to all Springfield school children and Springfield school system classes, and on and after May 1, 2007, SLMA shall provide free access and admission to all individuals who are legal residents of the City of Springfield. SLMA shall have the right to require any Springfield resident to exhibit proof of residency and to issue such resident a Museum Access Card identifying such resident.

SLMA shall be permitted to continue its current practice of charging all patrons of the museums admission fees (including SLMA members and Springfield residents) for special exhibits.

1.03 SLMA retains the right, in its exclusive discretion, to deny access and admission to any person whom it deems to be a threat to the integrity of SLMA's property, Museums, and collections or whom it believes might endanger the safety of other Museum patrons or create a disturbance or breach of the peace.

1.04 No Museums or any other facility operated by SLMA may be permanently closed or have its hours of operation materially reduced without the prior approval of the Mayor and such approval shall not be unreasonably withheld.

1.05 SLMA will make the exterior facilities of the Quadrangle available for Library functions provided that it receive prior notice and provided that there is not then an SLMA event scheduled. In such event, the City shall be responsible for cleaning the area after such Library function(s) and shall provide, at its cost, such additional security as may be required by SLMA upon reasonable prior notice.

2. Term.

2.01 The initial term of this Agreement shall be for a period of three (3) years beginning January 1, 2007 and terminating on December 31, 2009, unless extended due to the enactment of the Special Act Legislation to be filed within sixty (60) days from

the date of this Agreement with the Massachusetts General Court, as provided in the MOU.

2.02 The City shall extend the term of this Agreement for successive three (3) year terms upon all of the same terms and conditions as are contained herein until passage of the Special Act Legislation.

2.03 Upon passage of the Special Act Legislation, the term of this Agreement shall be twenty-five (25) years from the effective date, with successive five-year options to extend exercisable at the City's option, upon the terms and conditions as are then in effect during the last year of the then current term, including any provisions for increases in the Museum Services Fee.

3. Funding.

3.01 The City shall pay SLMA Two Hundred Seventy-Five Thousand (\$275,000) Dollars on January 1, 2007 and the same amount on April 1, 2007 for a Museum Services Fee for the balance of fiscal year ending June 30, 2007.

3.02 The City agrees to pay SLMA One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars for the services to be provided under this Agreement for the fiscal year ending June 30, 2008 and for each subsequent fiscal year during the term of this Agreement, and such additional funds as the City may elect to provide to SLMA in the future, payable in at least quarterly payments commencing on or about July 1, 2007 (the "Museum Services Fee"). An invoice for payment will be submitted to the City Auditor for the initial and subsequent billing on July 1, 2007, October 1, 2007, January 1, 2008 and April 1, 2008 and on the same days each year thereafter. The Museum Services Fee which is to be paid for a minimum of twenty five (25) years as provided in the Special Act Legislation is being paid in consideration of the museum services to be provided by SLMA to the residents of the City and additionally for the transfer of the SLMA's branch libraries, the contents therein and the transfer of the furniture, fixtures and circulating book collections in the central library, which transfers would not be made without a guaranteed twenty five year Museum Services Agreement upon the terms provided herein.

In the event that the Museum Services Agreement is extended beyond twenty-five (25) years, the annual Museum Services Fee shall be such annual sum as SLMA and the City may agree upon, but in the event that the City is still occupying the Central Library, in no event shall such sum be less than One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars.

4. Financial Reporting.

4.01 SLMA shall submit its financial reports at the request of the Mayor, or his designee, as such person may direct and in such reasonable form as shall be

requested from time to time. SLMA shall receive at least sixty (60) days notice of the date on which such reports shall be required.

4.02 The financial reporting requirements set forth herein are in addition to, and do not supplant, the various reports and returns to be filed by SLMA with city, state and federal authorities. SLMA shall file annually with the City, a copy of its independent financial audit.

4.03 The records of SLMA as they relate to this Agreement shall be kept on a generally accepted accounting basis. The City, acting through its Mayor, shall, upon providing thirty (30) days written notice, have made available to it, any books, documents, papers and records of SLMA which relate solely to this Agreement for the purposes of making audit, examination, excerpts, copies and transcriptions. Any such audit costs shall be paid by the City.

5. Utilities, Maintenance and Alterations.

5.01 Subject to the provisions of this Agreement, SLMA agrees to furnish and pay all charges for heat (to be maintained at reasonable temperatures), sanitary sewer, water, gas, electricity, power and other utilities used by SLMA to operate the Museums, including trash collection and removal.

5.02 SLMA agrees to furnish and pay all costs related to yard and parking maintenance, maintenance to secure Museums and premises, including maintenance of all outside locks in good working order; major repairs to the Museums and premises, including roof repairs, etc., and all normal exterior and interior maintenance.

5.03 SLMA shall maintain the Museums and the premises clear of obstructions for emergency purposes in accordance with all applicable city and state laws, ordinance and regulations.

6. Insurance.

6.01 SLMA shall maintain general comprehensive liability insurance and fire insurance at its own expense, with respect to the Museums, issued by insurance companies authorized to do business in the Commonwealth of Massachusetts in adequate amounts, as well as required Workers' Compensation insurance for its employees.

7. Access to Museums and Recognition.

7.01 The City, its agents, servants and/or licensees shall have the right to enter upon the public areas of the Museum premises at all reasonable and convenient times, upon one (1) business day prior notice, for the purposes of inspecting the Museums for compliance with this Agreement.

7.02 SLMA agrees to install appropriate plaques in prominent locations in each museum acknowledging its deep appreciation to the residents of the City of Springfield for their financial contributions to the museums.

8. Casualty.

8.01 In the event that the Museums, or any part thereof, during the term of this Agreement, shall be destroyed or damaged by fire or other casualty, so that same shall be thereby rendered unfit for use and occupancy, then to the extent that it is required to reduce Museum Services, a portion of the Museums Services Fee, according to the nature and extent of the reduction in services, shall be suspended or abated until the Museum Services have been restored for access by the residents and/or visitors of the City of Springfield. Any reduction in the Museum Services Fee shall be based solely upon SLMA's variable costs in operating the Museum which has been damaged and shall not relate to its fixed costs of overhead to run SLMA's total Museum business.

9. Default.

9.01 The failure of the City to pay the Museum Services Fee shall be a material default hereunder as well as a default under the Branch Libraries Lease (if in effect) and the Central Library Lease which shall allow SLMA to proceed at law or equity to recover damages for such breach.

A default by SLMA hereunder in failing to provide the Museum Services shall be a material default which shall allow the City to proceed at law or equity to recover damages for such breach.

10. Equal Employment Opportunity.

10.01 During the performance of this Agreement, SLMA agrees as follows:

(i) SLMA will not discriminate against any client or applicant for services because of race, color, religion, sex, sexual orientation, disability, family status, or national origin. SLMA will take affirmative action to ensure that clients, applicants, and employees are treated without regard to their race, color, religion, sex, sexual orientation, disability, family status, or national origin.

(ii) In the event of SLMA's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this Museum Services Agreement may be cancelled, terminated, or suspended, in whole or in part, and SLMA may be declared ineligible for further City contracts. SLMA shall have the right and obligation to cure any condition of discrimination within thirty (30) days of written notice thereof or to defend such claim in accordance with the laws of the Commonwealth of Massachusetts or federal agencies.

11. Applicable Law.

11.01 This Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts. The parties hereto expressly agree that the sole and exclusive place, status and forum of this Agreement shall be the City of Springfield, Hampden County, Massachusetts. All actions and legal proceedings which in any way relate to this Agreement shall be solely and exclusively brought, heard, conducted, prosecuted, tried and determined within the City of Springfield, Hampden County, Massachusetts. It is the express intention of the parties to this Agreement that the exclusive venue of all legal actions and procedures of any nature whatsoever which relate in any way to this Agreement shall be either the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts sitting in the Hampden County Hall of Justice, Springfield, Hampden County, Massachusetts, or the United States District Court sitting in Springfield, Hampden County, Massachusetts.

12. Notices.

12.01 All notices and other communications authorized or required hereunder shall be in writing and shall be given either by mailing the same by certified or registered mail, return receipt requested, postage prepaid, or by personal delivery of same. If given to the City by mail, same shall be mailed to the City at:

The City of Springfield:

Mayor's Office
City of Springfield
36 Court Street
Springfield, MA 01103

with a copy to:

City Solicitor, Law Department
City of Springfield
36 Court Street
Springfield, MA 01103

And if given by mail to SLMA, same shall be mailed to SLMA at:

SLMA:
President's Office
Springfield Library &
Museums Association
220 State Street
Springfield, MA 01103

with a copy to:

Cooley, Shrair P.C.
1380 Main Street
Springfield, MA 01103

13. Composition of SLMA Board of Directors. SLMA agrees that, as long as this Agreement is in force and effect and the City is paying the Museum Services Fee, it will cause the membership of its Board of Trustees and its Executive Board to be comprised by at least

twenty-five (25%) percent of Springfield residents. Included within the twenty-five (25%) percent Springfield resident membership requirement, the then elected Mayor of the City of Springfield shall have the right to nominate two (2) Springfield residents to serve on the Board of Trustees who shall also become members of the Executive Committee. The Mayor's nominees shall be neither a City of Springfield or SLMA employee. Prior to June 1 of each year when there is a Mayoral appointee vacancy, the Mayor of Springfield shall provide SLMA with the names of two (2) proposed nominees and two (2) alternates. SLMA shall have the right to reject two (2) of such nominees. The nominees so chosen shall be elected at the SLMA annual meeting in September and shall serve for a three (3) year term or until the termination of the appointing Mayor's term in office, whichever occurs first.

14. Miscellaneous Provisions.

14.01 Conflict of Interest.

(i) SLMA further covenants that in the performance of this Agreement, it does not have any interest, direct or indirect, which will conflict in any manner or degree with the performance of the services hereunder, as set forth in Chapter 268A of the Massachusetts General Laws.

(ii) No officer or employee of the City shall participate in any decision relating to this Agreement which affects his/her personal interest or the interest of any corporation, partnership, or association in which he/she is directly, or indirectly, interested. No officer or employee of the City shall have any interest direct, or indirect, in this Agreement or the proceeds thereof.

14.02 Compliance with Laws. SLMA, its servants, agents, employees, volunteers and subcontractors shall comply with all applicable rules and regulations promulgated by all local, state and national boards, bureaus and agencies.

14.03 Severability. Each provision of this Agreement is intended to be severable. If any term or provision hereof shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason, such provision shall be severed from the Agreement and shall not affect the validity of the remainder of this Agreement.

14.04 Amendments. All amendments, modifications, supplements, or changes to this Agreement shall be in writing and signed by both parties hereto, including the schedules and exhibits to be appended hereto annually.

14.05 Waivers. No waiver of or breach by either party of any covenant or condition of this Agreement shall not be deemed of any force or effect whatsoever in construing this Agreement.

14.06 Assignability. This Agreement shall not be assignable by either party without the prior written consent of the other party.

14.07 **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the successors and permitted assigns of the parties hereto.

14.08 **Headings.** Headings are intended only as a matter of convenience and for reference and in no way define, limit, or describe the scope or intent of the Agreement, nor shall they be given legal effect.

14.09 **Applicable Law.** This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.

14.10 **Exhibits.** All exhibits referred to in this Agreement shall be incorporated into this Agreement by such reference and shall be deemed a part of this Agreement as if fully set forth in this Agreement.

15. **Entire Agreement.**

15.01 This Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument, in writing, executed by the parties or their respective successors in interest.

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be signed, respective seals to be affixed hereto and delivered their names and behalf by their duly authorized officers on the day and year above first written.

CITY OF SPRINGFIELD

By: Charles V. Ryan
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2007

SPRINGFIELD LIBRARY COMMISSION

By: Paul Tubley
Its duly authorized Chairman

LW Approved as to Appropriation. ^{p/A}

By: Patricia A. Bean 3/1/07
Deputy City Auditor

Approved as to Form:

Shirley J. Slaps
ASSOCIATE City Solicitor

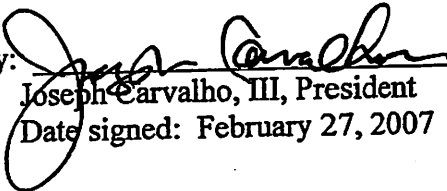
Reviewed by:

Mary J. [Signature]
Chief Financial Officer

SPRINGFIELD FINANCE CONTROL BOARD

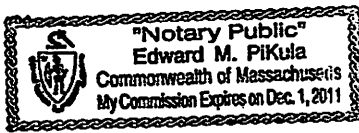
By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By: 
Joseph Carvalho, III, President
Date signed: February 27, 2007

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III, as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

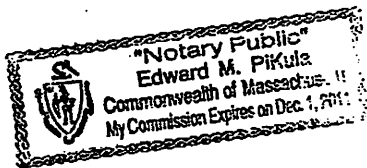


A handwritten signature in black ink, appearing to be "E. PiKula", written over a horizontal line.

Notary Public
My commission expires:

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.



A handwritten signature in black ink, appearing to be "E. PiKula", written over a horizontal line.

Notary Public
My commission expires:

EXHIBIT "A"

Springfield Science Museum

Tuesday through Sunday – 10:00am – 5:00pm

**Museum of Fine Arts
George Walter Vincent Smith Art Museum
Connecticut Valley Historical Museum**

Tuesday through Sunday – 11:00am – 4:00pm

Dr. Seuss National Memorial Sculpture Garden

*Spring/Summer: Daily – 9:00am – 8:00pm
Fall/Winter: Daily – 9:00am – 5:00pm*

Welcome Center

Daily: 9:00am – 5:00pm

Museum Store

Tuesday through Sunday – 10:00am – 5:00pm

Genealogy & Local History Library
Located in the Connecticut Valley Historical Museum

Wednesday through Saturday – Noon – 4:00pm

Museums are closed New Year's Day, Easter, Independence Day, Thanksgiving, Christmas Eve, and Christmas Day

exc C#0471

CENTRAL LIBRARY LEASE

This Indenture made effective as of the 1st day of January, 2007, by and between **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Massachusetts 01103 hereinafter referred to as "Lessor" or "SLMA" (which expression shall include the Lessor's successors, representatives and assigns where the context so requires or admits), and **THE CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Massachusetts 01103, acting by and through the Springfield Library Commission, hereinafter called "Lessee" or the "City" (which expression shall include the Lessee's successors, representatives, and assigns where the context so requires or admits).

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. Term, Options and Demised Premises.

1.01 *Premises.* The Lessor does hereby lease and let certain premises known as the Central Library Building located at 220 State Street, Springfield, Massachusetts. Excluded from this Lease is the area where SLMA's telephone system is located together with access rights through the library to SLMA's telephone system area.

1.02 *Furniture, Fixtures, Equipment and Circulation Book Collections.* SLMA also leases to the City all of its furniture, fixtures, equipment and circulation book collections (excluding rare books and artwork) now located within the Central Library.

Whenever used herein, the term "furniture, fixtures, equipment and circulation book collections" shall also be known as the "Library Assets". Specifically excluded from the "Library Assets" shall be SLMA's office equipment, furniture, fixtures, and computer system located on the upper first and fourth floors.

1.03 *Term.* The initial term of this Agreement shall be for a period of three (3) years beginning July 1, 2006 and terminating on June 30, 2009. The City shall extend the term of this Agreement for successive three (3) year terms upon all of the same terms and conditions as are contained herein, until passage of the Special Act Legislation to be filed by the City pursuant to the Memorandum of Understanding between the City and SLMA .

Upon passage of the Special Act Legislation, the term of this Agreement shall be twenty-five (25) years from the effective date.

In the event that the City still occupies the Demised Premises on July 1, 2031, the City shall have successive options to extend the term of the Lease for five (5) year terms upon the same terms and conditions contained herein provided that the City extends the Museum Services Agreement with Lessor for the same five (5) year term and upon the same terms and conditions as are then in effect during the last year of the then current term, including any provisions for increases in the Museum Services Fee. Lessee shall provide written notice to

Lessor of its intention to extend the term of this Lease at least twelve (12) months prior to the termination date of the term then in effect., with successive five (5)-year options to extend exercisable at the City's option.

Following passage of the Special Act Legislation, the term of this Lease shall terminate upon the earlier of (i) July 1, 2031, or June 30th of the final year of any option term exercised by the City; or (ii) the date which the City, at its option, vacates the Demised Premises based upon a determination that it is relocating its Central Library to another location.

2. Rentals.

2.01 Lessee agrees to pay as Rent for the Demised Premises, the sum of One and no/100 (\$1.00) Dollars per annum. Lessor shall pay, as Additional Rental, the Museum Services Fee as provided in the Museum Services Agreement of even date between the parties ,a copy of which is attached hereto as Exhibit "A".

3. Use.

3.01 The Demised Premises are to be used solely for the operation of the Central Library and related office facilities and for no other purpose.

4. Utilities and Services.

4.01 Lessee agrees to reimburse Lessor for all charges for electricity, gas, water, sewer usage, telephone, and other utilities furnished to the Demised Premises and used by Lessee. Lessor and Lessee shall use good faith efforts to agree as to what constitutes Lessee's share of the utilities furnished to the Demised Premises and shall reimburse Lessor for such proportionate share within sixty (60) days of receipt of a bill therefor; it being understood that the heating and air conditioning systems are part of a central system serving the entire Quadrangle and not exclusively the Central Library Building.

5. Repairs and Maintenance.

5.01 Lessee shall make all repairs and replacements made necessary as a result of negligence, use, or misuse by Lessee and Lessee's invitees and all interior non-structural repairs and replacements, including repairs and replacements to the air conditioning systems, electrical and plumbing systems, roof, walls and floor necessary to keep and maintain the Demised Premises in good order and state of repair. Lessor shall maintain and repair the central heating and air conditioning systems and the structural and exterior portions of the building, the costs of which Lessor repairs shall be reimbursed by Lessee to Lessor within sixty (60) days of billing.

5.02 The Lessee covenants to keep the Demised Premises free from rubbish and containers and the sidewalks in front of the Demised Premises and parking area reasonably free of debris, ice and snow, or Lessor may perform such services on behalf of Lessee and

Lessee agrees to reimburse Lessor for its proportionate share of the cost of such maintenance.

5.03 The Lessee further covenants and agrees with the Lessor that it will keep all the glass on the premises whole and in good condition with glass of the same quality as that broken or injured; and will keep the Demised Premises in as good order and repair as the same are in at the commencement of the term, reasonable use and wearing thereof, fire and other unavoidable insured casualty excepted; except as provided herein, that it will save the Lessor harmless from all loss or damage occasioned by the use or misuse of water fixtures, plumbing drains and gas fixtures, boilers and steam vessels (except such as is caused by the Lessor or its agents).

5.04 The Lessee agrees not to injure, overload, deface or otherwise harm the Demised Premises; nor commit any nuisance; nor make any use of the Demised Premises which is improper, offensive or contrary to any law or ordinance. The Lessee agrees not to make, allow or suffer any waste; nor to dump, flush, or in any way introduce any hazardous material or oil into the septic, sewage or other waste disposal system serving the Demised Premises; nor, to generate, store, use or dispose of hazardous material or oil in or on the Demised Premises, or dispose of hazardous material or oil from the Demised Premises to any other location, or commit or suffer to be committed in or on the Demised Premises any act which would require the filing of official notice pursuant to applicable law, without the prior written consent of Lessor and then only in compliance with any and all Federal, state and local laws and ordinances regulating such activity. "Hazardous material and oil" as used in this Section, shall have the same meanings as defined and used in the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Section 9601 et seq; ("CERCLA") and Mass. G.L. ch. 21E et sequi, as the same may be amended from time to time.

5.05 Maintenance of Library Assets. Prior to a transfer to the City, the City agrees that it will maintain the furniture, fixtures and equipment which are owned by SLMA and used by the City pursuant to this Lease, in good operating condition and when necessary, replace such equipment.

6. Alterations by Lessee.

6.01 The Lessee shall have the right to make non-structural changes or alterations to the interior of the Demised Premises, subject to the prior written approval of Lessor, provided, however, that any such changes or alterations shall be made in all cases subject to the following conditions which Lessee agrees to observe and perform:

(i) No change or alteration shall at any time be made which shall impair the structural soundness or diminish the value of the Demised Premises.

(ii) No changes or alterations shall be undertaken until Lessee shall have procured and paid for all required municipal and governmental permits and authorizations of the various municipal departments and governmental subdivisions having jurisdiction, including the Springfield Historical Commission.

(iii) All work done in connection with any change or alteration shall be done in a good and workmanlike manner and in compliance with the building and zoning laws, and with all other laws, ordinances, orders, rules, regulations and requirements of all federal, state and municipal governments and the appropriate departments, commissions, boards and officers thereof, and Lessee shall procure certificates of occupancy and other certificates if required by law.

(iv) Lessee shall pay for all work and materials within a reasonable time and shall see to it that no materialman's liens are filed against the Demised Premises.

6.02 Lessor, upon reasonable notice, shall be permitted access to the premises for the purpose of inspecting the premises for compliance with the terms of this Lease.

7. Insurance Requirements.

7.01 The City represents that it does not obtain insurance to cover public liability. The City therefore agrees that it shall assume all obligations for public liability damage which may occur on the Demised Premises at any time during the term of this Lease and to hold SLMA harmless as otherwise provided in this Lease from any occurrences on or within the Demised Premises.

7.02 SLMA agrees to continue in force the all-risk insurance which it maintains on the Demised Premises. The City agrees, as Additional Rental hereunder, to reimburse SLMA on an annual basis its costs of maintaining such all-risk insurance. Upon receipt of an invoice for such insurance, the City agrees to pay such invoice within sixty (60) days of receipt thereof. Lessor shall provide Lessee with a Certificate of Insurance naming Lessee as an additional insured as its interests may appear.

8. Taxes.

8.01 In the event that real estate taxes should ever be assessed against the Demised Premises, or personal property taxes shall be assessed against the Library Assets, then, and in such event, the City shall take whatever action is necessary to either pay, abate or otherwise eliminate such taxes. SLMA shall bear no responsibility or liability for any personal property or real estate taxes hereunder.

9. Indemnity.

9.01 To the extent permitted by law, the Lessee shall hold the Lessor harmless against any and all claims, damages or cause of action for damages arising after the commencement of the term hereof and any orders, decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of life sustained in or about the said Demised Premises and the buildings and improvements thereon, or in or upon the sidewalks, or streets in front of or appurtenant thereto by any person or persons whatever. It is the intention and agreement that the Lessor shall not be liable for any personal injuries or damage to the Lessee or its officers, agents, employees,

invitees and all persons having business with the Lessee, or to any other persons or to any occupant of any part of the Demised Premises, or for any injury or damage to any goods, wares, merchandise or property of the Lessee or of any occupant of any part of the said Demised Premises, irrespective of how the same may be caused, whether from action of the elements or acts of negligence of the owner or occupants of the adjacent properties, excepting however, the negligence of the Lessor.

9.02 To the extent permitted by law, the Lessee shall and will indemnify and save harmless the Lessor of and from any and all liability, loss, damage or expense, causes of action, suits, claims and judgment, including reasonable legal expenses in connection with defending against any such action, suit or claim arising from injury to persons or property of any and every nature and for any matter or thing arising out of the occupation of the Demised Premises, or any part thereof caused by the Lessee, its agents, employees, assigns or occupants of any part of the Demised Premises, or by their agents, or employees, respectively, or which may be occasioned by any person or thing whatsoever at any time during the term of this Lease.

10. Yielding Up.

10.01 The Lessee agrees to quit and deliver up the Demised Premises to the Lessor or its representatives peaceably and quietly at the end of said term or extensions hereof, free and clear of all Lessee's personal property and equipment; that it will not suffer to be made any major alterations therein without the written consent of the Lessor; that it will not make or suffer any waste, or any unlawful, improper, noisy or offensive use of the Demised Premises.

11. Assignment and Subletting.

11.01 Lessee will not assign this Lease, in whole or in part, nor sublet all or a part of the Demised Premises.

12. Fire and Other Casualty.

12.01 In the event the Demised Premises or any part thereof during said term or extension thereof shall be destroyed or damaged by fire or other unavoidable casualties so that the same shall be rendered unfit for the conduct of a library, then and in such case, Lessor shall repair and restore the damaged Premises to their condition prior to such damage or destruction. Lessor shall diligently complete the work, repair and restoration in a good, workman-like manner.

12.02 Notwithstanding anything contained herein to the contrary, Lessor or Lessee shall have the right to terminate the within Lease for the damaged Premises if such Premises are destroyed or damaged by fire or other casualty to the extent of at least fifty (50%) percent during the term hereunder.

13. Notices.

13.01 All notices required to be given hereunder shall be mailed by certified

mail, return receipt requested, to the Lessor at 220 State Street, Springfield, Massachusetts 01103, Attn: President, and to the Lessee at 36 Court Street, Springfield, Massachusetts 01103, Attn: Mayor (with a copy to the City Solicitor and the Springfield Library Commission) or at such other place as either party may designate in writing to the other.

14. Defaults.

14.01 Lessor may terminate this Lease if (i) Lessee shall have failed to cure a default in the performance of any covenant of this Lease, the Branch Libraries Lease, or any rule or regulation hereinafter set forth, within sixty (60) days after written notice thereof from Lessor, or if default cannot be completely cured in such time, if Lessee shall not promptly proceed to cure such default within said sixty (60) days, or shall not complete the curing of such default with due diligence; or (ii) if Lessee shall fail to pay the Museum Services Fee under the Museums Services Agreement between SLMA and the City of even date. The failure to pay the agreed upon Museum Services Fee required under the Museums Services Agreement shall be a Material Default under this Lease, resulting in Lessor's right to terminate Lessee's possession under this Lease.

14.02 If Lessor shall re-enter the Demised Premises on the default of Lessee, by summary proceedings or otherwise (i) any property left in the Demised Premises by Lessee shall be deemed to have been abandoned by Lessee, and Lessor shall have the right to retain; or (ii) dispose of such property in any manner without obligation to account therefore to Lessor.

14.03 In addition to the above, Lessee shall be liable for the payment of all costs of collection of rent, the Museum Services Fee, and all other expenses necessary to enforce Lessee's covenants hereunder including reasonable attorney's fees.

14.04 In the event that Lessor defaults in its covenants under this Lease and fails to cure such default(s) within sixty (60) days of receipt of written notice from Lessee, Lessee shall be permitted to proceed at law or equity to recover damages for such breach.

15. Quiet Enjoyment.

15.01 Lessor covenants and agrees with the Lessee that upon Lessee paying said Rent and performing all the covenants and conditions aforesaid on Lessee's part to be observed and performed, Lessee shall and may peaceably and quietly have, hold and enjoy the Demised Premises hereby demised for the term aforesaid.

16. Triple Net Lease.

16.01 This is a "triple-net" Lease and the Lessor shall not be required to provide any services or do any act in connection with the Demised Premises except as specifically provided herein.

17. Severability.

17.01 If any term or provision of this Lease, or the application thereof, to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease or the application of such term or provisions which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

18. Hazardous Substance

18.01 Definitions. As used in this section, the term "Environmental Law(s)" shall mean all federal, state and local laws, statutes, codes, ordinances regulations, rules or other requirements (including, but not limited to, consent decrees and judicial or administrative orders), relating to the protection of human health or safety or the environment, including, but not limited to, the Comprehensive Environmental Response. Compensation and Liability Act ("CERCLA") as amended (42 U.S.C. Section 9601 9675); the Resource Conservation and Recovery Act, as amended ("RCRA") (42 U.S.C. Section 6901, et seq.); the Clean Water Act, as amended (33 U.S.C. Section 1251, et seq.); the Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.); the Toxic Substance and Control Act ("TSCA"), as amended (15 U.S.C. Section 2601, et seq.); and all laws applicable to the storage, treatment, disposal, handling and release of any Hazardous Substance.

"Hazardous Substance" shall be any material, substance, waste or constituent as defined or regulated under CERCLA, 42 U.S.C. §9601 et seq. RCRA, 42 U.S.C. §6901 et seq., the Clean Water Act, 42 U.S.C. §1251 et seq., TSCA, 15 U.S.C. §2601 or the laws of the state wherein the Demised Premises are located, as amended from time to time, expressly including petroleum substances, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel.

18.02 Responsibility for Compliance with Environmental Laws. At Lessee's expense, Lessee's activities on the Demised Premises shall materially comply with all applicable Environmental Laws.

18.03 (a) During or after the Lease Term, Lessor shall indemnify Lessee against and hold Lessee harmless of any and all loss, liability, cost, fine, penalty or expense, including reasonable attorneys' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to the use or ownership of the Demised Premises on or prior to the Commencement Date of this Lease.

(b) To the extent permitted by law, Lessee shall indemnify Lessor against and hold Lessor harmless of and from any and all loss, liability, cost, fine, penalty or

expense, including reasonable attorneys' and consultants' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions relating to any Environmental Law, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to any occurrence or condition at the Demised Premises arising after the Commencement Date of this Lease caused by Lessee and which are not required to be remedied by Lessor as provided in Section 18.03(a) hereof.

19. Miscellaneous. The parties further expressly agree as follows:

19.01 The covenants and agreements herein contained shall, subject to the provisions of this Lease, bind and inure to the benefit of the Lessor and Lessee, their successors and assigns, except as otherwise provided herein.

19.02 Words of any gender used in this Lease shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

19.03 The acts or omissions of the servants and agents of the Lessee and the Lessor, and of all persons who are upon the Demised Premises during the term, or any extensions hereof, shall be construed to be the acts or omissions of such party.

19.04 Time shall be construed to be of the essence hereof, wherever any act hereunder is required to be done at a certain time, or within a prescribed period of time.

19.05 This Lease, and any amendments which the parties may execute hereto, sets forth all of the promises, agreements, conditions and understandings between Lessor and Lessee relative to the Demised Premises, and there are no other promises, agreements, conditions and understandings, either oral or written, between them.

19.06 No subsequent alteration, amendment, change, or addition to this Lease shall be binding upon Lessor or Lessee, unless same has been reduced to writing and executed by Lessor and Lessee.

19.07 This Lease is executed under and pursuant to the laws of the Commonwealth of Massachusetts.

19.08 This Lease has been approved by the Finance Control Board and the Secretary for Administration and Finance of the Commonwealth of Massachusetts, pursuant to Chapter 169 of the Acts of 2004, Section 4(d)(14).

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the Lessor and Lessee have executed this Indenture of Lease on the date it is signed by all parties, on the latest date written below.

CITY OF SPRINGFIELD

By: Charles V. Ryan
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2006

SPRINGFIELD LIBRARY COMMISSION

By: Paul J. Turley
Its duly authorized Chairman

Approved:

By: Eddie Corbin
Eddie Corbin, Chief Procurement Officer

W Approved as to Appropriation: *N/A*

By: Peter S. Bean 3/1/07
deputy City Auditor

Approved as to Form:

By: Shirley J. May
ASSOCIATE City Solicitor

Reviewed by:

Mary Zamboni
Chief Financial Officer

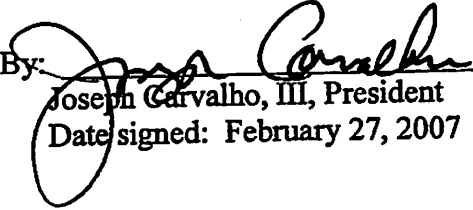
SPRINGFIELD FINANCE CONTROL BOARD

By: _____

Alan LeBovidge, Chairman

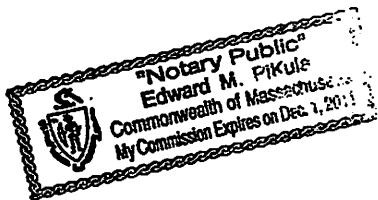
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By: 
Joseph Carvalho, III, President
Date signed: February 27, 2007

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III, as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

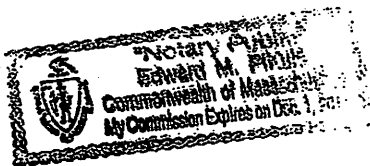


A handwritten signature in black ink, appearing to read "E. Pikule", written over a horizontal line.

Notary Public
My commission expires:

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.



A handwritten signature in black ink, appearing to read "E. Pikule", written over a horizontal line.

Notary Public
My commission expires:



MUSEUM SERVICES AGREEMENT

AGREEMENT made effective the 1st day of January, 2007 by and between the **CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Hampden County, Massachusetts 01103, acting by and through its Mayor and the Springfield Library Commission (the "City"), and **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Hampden County, Massachusetts 01103 ("SLMA").

WHEREAS, SLMA is an entity created by the Massachusetts General Court pursuant to Chapter 142 of the Acts of 1864 and originally named the "City Library Association", as amended by Chapter 47 of the Acts of 1887; Chapter 95 of the Acts of 1901; Chapter 155 of the Acts of 1902; Chapter 40 of the Acts of 1912; Chapter 23 of the Acts of 1929; and Chapter 331 of the Acts of 1948; and Chapter 180 of the Acts of 1998, which amendments broadened its powers and included the George Walter Vincent Smith Museum, the Science Museum, the Connecticut Valley Historical Museum, and the Museum of Fine Arts (collectively, the "Museum"); and

WHEREAS, effective this date, the City wishes to enter into a long-term Museum Services Agreement to provide museum services to the City's residents and visitors pursuant to the above-cited Acts; and

WHEREAS, the City regards the establishment and maintenance of the Museums of History, Science and Art essential public services for the diffusion of knowledge, the promotion of intellectual improvement and for the educational, civic, and cultural well-being of its residents and visitors, and wishes to continue the outstanding services of these essential governmental functions provided by SLMA to the residents of the City of Springfield and to the region; and

WHEREAS, the property upon which the Museums are located is private property owned by SLMA and the City acknowledges SLMA's need to protect its property, Museums and the collections contained therein by retaining the right to refuse admission to any persons whom it believes may cause harm to its property or endanger its patrons; and

WHEREAS, the City and SLMA have entered into a Memorandum of Understanding ("MOU") whereby SLMA is to provide museum services in the City of Springfield based upon the terms and conditions as are outlined in the MOU.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties intending to be legally bound hereby agree as follows:

1. Scope of Services.

1.01 SLMA's obligation under the Museum Services Agreement shall be to continue to provide Museum Services to the residents of the City of Springfield and its visitors as heretofore provided in the buildings, now and in the future, located at the Quadrangle area (including without limitation, George Walter Vincent Smith Museum, the Science Museum, the Connecticut Valley Historical Museum ("CVH"), and the Museum of Fine Arts). The current hours per week for Museum Service are attached hereto as Exhibit "A". SLMA will periodically review its hours of operation to determine if the needs of the City's residents are being met and whether it can economically afford to increase its hours of operation. SLMA will currently agree to extend the CVH hours to sixteen (16) hours per week.

1.02 SLMA will continue to provide free access and admission to all Springfield school children and Springfield school system classes, and on and after May 1, 2007, SLMA shall provide free access and admission to all individuals who are legal residents of the City of Springfield. SLMA shall have the right to require any Springfield resident to exhibit proof of residency and to issue such resident a Museum Access Card identifying such resident.

SLMA shall be permitted to continue its current practice of charging all patrons of the museums admission fees (including SLMA members and Springfield residents) for special exhibits.

1.03 SLMA retains the right, in its exclusive discretion, to deny access and admission to any person whom it deems to be a threat to the integrity of SLMA's property, Museums, and collections or whom it believes might endanger the safety of other Museum patrons or create a disturbance or breach of the peace.

1.04 No Museums or any other facility operated by SLMA may be permanently closed or have its hours of operation materially reduced without the prior approval of the Mayor and such approval shall not be unreasonably withheld.

1.05 SLMA will make the exterior facilities of the Quadrangle available for Library functions provided that it receive prior notice and provided that there is not then an SLMA event scheduled. In such event, the City shall be responsible for cleaning the area after such Library function(s) and shall provide, at its cost, such additional security as may be required by SLMA upon reasonable prior notice.

2. Term.

2.01 The initial term of this Agreement shall be for a period of three (3) years beginning January 1, 2007 and terminating on December 31, 2009, unless extended due to the enactment of the Special Act Legislation to be filed within sixty (60) days from

the date of this Agreement with the Massachusetts General Court, as provided in the MOU.

2.02 The City shall extend the term of this Agreement for successive three (3) year terms upon all of the same terms and conditions as are contained herein until passage of the Special Act Legislation.

2.03 Upon passage of the Special Act Legislation, the term of this Agreement shall be twenty-five (25) years from the effective date, with successive five-year options to extend exercisable at the City's option, upon the terms and conditions as are then in effect during the last year of the then current term, including any provisions for increases in the Museum Services Fee.

3. Funding.

3.01 The City shall pay SLMA Two Hundred Seventy-Five Thousand (\$275,000) Dollars on January 1, 2007 and the same amount on April 1, 2007 for a Museum Services Fee for the balance of fiscal year ending June 30, 2007.

3.02 The City agrees to pay SLMA One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars for the services to be provided under this Agreement for the fiscal year ending June 30, 2008 and for each subsequent fiscal year during the term of this Agreement, and such additional funds as the City may elect to provide to SLMA in the future, payable in at least quarterly payments commencing on or about July 1, 2007 (the "Museum Services Fee"). An invoice for payment will be submitted to the City Auditor for the initial and subsequent billing on July 1, 2007, October 1, 2007, January 1, 2008 and April 1, 2008 and on the same days each year thereafter. The Museum Services Fee which is to be paid for a minimum of twenty five (25) years as provided in the Special Act Legislation is being paid in consideration of the museum services to be provided by SLMA to the residents of the City and additionally for the transfer of the SLMA's branch libraries, the contents therein and the transfer of the furniture, fixtures and circulating book collections in the central library, which transfers would not be made without a guaranteed twenty five year Museum Services Agreement upon the terms provided herein.

In the event that the Museum Services Agreement is extended beyond twenty-five (25) years, the annual Museum Services Fee shall be such annual sum as SLMA and the City may agree upon, but in the event that the City is still occupying the Central Library, in no event shall such sum be less than One Million Three Hundred Twenty Thousand (\$1,320,000) Dollars.

4. Financial Reporting.

4.01 SLMA shall submit its financial reports at the request of the Mayor, or his designee, as such person may direct and in such reasonable form as shall be

requested from time to time. SLMA shall receive at least sixty (60) days notice of the date on which such reports shall be required.

4.02 The financial reporting requirements set forth herein are in addition to, and do not supplant, the various reports and returns to be filed by SLMA with city, state and federal authorities. SLMA shall file annually with the City, a copy of its independent financial audit.

4.03 The records of SLMA as they relate to this Agreement shall be kept on a generally accepted accounting basis. The City, acting through its Mayor, shall, upon providing thirty (30) days written notice, have made available to it, any books, documents, papers and records of SLMA which relate solely to this Agreement for the purposes of making audit, examination, excerpts, copies and transcriptions. Any such audit costs shall be paid by the City.

5. Utilities, Maintenance and Alterations.

5.01 Subject to the provisions of this Agreement, SLMA agrees to furnish and pay all charges for heat (to be maintained at reasonable temperatures), sanitary sewer, water, gas, electricity, power and other utilities used by SLMA to operate the Museums, including trash collection and removal.

5.02 SLMA agrees to furnish and pay all costs related to yard and parking maintenance, maintenance to secure Museums and premises, including maintenance of all outside locks in good working order; major repairs to the Museums and premises, including roof repairs, etc., and all normal exterior and interior maintenance.

5.03 SLMA shall maintain the Museums and the premises clear of obstructions for emergency purposes in accordance with all applicable city and state laws, ordinance and regulations.

6. Insurance.

6.01 SLMA shall maintain general comprehensive liability insurance and fire insurance at its own expense, with respect to the Museums, issued by insurance companies authorized to do business in the Commonwealth of Massachusetts in adequate amounts, as well as required Workers' Compensation insurance for its employees.

7. Access to Museums and Recognition.

7.01 The City, its agents, servants and/or licensees shall have the right to enter upon the public areas of the Museum premises at all reasonable and convenient times, upon one (1) business day prior notice, for the purposes of inspecting the Museums for compliance with this Agreement.

7.02 SLMA agrees to install appropriate plaques in prominent locations in each museum acknowledging its deep appreciation to the residents of the City of Springfield for their financial contributions to the museums.

8. Casualty.

8.01 In the event that the Museums, or any part thereof, during the term of this Agreement, shall be destroyed or damaged by fire or other casualty, so that same shall be thereby rendered unfit for use and occupancy, then to the extent that it is required to reduce Museum Services, a portion of the Museums Services Fee, according to the nature and extent of the reduction in services, shall be suspended or abated until the Museum Services have been restored for access by the residents and/or visitors of the City of Springfield. Any reduction in the Museum Services Fee shall be based solely upon SLMA's variable costs in operating the Museum which has been damaged and shall not relate to its fixed costs of overhead to run SLMA's total Museum business.

9. Default.

9.01 The failure of the City to pay the Museum Services Fee shall be a material default hereunder as well as a default under the Branch Libraries Lease (if in effect) and the Central Library Lease which shall allow SLMA to proceed at law or equity to recover damages for such breach.

A default by SLMA hereunder in failing to provide the Museum Services shall be a material default which shall allow the City to proceed at law or equity to recover damages for such breach.

10. Equal Employment Opportunity.

10.01 During the performance of this Agreement, SLMA agrees as follows:

(i) SLMA will not discriminate against any client or applicant for services because of race, color, religion, sex, sexual orientation, disability, family status, or national origin. SLMA will take affirmative action to ensure that clients, applicants, and employees are treated without regard to their race, color, religion, sex, sexual orientation, disability, family status, or national origin.

(ii) In the event of SLMA's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this Museum Services Agreement may be cancelled, terminated, or suspended, in whole or in part, and SLMA may be declared ineligible for further City contracts. SLMA shall have the right and obligation to cure any condition of discrimination within thirty (30) days of written notice thereof or to defend such claim in accordance with the laws of the Commonwealth of Massachusetts or federal agencies.

11. Applicable Law.

11.01 This Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts. The parties hereto expressly agree that the sole and exclusive place, status and forum of this Agreement shall be the City of Springfield, Hampden County, Massachusetts. All actions and legal proceedings which in any way relate to this Agreement shall be solely and exclusively brought, heard, conducted, prosecuted, tried and determined within the City of Springfield, Hampden County, Massachusetts. It is the express intention of the parties to this Agreement that the exclusive venue of all legal actions and procedures of any nature whatsoever which relate in any way to this Agreement shall be either the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts sitting in the Hampden County Hall of Justice, Springfield, Hampden County, Massachusetts, or the United States District Court sitting in Springfield, Hampden County, Massachusetts.

12. Notices.

12.01 All notices and other communications authorized or required hereunder shall be in writing and shall be given either by mailing the same by certified or registered mail, return receipt requested, postage prepaid, or by personal delivery of same. If given to the City by mail, same shall be mailed to the City at:

The City of Springfield:

Mayor's Office
City of Springfield
36 Court Street
Springfield, MA 01103

with a copy to:

City Solicitor, Law Department
City of Springfield
36 Court Street
Springfield, MA 01103

And if given by mail to SLMA, same shall be mailed to SLMA at:

SLMA:
President's Office
Springfield Library &
Museums Association
220 State Street
Springfield, MA 01103

with a copy to:

Cooley, Shrair P.C.
1380 Main Street
Springfield, MA 01103

13. Composition of SLMA Board of Directors. SLMA agrees that, as long as this Agreement is in force and effect and the City is paying the Museum Services Fee, it will cause the membership of its Board of Trustees and its Executive Board to be comprised by at least

twenty-five (25%) percent of Springfield residents. Included within the twenty-five (25%) percent Springfield resident membership requirement, the then elected Mayor of the City of Springfield shall have the right to nominate two (2) Springfield residents to serve on the Board of Trustees who shall also become members of the Executive Committee. The Mayor's nominees shall be neither a City of Springfield or SLMA employee. Prior to June 1 of each year when there is a Mayoral appointee vacancy, the Mayor of Springfield shall provide SLMA with the names of two (2) proposed nominees and two (2) alternates. SLMA shall have the right to reject two (2) of such nominees. The nominees so chosen shall be elected at the SLMA annual meeting in September and shall serve for a three (3) year term or until the termination of the appointing Mayor's term in office, whichever occurs first.

14. Miscellaneous Provisions.

14.01 Conflict of Interest.

(i) SLMA further covenants that in the performance of this Agreement, it does not have any interest, direct or indirect, which will conflict in any manner or degree with the performance of the services hereunder, as set forth in Chapter 268A of the Massachusetts General Laws.

(ii) No officer or employee of the City shall participate in any decision relating to this Agreement which affects his/her personal interest or the interest of any corporation, partnership, or association in which he/she is directly, or indirectly, interested. No officer or employee of the City shall have any interest direct, or indirect, in this Agreement or the proceeds thereof.

14.02 Compliance with Laws. SLMA, its servants, agents, employees, volunteers and subcontractors shall comply with all applicable rules and regulations promulgated by all local, state and national boards, bureaus and agencies.

14.03 Severability. Each provision of this Agreement is intended to be severable. If any term or provision hereof shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason, such provision shall be severed from the Agreement and shall not affect the validity of the remainder of this Agreement.

14.04 Amendments. All amendments, modifications, supplements, or changes to this Agreement shall be in writing and signed by both parties hereto, including the schedules and exhibits to be appended hereto annually.

14.05 Waivers. No waiver of or breach by either party of any covenant or condition of this Agreement shall not be deemed of any force or effect whatsoever in construing this Agreement.

14.06 Assignability. This Agreement shall not be assignable by either party without the prior written consent of the other party.

14.07 Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the successors and permitted assigns of the parties hereto.

14.08 Headings. Headings are intended only as a matter of convenience and for reference and in no way define, limit, or describe the scope or intent of the Agreement, nor shall they be given legal effect.

14.09 Applicable Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.

14.10 Exhibits. All exhibits referred to in this Agreement shall be incorporated into this Agreement by such reference and shall be deemed a part of this Agreement as if fully set forth in this Agreement.

15. Entire Agreement.

15.01 This Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument, in writing, executed by the parties or their respective successors in interest.

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be signed, respective seals to be affixed hereto and delivered their names and behalf by their duly authorized officers on the day and year above first written.

CITY OF SPRINGFIELD

By: _____
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2007

SPRINGFIELD LIBRARY COMMISSION

By: _____
Its duly authorized Chairman

Approved as to Appropriation:

By: _____
City Auditor

Approved as to Form:

City Solicitor

Reviewed by:

Chief Financial Officer

EX D

BRANCH LIBRARIES LEASE

This Indenture made effective this 1st day of January, 2007, by and between **SPRINGFIELD LIBRARY & MUSEUMS ASSOCIATION**, a Massachusetts not-for-profit corporation with a usual place of business at 220 State Street, Springfield, Massachusetts 01103 hereinafter referred to as "Lessor" or "SLMA" (which expression shall include the Lessor's successors, representatives and assigns where the context so requires or admits), and the **CITY OF SPRINGFIELD**, a Massachusetts municipal corporation with a usual place of business at 36 Court Street, Springfield, Massachusetts 01103 acting by and through the Springfield Library Commission, hereinafter called "Lessee" or the "City" (which expression shall include the Lessee's successors, representatives, and assigns where the context so requires or admits).

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. Term, Options and Demised Premises.

1.01 Premises. Lessor does hereby lease and let certain premises consisting of four (4) branch library buildings, together with the land under and surrounding same, as further described on Exhibit "A" attached hereto and made a part hereof. The four branch libraries are the East Springfield Branch Library, the Forest Park Branch Library, the Indian Orchard Branch Library, and the Liberty Branch Library.

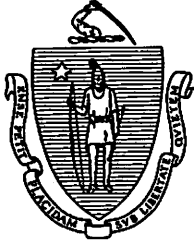
1.02 Furniture, Fixtures, Equipment and Circulation Book Collections. SLMA also leases to the City all of its furniture, fixtures, equipment and circulation book collections now located within the four (4) SLMA branches, as well as those items located within the City-owned branches also described and set forth on Exhibit "A" hereto; and in addition, the furniture, fixtures, equipment and circulation books located in the East Forest Park Branch at 122-124 Island Pond Road, Springfield, Massachusetts and the Mason Square Branch located at 765 State Street, Springfield, Massachusetts.

Whenever used herein, the term "furniture, fixtures, equipment and circulation book collections" shall also be known as the "Library Assets".

1.03 Term. The term of this Lease shall initially be for three (3) years and shall be extended at the option of the City for additional three (3) year terms until approval of the Special Act legislation, which it has, or is about to, apply for, from the Massachusetts General Court.

2. Rentals.

2.01 Rent. Lessee agrees to pay Rent for the Demised Premises and the Library Assets, the sum of One and no/100 (\$1.00) Dollars per annum.



ALAN LEBOVIDGE
CHAIRMAN

The Commonwealth of Massachusetts

Springfield Finance Control Board

436 Dwight St.

Springfield, MA 01103

Date: March 30, 2007
To: Control Board Members
From: Phil Puccia
Re: Recommended compensation increase

I am writing to recommend a salary increase for FCB Executive Assistant Ann-Marie Mahnken, who has been employed in her position for a little more than two years.

Ann-Marie's job duties include managing a wide range of internal and external projects to insure progress of board initiatives, composing reports, memos, and correspondence, and acting as a liaison with local and state government officials, Springfield residents, business owners and local media sources. She has excelled in all of these areas and has taken on additional responsibilities including drafting RFPs and managing all aspects of agreements with various board consultants.

Over the past two years, Ann-Marie has worked in very trying circumstances, under intense pressure, and she continues not only to meet expectations, but also to exceed them. She is a full-fledged member of the Finance Control Board team.

In appreciation for her hard work and for the increased skill set she has acquired over the past two years, I am recommending that Ann-Marie be granted a pay raise to \$1,821 bi-weekly, a salary on par with comparable union-eligible Department of Revenue positions who have received two years of 3% cost of living increases in addition to two annual step raises. This would result in a \$6275 raise bringing her annual salary to \$47,350.

Please give this recommendation your consideration.

Approved
Alan LeBovige
3/30/07

SPRINGFIELD FINANCE CONTROL BOARD

By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By: _____
Joseph Carvalho, III, President
Date signed: February 27, 2007

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III, as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

*Commonwealth of Massachusetts
County of Hampden*

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

Notary Public
My commission expires:

EXHIBIT "A"

Springfield Science Museum

Tuesday through Sunday – 10:00am – 5:00pm

**Museum of Fine Arts
George Walter Vincent Smith Art Museum
Connecticut Valley Historical Museum**

Tuesday through Sunday – 11:00am – 4:00pm

Dr. Seuss National Memorial Sculpture Garden

*Spring/Summer: Daily – 9:00am – 8:00pm
Fall/Winter: Daily – 9:00am – 5:00pm*

Welcome Center

Daily: 9:00am – 5:00pm

Museum Store

Tuesday through Sunday – 10:00am – 5:00pm

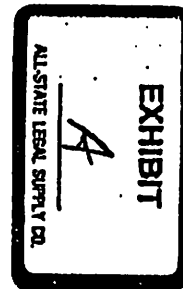
Genealogy & Local History Library
Located in the Connecticut Valley Historical Museum

Wednesday through Saturday – Noon – 4:00pm

Museums are closed New Year's Day, Easter, Independence Day, Thanksgiving, Christmas Eve,
and Christmas Day

LIBRARY BRANCH		SQUARE FEET
Brightwood 359 Plainfield Street (School Department owned)		6,000
East Springfield 21 Osborne Terrace (SLMA owned)		3,315
East Forest Park 122/124 Island Pond Road (Rented by SLMA)		8,200
Forest Park 380 Belmont Avenue (SLMA owned)		13,372
Indian Orchard 44 Oak Street (SLMA owned)		9,406
Liberty 773 Liberty Street (SLMA owned)		5,066
Pine Point 204 Boston Road (City owned)		9,720
Sixteen Acres 1187 Parker Street (Parks Department owned)		11,131

46422





TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

MAR 20 2007

Philip Puccia, Executive Director
Springfield Finance Control Board
436 Dwight Street, Room 300
Springfield, MA 01103

Dear Mr. Puccia:

This letter is in response to correspondence we received dated March 2, 2007, from Senators John F. Kerry and Edward M. Kennedy on your behalf. The Senators acknowledged we were working with you to address your situation and asked us to keep them informed. Section 6103 of the Internal Revenue Code prevents us from disclosing any taxpayer information without a written authorization. Because we do not have your written authorization, we are responding directly to you.

You contacted us when you discovered that the city of Springfield had incorrectly treated elective health insurance premium payments as pre-tax payments. Because of the error, you did not properly report these amounts as taxable income on retirees Forms 1099-R. We have worked with city representatives to find an equitable solution to the problem.

I believe the closing agreement we have entered into with you and Mayor Charles Ryan is a reasonable and fair solution for both the city of Springfield and the IRS. With your payment of \$250,000 to pay Federal income tax withholding on behalf of the retirees, we agree not to require you to issue corrected Forms 1099-R to the retirees for tax years 2004 and 2005. Issuing corrected forms would have created a burden for the retirees by forcing them to amend their tax returns for those years.

I hope this information is helpful. Thank you for your assistance and cooperation in resolving this problem so quickly. Please contact me at (202) 283-9738 if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Julianelle".

Michael D. Julianelle
Director, Government Entities Division

CLOSING AGREEMENT
AS TO
FINAL DETERMINATION COVERING SPECIFIC MATTERS

This Closing Agreement (this "Agreement") is made pursuant to Section 7121 of the Internal Revenue Code of 1986, as amended (the "Code"), by and between the Commissioner of Internal Revenue ("Commissioner" or the "Service") and the Springfield Finance Control Board (the "Board"), on behalf of the City of Springfield, 36 Court Street, Springfield, MA 01103-1699 (the "City"), EIN 04-6001415.

WHEREAS, the Board has made the following representations that the Service has not independently verified:

(i) In July of 2004, the Massachusetts Legislature passed legislation which created the Board which has been tasked with improving the City's financial operations and balancing the City's budget. The Executive Director of the Board has been delegated broad authority over the City's operating budget and contracts, and empowered to settle all manner of agreements on the Board's behalf.

(ii) The City makes elective payments of health insurance premiums ("Elective Payments") on behalf of its retired employees (the "Retirees"). For the Retirees who retired between January 1, 1993 and January 1, 2006, the City did not report the Elective Payments as taxable amounts in Box 2a of Forms 1099-R; and

(iii) The City did not withhold Federal income tax with regard to the Elective Payments and the Elective Payments may not have been treated as taxable income by Retirees for calendar years before 2006.

WHEREAS, it is the desire of the Board, City and the Commissioner to resolve all issues concerning the treatment of Elective Payments with regard to Retirees for years 2004, and 2005 including withholding, reporting, taxation, interest and penalties, and

WHEREAS, the City voluntarily disclosed its errors to the Commissioner and agreed to correct the error pursuant to this Agreement.

NOW THEREFORE, IT IS HEREBY DETERMINED AND AGREED PURSUANT TO THIS AGREEMENT EXECUTED BY THE PARTIES HERETO UNDER CODE SECTION 7121 FOR FEDERAL TAX PURPOSES THAT:

1. Simultaneously with the execution and delivery of this Agreement, the Board will pay the amount of \$250,000 (the "Closing Amount"). The Closing Amount shall be made by certified check payable to the U.S. Treasury and delivered to a duly authorized representative of the Service.

2. For calendar year 2006 and all years thereafter, the City will report all Elective Payments as income of Retirees, except to the extent otherwise provided by law, such as under Code section 402(l).
3. The Service will not assess penalties against the City under section 6721 of the Code with regard to any related information or other tax returns or notices (including Form 1099-R). In addition, the Service will not seek to recover taxes, interest or penalties from the Retirees under sections 6651(a) of the Code with regard to the Elective Payments.
4. This Agreement resolves any tax liability of the Retirees for calendar years 2004 through 2005 solely with respect to the Elective Payments.
5. No portion of the Closing Amount that is paid to the Service will be considered to be (a) compensation to, or the discharge of any obligation or liability of, any Retiree, or (b) taxable income to any Retiree.
7. This Agreement constitutes a full and complete resolution under the Code of the specific matters discussed herein. No inference shall be made with respect to whether this resolution satisfies other Federal or State law.
8. This Agreement may not be cited or relied upon by any person or entity whatsoever as precedent in the disposition of any other case.
9. This Agreement is final and conclusive except:
 - a) The matter it relates to may be reopened in the event of fraud, malfeasance or misrepresentation of a material fact.
 - b) It is subject to the Internal Revenue Code sections that expressly provide that effect be given their provisions (including any stated exception for section 7122 of the Code), notwithstanding any other law or rule of law; and
 - c) If it relates to a tax period ending after the date of this Agreement, it is subject to any law, enacted after such date that applies to that tax period.
10. The Board hereby consents to disclosure by the Service of information concerning the existence and subject matter of the Agreement to Members of Congress, the press and the general public:
 - a) In the event of default by the Board and the City on any term in the Agreement; or
 - b) To the extent the Service deems necessary to correct any misstatement with respect to this Agreement in response to a public statement by the Board, the City or an agent thereof.

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement on the dates indicated below. By signing this Agreement, the parties certify that they have read and agree to the terms set forth herein.

CITY OF SPRINGFIELD,
MASSACHUSETTS

By: Charles V. Ryan
Charles V. Ryan, Mayor

Date: March 14, 2007

SPRINGFIELD FINANCE CONTROL
BOARD

By: Philip Puccia
Philip Puccia, Executive Director

Date: March 15, 2007

COMMISSIONER OF INTERNAL
REVENUE

By: Gayle E. Maxwell for
Sunita Lough

Title: Director, Federal, State and Local
Governments

Date: 3/19/07

3995185v.1

IN WITNESS WHEREOF, the Lessor and Lessee have executed this Indenture of Lease as of the date it is signed by all parties, on the latest date written below.

CITY OF SPRINGFIELD

By: Charles V. Ryan
Charles V. Ryan, its Mayor and
Control Board Designee
Date signed: February 27, 2007

SPRINGFIELD LIBRARY COMMISSION

By: Paul T. Ruby
Its duly authorized Chairman

Approved:
By: Eddie Corbin
Eddie Corbin, Chief Procurement Officer

DA Approved as to Appropriation: DA

By: Patricia D. Brennan 3/1/07
Deputy City Auditor

Approved as to Form:

By: Christine J. Dejesu
ASSOCIATE City Solicitor

Reviewed by:


Mary Elizabeth Ambrose
Chief Financial Officer

SPRINGFIELD FINANCE CONTROL BOARD

By: _____
Alan LeBovidge, Chairman
Date signed: _____

**SPRINGFIELD LIBRARY &
MUSEUMS ASSOCIATION**

By:

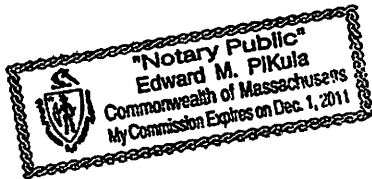


Joseph Carvalho, III, President

Date signed: February 27, 2007

Commonwealth of Massachusetts
County of Hampden

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Joseph Carvalho, III as President for Springfield Library & Museums Association, a Massachusetts not-for-profit corporation; proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.

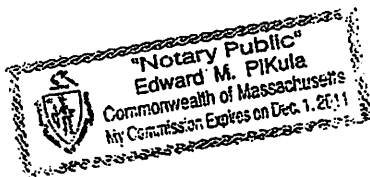


A handwritten signature in black ink, appearing to be "E. PiKula", written over a horizontal line.

Notary Public
My commission expires:

Commonwealth of Massachusetts
County of Hampden

On this 27th day of February, 2007, before me, the undersigned notary public, personally appeared Charles V. Ryan, as Mayor for the City of Springfield, a Massachusetts municipal corporation, proved to me through satisfactory evidence of identification which was based on my personal knowledge of the identity of the person 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.



A handwritten signature in black ink, appearing to be "C. Ryan", written over a horizontal line.

Notary Public
My commission expires:

3. Use.

3.01 That the Demised Premises are to be used solely for the operation of branch libraries and related office facilities and for no other purpose. The City shall, at its sole option, have the right to close, either temporarily or permanently, one or more of the branch libraries, as set forth on Exhibit "A" and to either leave the Library Assets located within such facility, or upon agreement of SLMA and the City, to relocate such Library Assets to a different facility. Notwithstanding the closure or vacating of any branch library, the City shall continue to be liable to maintain and repair such premises as set forth herein.

4. Utilities and Services.

4.01 The Lessee agrees to pay as they become due all charges for electricity, gas, water, sewer usage, telephone, and other utilities furnished to the Demised Premises and used by the Lessee.

5. Repairs and Maintenance.

5.01 Lessee shall make all repairs and replacements made necessary as a result of negligence, use, or misuse by Lessee and Lessee's invitees and all interior and exterior structural and non-structural repairs and replacements, including repairs and replacements to the heating system, and air conditioning systems, electrical and plumbing systems, roof, walls and floor necessary to keep and maintain the Demised Premises in good order and state of repair. Lessor shall be responsible for no repairs or maintenance whatsoever.

5.02 Lessee covenants to keep the Demised Premises free from rubbish and containers and the sidewalks in front of the Demised Premises and parking area reasonably free of debris, ice and snow.

5.03 Lessee further covenants and agrees with the Lessor that it will keep all the glass on the premises whole and in good condition with glass of the same quality as that broken or injured; and will keep the Demised Premises in as good order and repair as the same are in at the commencement of the term, reasonable use and wearing thereof, fire and other unavoidable insured casualty excepted; except as provided herein, that it will save the Lessor harmless from all loss or damage occasioned by the use or misuse of water fixtures, plumbing drains and gas fixtures, boilers and steam vessels (except such as is caused by the Lessor or its agents).

5.04 The Lessee agrees not to injure, overload, deface or otherwise harm the Demised Premises; nor commit any nuisance; nor make any use of the Demised Premises which is improper, offensive or contrary to any law or ordinance. The Lessee agrees not to make, allow or suffer any waste; nor to dump, flush, or in any way introduce any hazardous material or oil into the septic, sewage or other waste disposal system serving the Demised Premises; nor, to generate, store, use or dispose of hazardous material or oil in or on the Demised Premises, or dispose of hazardous material or oil from the Demised Premises to any other location, or commit

or suffer to be committed in or on the Demised Premises any act which would require the filing of official notice pursuant to applicable law, without the prior written consent of Lessor and then only in compliance with any and all Federal, state and local laws and ordinances regulating such activity. "Hazardous material and oil" as used in this Section, shall have the same meanings as defined and used in the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Section 9601 et seq; ("CERCLA") and Mass. G.L. ch. 21E et sequi, as the same may be amended from time to time.

5.05 Maintenance of Library Assets. The City agrees that it will maintain the furniture, fixtures and equipment which are owned by SLMA and used by the City pursuant to this Lease, in good operating condition and when necessary, replace such equipment. The City also agrees to maintain in good condition, the circulation book collections and to upgrade such collection by the addition of new books and other materials based upon the needs of its Library System. The City shall have the right, without notice to SLMA to dispose of any portions of such circulation book collections as it may deem reasonable and necessary.

6. Alterations by Lessee.

6.01 The Lessee shall have the right to make changes or alterations to the Demised Premises, provided, however, that any such changes or alterations shall be made in all cases subject to the following conditions which Lessee agrees to observe and perform:

- i. No change or alteration shall at any time be made which shall impair the structural soundness or diminish the value of the Demised Premises.
- ii. No changes or alterations shall be undertaken until Lessee shall have procured and paid for all required municipal and governmental permits and authorizations of the various municipal departments and governmental subdivisions having jurisdiction.
- iii. All work done in connection with any change or alteration shall be done in a good and workmanlike manner and in compliance with the building and zoning laws, and with all other laws, ordinances, orders, rules, regulations and requirements of all federal, state and municipal governments and the appropriate departments, commissions, boards and officers thereof, and Lessee shall procure certificates of occupancy and other certificates if required by law.
- iv. Lessee shall pay for all work and materials within a reasonable time and shall see to it that no materialman's liens are filed against the Demised Premises.
- v. All structural installations to the Demised Premises shall become the property of the Lessor and shall not be removed by the Lessee at the expiration or sooner termination of this Lease.

7. Insurance Requirements.

7.01 The City represents that it does not obtain insurance to cover public

liability. The City therefore agrees that it shall assume all obligations for public liability damage which may occur on the Demised Premises at any time during the term of this Lease and to hold SLMA harmless as otherwise provided in this Lease from any occurrences on or within the Demised Premises.

7.02 SLMA agrees to continue in force the all-risk insurance which it maintains on the Demised Premises. The City agrees, as Additional Rental hereunder, to reimburse SLMA on an annual basis its costs of maintaining such all-risk insurance. Upon receipt of an invoice for such insurance, the City agrees to pay such invoice within sixty (60) days of receipt thereof.

8. Taxes.

8.01 In the event that real estate taxes should ever be assessed against the Demised Premises, or personal property taxes shall be assessed against the Library Assets, then, and in such event, the City shall take whatever action is necessary to either pay, abate or otherwise eliminate such taxes. SLMA shall bear no responsibility or liability for any personal property or real estate taxes hereunder.

9. Indemnity.

9.01 To the extent permitted by law, the Lessee shall hold the Lessor harmless against any and all claims, damages or cause of action for damages arising after the commencement of the term hereof and any orders, decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of life sustained in or about the said Demised Premises and the buildings and improvements thereon, or in or upon the sidewalks, or streets in front of or appurtenant thereto by any person or persons whatever. It is the intention and agreement that the Lessor shall not be liable for any personal injuries or damage to the Lessee or its officers, agents, employees, invitees and all persons having business with the Lessee, or to any other persons or to any occupant of any part of the Demised Premises, or for any injury or damage to any goods, wares, merchandise or property of the Lessee or of any occupant of any part of the said Demised Premises, irrespective of how the same may be caused, whether from action of the elements or acts of negligence of the owner or occupants of the adjacent properties, excepting however, the negligence of the Lessor.

9.02 To the extent permitted by law, the Lessee shall and will indemnify and save harmless the Lessor of and from any and all liability, loss, damage or expense, causes of action, suits, claims and judgment, including reasonable legal expenses in connection with defending against any such action, suit or claim arising from injury to persons or property of any and every nature and for any matter or thing growing out of the occupation of the Demised Premises, or any part thereof caused by the Lessee, its agents, employees, assigns or occupants of any part of the Demised Premises, or by their agents, or employees, respectively, or which may be occasioned by any person or thing whatsoever at any time during the term of this Lease.

10. Yielding Up.

10.01 Lessee agrees to quit and deliver up the Demised Premises to the Lessor or its representatives peaceably and quietly at the end of said term or extensions hereof, free and clear of all Lessee's personal property and equipment; that it will not suffer to be made any major alterations therein without the written consent of the Lessor; that it will not make or suffer any waste, or any unlawful, improper, noisy or offensive use of the Demised Premises.

11. Assignment and Subletting.

11.01 Lessee will not assign this Lease, in whole or in part, nor sublet all or a part of the Demised Premises without the consent of Lessor which shall not be unreasonably withheld or delayed.

12. Fire and Other Casualty.

12.01 In the event the Demised Premises or any part thereof during said term or extension thereof shall be destroyed or damaged by fire or other unavoidable casualties so that the same shall be rendered unfit for the conduct of a branch library, then and in such case, Lessee shall repair and restore the damaged Premises to their condition prior to such damage or destruction. Lessee shall diligently complete the work, repair and restoration in a good, workmen-like manner.

12.02 Notwithstanding anything contained herein to the contrary, Lessee shall have the right to terminate the within Lease for the damaged Premises if such Premises are destroyed or damaged by fire or other casualty to the extent of at least fifty percent (50%) during the term hereunder. In the event that Lessee desires to terminate the Lease as to any damaged branch library, then it shall demolish the building located thereon, level the land and return such Premises to Lessor.

12.03 To the extent that it receives proceeds from its all-risk insurance policies maintained by SLMA on the Demised Premises, Lessor shall remit to the City any such proceeds collected as a result of a fire or other insured casualty received by SLMA, which funds shall be used by the City to offset the costs of restoration and/or repair of the damaged Premises.

13. Notices.

13.01 All notices required to be given hereunder shall be mailed by Certified Mail, Return Receipt Requested, to the Lessor at 220 State Street, Springfield, Massachusetts 01103, Attn: President, and to Lessee at 36 Court Street, Springfield, Massachusetts 01103, Attn: Mayor (with a copy to the City Solicitor and to the Springfield Library Commission), or at such other place as either party may designate in writing to the other.

14. Defaults.

14.01 Lessor may terminate this Lease if (i) Lessee shall have failed to cure a default in the performance of any covenant of this Lease, the Main Library Lease, or any rule or regulation hereinafter set forth, within thirty (30) days after written notice thereof from Lessor, or if default cannot be completely cured in such time, if Lessee shall not promptly proceed to cure such default within said thirty (30) days, or shall not complete the curing of such default with due diligence; or (ii) if Lessee shall fail to pay the Museum Services Fee under the Museums Services Agreement between SLMA and the City of even date. The failure to pay the agreed upon Museum Services Fee required under the Museums Services Agreement shall be a Material Default under this Lease, resulting in Lessor's right to terminate Lessee's possession under this Lease.

14.02 If Lessor shall re-enter the Demised Premises on the default of Lessee, by summary proceedings or otherwise (i) any property left in the Demised Premises by Lessee shall be deemed to have been abandoned by Lessee, and Lessor shall have the right to retain or dispose of such property in any manner without obligation to account therefore to Lessor.

14.03 In addition to the above, Lessee shall be liable for the payment of all costs of collection of rent, the Museum Services Fee and all other expenses necessary to enforce Lessee's covenants hereunder including reasonable attorney's fees.

15. Quiet Enjoyment.

15.01 Lessor covenants and agrees with the Lessee that upon Lessee paying said Rent and performing all the covenants and conditions aforesaid on Lessee's part to be observed and performed, Lessee shall and may peaceably and quietly have, hold and enjoy the Demised Premises hereby demised for the term aforesaid.

16. Triple Net Lease.

16.01 This is a "triple-net" Lease and the Lessor shall not be required to provide any services or do any act in connection with the Demised Premises except as specifically provided herein.

17. Severability.

17.01 If any term or provision of this Lease, or the application thereof, to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease or the application of such term or provisions which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

18. Hazardous Substance

18.01 Definitions. As used in this section, the term "Environmental Law(s)" shall mean all federal, state and local laws, statutes, codes, ordinances regulations, rules or other requirements (including, but not limited to, consent decrees and judicial or administrative orders), relating to the protection of human health or safety or the environment, including, but not limited to, the Comprehensive Environmental Response. Compensation and Liability Act ("CERCLA") as amended (42 U.S.C. Section 9601 9675); the Resource Conservation and Recovery Act, as amended ("RCRA") (42 U.S.C. Section 6901, et seq.); the Clean Water Act, as amended (33 U.S.C. Section 1251, et seq.); the Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.); the Toxic Substance and Control Act ("TSCA"), as amended (15 U.S.C. Section 2601, et seq.); and all laws applicable to the storage, treatment, disposal, handling and release of any Hazardous Substance.

"Hazardous Substance" shall be any material, substance, waste or constituent as defined or regulated under CERCLA; 42 U.S.C. §9601 et seq. RCRA, 42 U.S.C. §6901 et seq., the Clean Water Act, 42 U.S.C. §1251 et seq., TSCA, 15 U.S.C. §2601 or the laws of the state wherein the Demised Premises are located, as amended from time to time, expressly including petroleum substances, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel.

18.02 Responsibility for Compliance with Environmental Laws. At Lessee's expense, Lessee's activities on the Demised Premises shall materially comply with all applicable Environmental Laws.

18.03 (a) During or after the Lease Term, Lessor shall indemnify Lessee against and hold Lessee harmless of any and all loss, liability, cost, fine, penalty or expense, including reasonable attorneys' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to the use or ownership of the Demised Premises on or prior to the Commencement Date of this Lease.

(b) To the extent permitted by law, Lessee shall indemnify Lessor against and hold Lessor harmless of and from any and all loss, liability, cost, fine, penalty or expense, including reasonable attorneys' and consultants' fees, arising out of or incurred in connection with any removal, remediation, abatement, response, containment, closure, restoration, monitoring, corrective action or other actions relating to any Environmental Law, including all claims of governmental agencies and other third parties, whether or not such claims are ultimately defeated, matured or unmatured, foreseeable or unforeseeable, and including claims for indemnification by such parties, arising out of or related to any occurrence or condition at the Demised Premises arising after the Commencement Date of this Lease caused by Lessee and which are not required to be remedied by Lessor as provided in Section 18.03(a)

hereof.

19. Miscellaneous. The parties further expressly agree as follows:

19.01 The covenants and agreements herein contained shall, subject to the provisions of this Lease, bind and inure to the benefit of the Lessor and Lessee, their successors and assigns, except as otherwise provided herein.

19.02 Words of any gender used in this Lease shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

19.03 The acts or omissions of the servants and agents of the Lessee and the Lessor, and of all persons who are upon the Demised Premises during the term, or any extensions hereof, shall be construed to be the acts or omissions of such party.

19.04 Time shall be construed to be of the essence hereof, wherever any act hereunder is required to be done at a certain time, or within a prescribed period of time.

19.05 This Lease, and any amendments which the parties may execute hereto, sets forth all of the promises, agreements, conditions and understandings between Lessor and Lessee relative to the Demised Premises, and there are no other promises, agreements, conditions and understandings, either oral or written, between them.

19.06 No subsequent alteration, amendment, change, or addition to this Lease shall be binding upon Lessor or Lessee, unless same has been reduced to writing and executed by Lessor and Lessee.

19.07 This Lease is executed under and pursuant to the laws of the Commonwealth of Massachusetts.

19.08 This Lease has been approved by the Finance Control Board and the Secretary for Administration and Finance of the Commonwealth of Massachusetts, pursuant to Chapter 169 of the Acts of 2004, Section 4(d)(14).

{SIGNATURE PAGE TO FOLLOW}



The Commonwealth of Massachusetts

Springfield Finance Control Board

436 Dwight St.

Springfield, MA 01103

ALAN LEBOVIDGE
CHAIRMAN

MEETING AGENDA

May 11, 2007

Room 220, City Hall

10:30 AM

-
- I. Public Comment
 - II. Approval of Minutes
 - III. Approval of Chapter 157 Veterans Benefits for Accidental Disability Retirees
 - IV. Approval of Mass Highway / State St. Agreement
 - V. Approval of Eminent Domain Taking
 - VI. Appropriation of Bond Premium
 - VII. Approval of Borrowing from Fiscal Recovery Trust Fund
 - VIII. Appropriation of Borrowing from Fiscal Recovery Trust Fund
 - IX. Urban Land Institute Presentation - David Panagore
 - X. Approval of Property Transfers
 - XI. New Business
 - XII. Adjournment to Executive Session

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

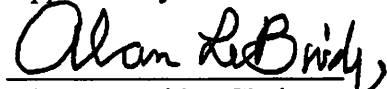
5-11-03

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

An Executive Order Accepting the Provisions of Chapter 157 of the Acts of 2005

The Springfield Finance Control Board, acting pursuant to Sections 4(a), 4(b) and 4(d)(20) of Chapter 169 of the Acts of 2004, hereby accepts the provisions of Chapter 157 of the Acts of 2005, "An Act Relative to Disability Retirement Benefits for Veterans".

Approved by the Finance Control Board on May 11, 2007:



Alan LeBovidge Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board

MEMORANDUM

**To: Philip Puccia, Executive Director
Springfield Finance Control Board (the "Control Board")
Date: March 29, 2006
Re: Chapter 157 Veterans Benefits for Accidental Disability Retirees (the "Act").**

The Act was signed into law on November 22, 2005. Two memoranda from Joseph E. Connarton, Executive Director of PERAC, are attached hereto as Exhibits A and B.

Section 1 of the Act provides an additional retirement allowance of \$15 for each year of creditable service (up to a maximum of \$300) for veterans who retired due to an accidental disability. This is subject to acceptance by both the Retirement Board and the "local legislative body."

Section 2 of the Act makes the allowance retroactive to the retiree's date of retirement and is subject to separate acceptance by both the Retirement Board and the "local legislative body". A schedule dated December 20, 2006, lists the approximately 75 retirement systems which acted on the Act as of that time. All approved Section 1. All but four approved Section 2.

On January 20, 2006 the Springfield Retirement System unanimously approved Section 1 and this vote was forwarded to the City Council, with a copy to the Control Board. Apparently no action was taken by either the City Council or the Control Board.

A schedule of veteran retirement benefits under the Act for Springfield is also attached. It shows Section 1 benefits of \$37, 530 annually and Section 2 benefits (which were not approved but would be payable in a lump sum) of \$643,367.

The Springfield Retirement Board may vote to reconfirm these Section 1 benefits this evening. In any event I am requesting that the Control Board (or, if preferable) the City Council take this matter up promptly.

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman* | A. JOSEPH DENUCCI, *Vice Chairman*
HENRY G. BRAUER | KENNETH J. DONNELLY | ERIC A. KRISS | JAMES M. MACHADO | DONALD R. MARQUIS

JOSEPH E. CONNARTON, *Executive Director*
DEC 5 2005

MEMORANDUM

TO: All Retirement Boards
Joseph E. Connarton

FROM: Joseph E. Connarton, Executive Director

RE: Disability Retirement Benefits for Veterans, Chapter 157 of the Acts of 2005

DATE: December 5, 2005

On November 22, 2005, the Governor signed Chapter 157 of the Acts of 2005, an Act that provides Section 7 accidental disability retirees with a veteran's benefit. Chapter 157 of the Acts of 2005 became effective on November 23, 2005. Section 1 of Chapter 157 of the Acts of 2005 states that any member of Group 1 or Group 2 or Group 4 who retires due to an accidental disability will receive an additional yearly retirement allowance of \$15 for each year of creditable service or a fraction thereof, and the total amount of this additional yearly retirement allowance will not exceed \$300. Section 1 is subject to local acceptance.

The definition of a "veteran" set forth in G.L. c. 4 § 7 cl. 43 as amended by Chapter 166 of the Acts of 2004, and explained in PERAC Memo #21/2004, will be used to determine a member's eligibility under Chapter 157 of the Acts of 2005. If a retiree was a veteran at the time of his or her retirement under the then current definition of G.L. c. 4 § 7 cl. 43, the retiree is entitled to an allowance under Chapter 157 of the Acts of 2005.

Section 2 of Chapter 157 of the Acts of 2005 makes the allowance retroactive to a retiree's date of retirement subject to local acceptance. If Section 2 is accepted, payments will be retroactive to the date of retirement for living retirees only. An application for the allowance must be made within 120 days after the retirement board accepts Section 2. The retirement board will make payment within one year after receipt of an application either in a lump sum or in installments. The retirement board must notify every accidental disability retiree of its acceptance of Section 2 to determine his or her eligibility as a veteran.

A retirement board must have a majority vote on each section of Chapter 157 of the Acts of 2005 for that section to be accepted. The first majority vote is an acceptance of Section 1 of Chapter 157 of the Acts of 2005 establishing the benefit. The second majority vote is an acceptance of Section 2 of Chapter 157 of the Acts of 2005 providing retroactive benefits for retirees prior to the effective date. The retirement board can accept the first majority vote even if it does not



MEMORANDUM - Page Two

TO: All Retirement Boards
 FROM: Joseph E. Connarton, Executive Director
 RE: Disability Retirement Benefits for Veterans, Chapter 157 of the Acts of 2005

have a second majority vote. The retirement board cannot have a second majority vote if it does not have the first majority vote.

Chapter 157 of the Acts of 2005 becomes effective by the majority vote(s) of a jurisdiction's retirement board subject to approval by the legislative body of that system. The legislative authority cannot accept Chapter 157 of the Acts of 2005 without prior approval by the retirement board. However, the legislative body can reject the majority vote(s) taken by the retirement board.

For purposes of Chapter 157 of the Acts of 2005, legislative body means, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a district, the district members, in the case of an authority, the governing body and in the case of a regional retirement system, the regional retirement board advisory council.

A retirement board must send a letter of notice to PERAC within 120 days after it takes its vote(s). The notice should include the section(s) the retirement board has accepted or declined, and whether the legislative body has accepted the vote(s) of the retirement board.

Retirement Board Accepts Section 1 Only and Approved by Legislative Body	Retirement Board Accepts Section 1 and Section 2 and Approved by Legislative Body	Retirement Board Declines Section 1 and Section 2
Prospective Veteran Benefits Only	Both Prospective and Retroactive Veteran Benefits	No Veteran Benefits

Enclosures

/s/ c
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Chapter 157 of the Acts of 2005

AN ACT RELATIVE TO DISABILITY RETIREMENT BENEFITS FOR VETERANS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subdivision (2) of section 7 of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

(e) Any member of Group 1 or Group 2 or Group 4, who is a veteran as defined in section 1, shall receive an additional yearly retirement allowance of \$15 for each year of creditable service or fraction thereof, but the total amount of this additional yearly retirement allowance shall not exceed \$300. This paragraph shall only take effect upon its acceptance by the majority vote of the board of a system, subject to the approval of the legislative body. For purposes of this paragraph, legislative body shall mean in the case of a city the city council in accordance with its charter, in the case of a town the town meeting, in the case of a county the county retirement board advisory council, in the case of a district the district members; in the case of an authority the governing body and in the case of a regional retirement system, the regional retirement board advisory council.

SECTION 2. An additional yearly retirement allowance which would have been payable under section 1 of this act, if that provision had been in effect and for which a member in service would have been eligible at the time of the member's retirement, shall be paid retroactively to the date of each such veteran's retirement. A veteran shall be eligible for payment of a retroactive additional yearly retirement allowance under this section only upon filing an application no later than 120 days after the effective date of this act, in a form that the appropriate retirement board, as defined in chapter 32 of the General Laws, shall prescribe. Payment under this section shall be made in a lump sum or in installments and shall be made in full within 1 year of the receipt of a completed and satisfactory application by the board. No payment shall be made under this act with respect to a person who is deceased. The appropriate retirement board shall provide reasonable notice to eligible retirees about the application process prescribed by this section. This section shall only take effect upon its acceptance by the majority vote of the board of a system, subject to the approval of the legislative body. For purposes of this paragraph, legislative body shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a district, the district members, in the case of an authority, the governing body and in the case of a regional retirement system, the regional retirement board advisory council.

Approved November 22, 2005.

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DISABILITY RETIREMENT BENEFITS FOR VETERANS
CHAPTER 157 OF THE ACTS OF 2005

months are computed
on creditable service

RETIREE	DATE OF RETIREMENT	CREDITABLE SERVICE	20 YEARS MAXIMUM	VETERAN BONUS AMOUNT	NUMBER OF YEARS RETIRED	BONUS X NUMBER OF YEARS AND MONTHS
1	ABAIR, JOHN	1/3/1995	24YRS 3 MONTHS			
2	ADAMSKI, ANTHONY	11/28/1982	30YRS 6 MONTHS			
3	ALLEN, CHARLES	7/18/1995	25YEARS 8MONTHS	\$300.00	10.9167	\$3,275.01
4	AMATO, ANTHONY	6/18/1996	27YEARS 11MONTHS	\$300.00	23.0833	\$6,924.99
5	ARDUINO, FRANK	7/9/1991	21YEAR 3MONTHS	\$300.00	10.4167	\$3,125.01
6	ASHE, STEVEN	5/10/1991	8YEARS 4 MONTHS	\$300.00	9.5000	\$2,850.00
7	ASHWELL, WILLIAM	2/2/1984	15YEARS 11MONTHS	\$135.00	14.4167	\$4,325.01
8	ASSAD, JOSEPH	9/19/1987	25YEARS 11 MONTHS	\$240.00	14.5833	\$1,968.75
9	AUGUSTUS, WILLIAM	9/18/1992	12YEARS 2 MONTHS	\$300.00	21.9167	\$5,280.01
10	BAKER, DELANO	1/29/1993	7YEARS 8 MONTHS	\$195.00	18.2500	\$5,475.00
11	BERTE, ALAN	6/2/2003	26YEARS 5 MONTHS	\$120.00	13.2500	\$2,583.75
12	BIRKS, PAUL	6/2/1984	12YEARS 10MONTHS	\$300.00	12.8167	\$1,550.00
13	BIZA, CLIFFORD	9/28/1975	33YEARS 6MONTHS	\$195.00	2.5000	\$750.00
14	BLASÉ, ROBERT	12/18/1992	19YEARS 11 MONTHS	\$300.00	21.5000	\$4,192.50
15	BOURKE, WALTER	1/4/1976	29YEARS 0MONTHS	\$300.00	30.2500	\$9,075.00
16	BREAULT, RICHARD	6/14/1987	15YEARS 8MONTHS	\$300.00	13.0000	\$3,900.00
17	BREOR, DONALD	6/13/1987	15YEARS 11MONTHS	\$240.00	29.9167	\$8,975.01
18	BROWN, ROBERT	3/31/1969	13YEARS 3MONTHS	\$240.00	18.5000	\$4,440.00
19	BRUNTON, THOMAS	6/3/1984	28YEARS 1MONTH	\$210.00	18.5000	\$4,440.00
20	BRYANT, MARTIN	6/21/1998	29YEARS 8MONTHS	\$300.00	14	\$7,717.50
21	BULLOCK, WILLIE	3/8/1993	10YEAR 1MONTH	\$300.00	36.7500	\$7,717.50
22	CALVANESE, ANTHONY	1/31/1970	10YEARS 3MONTHS	\$185.00	21.5000	\$6,450.00
23	CAMERLIN, ROBERT	1/30/1992	24YEARS 4MONTHS	\$185.00	9.5000	\$2,850.00
24	CANNING, ROBERT	9/19/1987	24YEARS 8MONTHS	\$300.00	12.7500	\$2,103.75
25	CAPELES, RUBEN	5/9/2000	20YEARS 0MONTHS	\$300.00	35.9167	\$5,926.26
26	CASINEAU, CHARLES	8/29/2005	30YEARS 7MONTHS	\$300.00	13.9167	\$4,175.01
27	CATTONI, WILLIAM	4/2/1978	18YEARS 8MONTHS	\$300.00	8.2500	\$2,475.00
28	CAVANAUGH, WILLIAM	4/12/1974	20YEARS 1MONTH	\$285.00	5.5833	\$1,674.99
29	CAWLEY, BERNARD	6/27/1982	31YEARS 9MONTHS	\$300.00	0.3333	\$99.99
30	CELONA, NUNZIO	9/11/1981	21YEARS 2MONTHS	\$300.00	27.6667	\$7,885.01
31	CHAPDELAIN, ALBERT	5/8/1991	27YEARS 0MONTHS	\$300.00	31.6667	\$9,500.01
32	CLINK, LEROY	7/31/1977	25YEARS 10MONTHS	\$300.00	23.5000	\$7,050.00
33	CROTEAU, LOUIS	4/2/1978	23YEARS 6MONTHS	\$300.00	24.2500	\$7,275.00
34	DAIGNEAU, GILES	7/14/1993	19YEARS 7MONTHS	\$300.00	14.5833	\$4,374.99
35	DANCY, TERRY	4/5/1998	3YEARS 11MONTHS	\$60.00	28.4167	\$8,525.01
36	DAUPLAISE, GREGORY	6/16/2001	26YEARS 3MONTHS	\$300.00	27.6667	\$8,300.01
37	DAUPLAISE, JOHN	6/9/1994	7YEARS 5MONTHS	\$300.00	12.4167	\$3,725.01
38	DAVIES, JAMES	5/23/1975	28YEARS 5MONTHS	\$120.00	7.6667	\$460.00
39	DECOTEAU, RICHARD	10/8/2001	21YEARS 6MONTHS	\$300.00	4.5000	\$1,350.00
40	DECOTEAU, WILLIAM	5/5/2003	26YEARS 4MONTHS	\$300.00	11.5000	\$1,380.00
41	DEGON, ALAN	12/7/1998	28YEARS 10MONTHS	\$300.00	30.5833	\$9,174.99
				\$300.00	4.1667	\$1,250.01
				\$300.00	2.5833	\$774.99
				\$300.00	7.0000	\$2,100.00

42	DEMPSEY, JAMES	7/31/1967	14YEARS 2MONTHS				
43	DENEHY, EDWARD	2/1/1997	22YEARS 11MONTHS	18	\$270.00	38.4167	\$10,372.51
44	DESLAURIS, ERNEST	4/12/1991	14YEARS 4MONTHS	20	\$300.00	8.8333	\$2,649.99
45	DONNACHIE, EDWARD	9/30/1971	17YEARS 7MONTHS	15	\$225.00	14.6667	\$3,300.01
46	DOUGLAS, HENRY	3/16/2002	5YEARS 10MONTHS	18	\$270.00	34.2500	\$9,247.50
47	FAHEY, JOSEPH	10/31/1971	24YEARS 2MONTHS	6	\$90.00	3.7500	\$337.50
48	FASANO, FRANK	8/17/1986	28YEARS 1MONTH	20	\$300.00	34.1667	\$10,250.01
49	FERRIS, STANLEY	4/30/1982	8YEARS 5 MONTHS	20	\$300.00	19.3333	\$5,799.99
50	FOGARTY, DANIEL III	11/16/1994	20YEARS 11 MONTHS	9	\$135.00	23.6667	\$3,195.00
51	FOLEY, JAMES	3/26/1981	12YEARS 2MONTHS	20	\$300.00	11.0833	\$3,324.99
52	FRANCIS, JOHN	5/9/1991	15YEARS 2 MONTHS	13	\$195.00	44.7500	\$8,726.25
53	FRATINI, ANTHONY	9/3/1979	10YEARS 10MONTHS	16	\$240.00	14.5833	\$3,499.99
54	FULLER, JESSIE	11/30/1975	4YEARS 2MONTHS	11	\$165.00	26.2500	\$4,331.25
55	GAGNON, WILLIAM	6/26/1993	16YEARS 10MONTHS	5	\$75.00	30.0833	\$2,256.25
56	GALLAGHER, RAYMOND	8/27/1978	20YEARS 2MONTHS	17	\$255.00	12.5000	\$3,187.50
57	GALLANT, ROBERT	2/11/2002	25YEARS 2MONTHS	20	\$300.00	27.3333	\$8,199.99
58	GARVEY, KEVIN	5/16/2005	17YEARS 8MONTHS	20	\$300.00	3.8333	\$1,149.99
59	GEOFFRION, FRANK	5/22/1985	30YEARS 8MONTHS	18	\$270.00	0.5833	\$157.49
60	GEOFFROY, CHARLES	12/4/1991	19YEARS 0MONTHS	20	\$300.00	20.5833	\$6,174.99
61	GILDAY, PAUL	12/27/1997	23YEARS 3MONTHS	19	\$285.00	14.0000	\$3,990.00
62	GINGRAS, HARRY	5/25/1980	5YEARS 8MONTHS	20	\$300.00	8.0000	\$2,400.00
63	GORDON, GERALD	11/6/1992	30YEARS 8MONTHS	6	\$90.00	25.5833	\$2,302.50
64	GRUNDSTROM, LEONARD	12/29/2003	38YEARS 5MONTHS	20	\$300.00	13.0833	\$3,924.99
65	GUSTAFSON, KENNETH	1/19/2002	31YEARS 9MONTHS	20	\$300.00	2.0000	\$600.00
66	GUYER, ROBERT	9/12/1997	28YEARS 3MONTHS	20	\$300.00	3.9167	\$1,175.01
67	HALLENSTEIN, GEORGE	1/31/1967	10YEARS 11MONTHS	20	\$300.00	8.2500	\$2,475.00
68	HANDFIELD, RICHARD	9/30/1981	14YEARS 0MONTHS	11	\$165.00	38.9167	\$6,421.26
69	HARPER, JACK	2/11/1999	26YEARS 9MONTHS	14	\$210.00	24.2500	\$5,092.50
70	HARRIS, SAMMY	10/29/2001	24YEARS 9MONTHS	20	\$300.00	6.8333	\$2,049.99
71	HARVEY, DAVID	10/6/2001	9YEARS 4MONTHS	20	\$300.00	4.1667	\$1,250.01
72	HESS, OWEN	6/29/1980	25YEARS 2MONTHS	10	\$150.00	4.1667	\$625.01
73	HOGAN, RICHARD	6/30/1970	14YEARS 4MONTHS	20	\$300.00	25.5000	\$7,650.00
74	HUDSON, MICHAEL	4/10/1997	24YEARS 6MONTHS	15	\$225.00	35.5000	\$7,987.50
75	HURLEY, JOHN JR	2/23/1997	9YEARS 8MONTHS	20	\$300.00	8.6667	\$2,600.01
76	INGHAM, ALFRED IV	11/30/1985	15YEARS 3MONTHS	10	\$150.00	8.8333	\$1,325.00
77	IZZO, FRANK	6/22/1986	35YEARS 7MONTHS	16	\$240.00	20.0833	\$4,819.99
78	JENNINGS, RICHARD	7/15/1977	34YEARS 9MONTHS	20	\$300.00	19.5000	\$5,850.00
79	JETTE, ROLAND	2/27/1974	8YEARS 5MONTHS	20	\$300.00	28.4167	\$8,525.01
80	KIRBY, DENNIS	5/3/1994	14YEARS 5MONTHS	9	\$135.00	31.8333	\$4,297.50
81	KOUROUVACILIS, ATHANA	7/8/1978	17YEARS 9MONTHS	15	\$225.00	11.5833	\$2,606.24
82	KOZACZKA, DONALD	2/26/1990	20YEARS 8MONTHS	18	\$270.00	27.4167	\$7,402.51
83	KRAVEROTIS, HARRY	5/29/1977	24YEARS 3MONTHS	20	\$300.00	15.8333	\$4,749.99
84	KURPAS, CHARLES	9/4/1998	23YEARS 11MONTHS	20	\$300.00	28.5833	\$8,574.99
85	LARESE, WAYNE	8/27/2005	27YEARS 4MONTHS	20	\$300.00	7.2500	\$2,175.00
86	LEDOUX, ROBERT	1/8/1978	14YEARS 6MONTHS	20	\$300.00	0.5000	\$150.00
87	LIEBEL, CHARLES	10/16/2000	27YEARS 11MONTHS	15	\$225.00	27.9167	\$6,281.26
88	LOUGHNANE, MICHAEL	4/7/2003	27YEARS 6MONTHS	20	\$300.00	5.1667	\$1,550.01
89	LUCIER, RAYMOND	1/10/1972	3YEARS 8 MONTHS	20	\$300.00	2.6667	\$800.01
90	LUVERA, ANTHONY	1/31/1970	7YEARS 7MONTHS	4	\$60.00	33.9167	\$2,035.00
91	LUVERA, FRANK	1/31/1970	18YEARS 5MONTHS	8	\$120.00	35.9167	\$4,310.00
				19	\$285.00	35.9167	\$10,236.26

92	MALVEZZIE, SALVATORE	2/28/1967	7YEARS 5MONTHS	8				
93	MARCO, THOMAS	8/31/1985	14YEARS 1MONTH	15	\$120.00	38.8333	\$4,660.00	
94	MARTIN, JAMES	9/10/1997	20YEARS 8MONTHS	20	\$225.00	20.3333	\$4,574.99	
95	MAZZA, FRANK	12/31/1982	9YEARS 1MONTH	10	\$300.00	8.2500	\$2,475.00	
96	MCGURK, MARION	1/28/1975	1YEAR 4MONTHS	2	\$150.00	23.0000	\$3,450.00	
97	MCNAMAMY, WALTER	10/21/1978	17YEARS 11MONTHS	18	\$30.00	30.9167	\$927.50	
98	MCNEIL, ROBERT	12/7/1993	23YEARS 5MONTHS	20	\$270.00	27.1667	\$7,335.01	
99	MCNULTY, PAUL	11/27/1990	15YEARS 6MONTHS	19	\$300.00	12.0000	\$3,600.00	
100	MERCIER, RUSSELL	1/28/1984	16YEARS 4MONTHS	17	\$285.00	15.0833	\$4,298.74	
101	MICHEL, EDMUND	4/30/1989	10YEARS 6MONTHS	11	\$255.00	21.9167	\$5,588.76	
102	MITCHEL, GARY	11/6/1990	16YEARS 11MONTHS	17	\$165.00	36.6667	\$6,050.01	
103	MORRIS, LAWRENCE	9/28/2002	16YEARS 6MONTHS	17	\$255.00	15.0833	\$3,846.24	
104	MORRIS WILLIAM	8/23/1994	30YEARS 4MONTHS	20	\$255.00	3.2500	\$828.75	
105	MURPHY, WILLIAM	12/21/1998	30YEARS 5MONTHS	20	\$300.00	11.3333	\$3,399.99	
106	NADLE, JAMES	11/11/1994	26YEARS 4MONTHS	20	\$300.00	7.0000	\$2,100.00	
107	NATALE, JOSEPH	9/25/1982	27YEARS 9MONTHS	20	\$300.00	11.0833	\$3,324.99	
108	NYSTROM, RICHARD	3/5/1991	24YEARS 10MONTHS	20	\$300.00	23.2500	\$6,975.00	
109	OUTHUSE, ANDREW	10/30/1977	20YEARS 8MONTHS	20	\$300.00	14.7500	\$4,425.00	
110	PAGE, HECTOR	9/28/1975	18YEARS 3MONTHS	19	\$300.00	28.1667	\$8,450.01	
111	PAQUETTE, GARY	1/29/2005	12YEARS 6MONTHS	13	\$285.00	30.2500	\$8,621.25	
112	PILON, PHILLIP	6/27/1965	12YEARS 8MONTHS	13	\$195.00	0.9167	\$178.76	
113	POPE, BILLY	11/5/1989	19YEARS 6MONTHS	20	\$195.00	40.5000	\$7,897.50	
114	PROVOST, ARTHUR	1/31/2000	5YEARS 6MONTHS	7	\$300.00	16.0833	\$4,824.99	
115	RIOS, RAMON	5/20/1989	7YEARS 7MONTHS	8	\$105.00	6.9167	\$621.25	
116	RISTAINO, MICHAEL	3/10/1990	25YEARS 7MONTHS	20	\$120.00	16.5833	\$1,990.00	
117	ROBBINS, ISAIAH	8/4/1998	25YEARS 0MONTHS	20	\$300.00	15.7500	\$4,725.00	
118	ROBERT, STEVEN	1/5/1997	20YEARS 0MONTHS	20	\$300.00	7.2500	\$2,175.00	
119	ROBLINSKI, WALTER	2/16/1990	28YEARS 2MONTHS	20	\$300.00	8.9167	\$2,675.01	
120	ROGERS, GARRET	11/24/2004	5YEARS 8MONTHS	6	\$300.00	15.8333	\$4,749.99	
121	ROOKE, LEONARD	3/31/1974	21YEARS 1MONTH	20	\$90.00	1.0833	\$97.50	
122	SANTANIELLO, NUNZIO	3/31/1970	10YEARS 6MONTHS	11	\$300.00	31.7500	\$9,525.00	
123	SCHAUB, KENNETH	9/30/1989	15YEARS 10MONTHS	16	\$165.00	35.7500	\$5,898.75	
124	SERAFINO, CARMELO	7/24/1983	28YEARS 1MONTH	20	\$240.00	18.2500	\$3,800.00	
125	SHERMAN, GEORGE	10/16/1992	38YEARS 9MONTHS	20	\$300.00	22.4167	\$6,725.01	
126	SHUMWAY, MICHAEL	3/15/1986	3YEARS 11 MONTHS	4	\$300.00	13.1667	\$3,950.01	
127	SIMMONDS, WILLIE	2/28/1982	3YEARS 9MONTHS	4	\$60.00	19.7500	\$1,185.00	
128	SIMON, DAVID	5/31/1977	25YEARS 9MONTHS	20	\$60.00	23.8333	\$1,430.00	
129	SLEPCHUK, NICHOLAS	1/31/1964	9YEARS 2MONTHS	10	\$300.00	28.5833	\$8,574.99	
130	SNYDER, WARREN	10/22/1978	22YEARS 2MONTHS	20	\$150.00	41.9167	\$6,287.51	
131	SOFFAN, DAVID	2/14/2002	7YEARS 10MONTHS	8	\$300.00	27.1667	\$8,150.01	
132	SOMERS, RAYMOND	10/29/1976	15YEARS 11MONTHS	16	\$120.00	3.8333	\$460.00	
133	SPANOS, ANDREW	10/30/1982	28YEARS 2MONTHS	20	\$240.00	29.1667	\$7,000.01	
134	ST GERMAIN, RONALD	5/13/2000	20YEARS 6MONTHS	20	\$300.00	23.1667	\$6,950.01	
135	STANLEY, THEODORE	5/6/1972	6YEARS 6MONTHS	7	\$300.00	5.5833	\$1,674.99	
136	STAPLES, LORING	5/8/2001	13YEARS 0MONTHS	13	\$105.00	33.5833	\$3,526.25	
137	STEVENS, JOHN	3/29/1986	31YEARS 3MONTHS	20	\$195.00	4.5833	\$893.74	
138	SULLIVAN, HUGH	10/31/1971	23YEARS 8MONTHS	20	\$300.00	19.7500	\$5,925.00	
139	SUSE, STEVE	3/5/2005	14YEARS 6MONTHS	20	\$300.00	34.1667	\$10,250.01	
140	TATRO, JOSEPH	5/31/1971	18YEARS 5MONTHS	19	\$225.00	0.7500	\$168.75	
141	THOMPSON, JAMES	1/21/1988	12YEARS 5MONTHS	13	\$285.00	34.5833	\$9,856.24	
					\$195.00	17.9167	\$3,493.76	

142	TISDEL, LAWRENCE	8/26/1976	24YEARS 4MONTHS	20	\$300.00	29.7500	\$8,925.00
143	TONDERA, VICTOR	10/4/1993	9YEARS 9MONTHS	10	\$150.00	12.1667	\$1,825.01
144	TORRES, JOSHUA	4/5/2004	11YEARS 5MONTHS	12	\$180.00	1.6667	\$300.01
145	TROMBLEY, BRIAN	9/6/2003	8YEARS 6MONTHS	9	\$135.00	2.2500	\$303.75
146	TUGIE, ROBERT	9/1/1999	28YEARS 9MONTHS	20	\$300.00	6.2500	\$1,875.00
147	TULLER, RAYMOND	6/26/1987	18YEARS 0MONTHS	18	\$270.00	18.5833	\$5,017.49
148	VIGNATO, GARY	1/27/2004	27YEARS 5MONTHS	20	\$300.00	1.0833	\$324.99
149	WADLEGGER, JOHN	8/21/2002	29YEARS 5MONTHS	20	\$300.00	3.5000	\$1,050.00
150	WALMER, KEITH	9/14/2002	3YEARS 6MONTHS	4	\$60.00	3.2500	\$195.00
151	WASIELEWSKI, CHESTER JR	10/31/1980	6YEARS 11MONTHS	7	\$105.00	25.1667	\$2,642.50
152	WECKERLY, WILLIAM	2/16/1986	3YEARS 3MONTHS	4	\$60.00	9.8333	\$590.00
153	WHITE EDWARD	10/1/1983	1YEAR 11MONTHS	2	\$30.00	22.1667	\$665.00
154	WIGGINS, MAXWELL	9/26/1898	3YEARS 11MONTHS	4	\$60.00	7.2500	\$435.00
155	WILLIAMS, REGINALD	12/19/2004	7YEARS 7MONTHS	8	\$120.00	1.0000	\$120.00
156	WILLIAMS RICHARD	11/5/1991	27YEARS 7MONTHS	20	\$300.00	14.0833	\$4,224.99
157	WOLF, WILLIAM	9/14/1896	14YEARS 5MONTHS	15	\$225.00	8.2500	\$2,081.25
					\$37,530.00		\$643,367.54

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#5-11-04

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*.

**An Executive Order Adopting Rules of the Road
For the State Street Corridor Project**

WHEREAS, in order to proceed with the bidding and construction of the State Street Corridor Project ("Project"), which is funded in part by the Federal Highway Administration, City of Springfield ("City") is required to enter into a Traffic Control Agreement ("Agreement") with the Commonwealth of Massachusetts Highway Department ("Department"); and

WHEREAS, the Agreement requires the City to implement certain rules of the road, set forth below, for the ways affected by the Project, to ensure the safety of the public; and

WHEREAS, due to the need to expedite the approval of such rules of the road to allow the Project to proceed, for purposes of this Executive Order, the Finance Control Board, acting pursuant to Section 4(d)(11) of Chapter 169 of the Acts of 2004, waives the requirement of an advisory report from the City Traffic Commission and adopts the recommendation of the Director of the Department of Public Works to enact the rules of the road set forth in this order;

NOW THEREFORE, the Finance Control Board, acting pursuant to Sections 4(d)(11) and 4(d)(20) of Chapter 169 of the Acts of 2004, and Mass. Gen. Laws ch. 40, sec. 22, and ch. 90, sec. 14, hereby orders that the "Rules of the Road" approved September 8, 1936, as amended, be further amended as set forth below, and authorizes the City Department of Public Works to take all necessary steps to implement the same:

RULES OF THE ROAD

A. **STOP SIGNS** to be installed in accordance with applicable permits filed or to be filed by the City and approved by the Department.

All Stopped At State Street:

Northside

Elliot Street
Frost Street
Byers Street
Pleasant Street
Westminster Street
Sherman Street
Hayden Avenue
Hunter Place
Montrose Street
Mapledell Street
College Street
Willard Street
Austin Street

Southside

Willow Street
Orleans Street
Stebbins Street
Terrance Street
Hawley Street
Concord Terrace
Dearborn Street
Berlin Street
Clarence Street
Hillmont Street
Kenilworth Street
Ivanhoe Street

Unnamed Street at Station 138+50
Alton Street
Ionia Street
Balis Street
Margerie Street
Tilton Street

All Stopped at St. James Avenue:

Magazine Street
Bay Street

All Stopped at Wilbraham Street:

Winchester Street
Eastern Avenue

B. Right Lane Must Turn Right

State Street WB at St. James Avenue/Oak Street
Hancock Street NB at State Street
State Street EB at Wilbraham Road
Benton Street NB at State Street
Insurance Road NB at State Street

C. Left Lane Must Turn Left

Dwight Street SB at State Street
Maple Street NB at State Street
State Street EB at Spring Street
State Street EB at Federal St/Walnut St
Federal Street SB at State Street
State Street WB at Federal St/Walnut St
State Street EB at Oak St/St. James Ave
St. James Avenue SB at State Street
State Street WB at Thompson St/Hancock St
State Street EB at Buckingham Street
State Street EB at Catharine Street
Homer Street NB at State Street
State Street EB at Berkshire Avenue

D. Right Lane Turn Right/Left Lane Turn Left

State Street WB at Main Street
St. James Avenue SB at State Street
Wilbraham Road NB at State Street
Catharine Street SB at State street

E. Right Turn Only

Magazine Street EB at St. James Avenue
Hawley Street/Wilbraham Road NB at State Street
Eastern Avenue NB at Wilbraham Road

F. Keep Right

State Street EB at Spring St/School St
State Street WB at Station 52+70 island
State Street EB at Station 53+15 island

State Street WB at Federal St/Walnut St
State Street EB at Federal St/Walnut St
State Street EB at Station 60+80
State Street WB at Station 60+25
State Street WB at Oak St/St. James Ave
St. James Avenue NB at State Street Station 501+00
St. James Avenue SB at State Street Station 502+00
Magazine Street WB at St. James Street
Magazine Street EB at St. James Street
St. James Avenue NB at Bay St/Magazine St
St. James Avenue SB at Bay St/Magazine St
State Street EB at Orleans Street
State Street WB at Orleans Street
State Street EB at Stebbins Street
State Street WB at Pleasant Street
State Street WB at Thompson St/Hancock St
State Street EB at Thompson St/Hancock St
State Street WB at Buckingham Street
State Street at Wilbraham Road
Wilbraham Road NB at Eastern Avenue
Boston Road EB at State Street
Boston Road WB at State Street
State Street EB at Berkshire Avenue

G. No Right Turn

State Street WB at Dwight Street

H. No Left Turn

Main St NB at State St
State St EB at Main St
Willow St NB at State St
State St EB at Dwight St
Byers St SB at State St
State St WB at Maple St/Chestnut St
Drive SB at State St Sta 39+55
Drive NB at State St Sta 39+12
Drive NB at State St Sta 44+20
Drive NB at State St Sta 58+30
Drive NB at State St Sta 61+25
Drive NB at State St Sta 67+00
Drive SB at State St Sta 70+90
Terence St NB at State St Sta 76+70
Westminster St SB at State St Sta 82+90
Sherman St SB at State St
Wilbraham Rd SB at Wilbraham Rd NB
State St WB at Catharine St

I. No Turns

Berkshire Ave/Boston Rd WB at State St

J. No U Turn

State St WB at Federal St/Walnut St
State St EB at Federal St/Walnut St
State St EB at Thompson St/Hancock St

Wilbraham Rd NB at Eastern Ave

K. DO NOT ENTER

At State Street and

Willow Street
Dwight Street
Maple Street
Byers Street
Drive NB at(State St)Station 57+00
Hawley Street/Wilbraham Road
Homer Street
Berkshire Ave

At Eastern Avenue and

Wilbraham Road

At Winchester Street and

Wilbraham Road

L. One Way

Willow St NB at State St
Dwight St SB at State St
Maple St at State St
Byers St SB at State St
Drive NB at State St Sta 39+12
Drive NB at State St Sta 44+20
Drive NB at State St Sta 58+30
Drive NB at State St Sta 61+25
Drive NB at State St Sta 67+00
Drive SB at State St Sta 70+90
Terence St NB at State St Sta 76+70
Westminster St SB at State St Sta 82+90
Hawley St/Wilbraham Rd NB at State St
Sherman St SB at State St
Wilbraham Rd at Eastern Ave
Wilbraham Rd at Winchester St
Drive SB at State St Sta 138+50
Homer St NB at State St
Berkshire Ave WB at State St

Drive SB at State St Sta 39+57

M. No Parking Anytime

State Street:

Northside from limit of work at Station 10+20 to a point approx 85' easterly to Station 11+05
Northside from Station 12+32 to a point approx 88' easterly to Station 13+20
Northside from Station 14+45 approx 385' easterly to Main St
Northside from easterly curblin of Main St easterly to Station 30+60
Northside from Station 31+10 approx 180' easterly to Station 32+90
Northside from Station 33+75 easterly to Elliot St
Northside from Elliot St to Station 177+50 Boston Rd/Berkshire Ave
Southside from limit of work at Station 10+20 to a point approx 108' easterly to Station 11+28

Southside from Station 12+40 easterly 112' to Station 13+52

Southside from Station 16+34 to Main St
Southside from Main St to Station 54+00
Southside Walnut St to Station 107+50
Southside from Station 111+45 to Station 112+60
Southside from Station 113+45 to Boston Rd Station 177+50
Main Street, both sides, limit of work
Dwight St, N of State St, WS from a pt approx 65' N of State St to State St
Dwight St, S of State St, both sides to limit of work
Chestnut St, N of State St, ES from State St to limit of work
Chestnut St, S of State St, ES from State St to limit of work
Elliot St, both sides, from State St to limit of work
Spring St, both sides, from State St to limit of work
School St, both sides, from State St to limit of work
Myrtle St, both sides, from State St to limit of work
Federal St, both sides, from State St to limit of work
Walnut St, both sides, from State St to limit of work
Oak St, both sides, from State St to limit of work
St James Ave WS from State St to limit of work
St James Ave ES from Station 503+60 southerly to State St
Orleans St, both sides, from State St to limit of work
Magazine St, NS from a pt approx 90' W of St James Ave to St James Ave
Magazine St, SS from a pt approx 120' W of St James Ave to St James Ave
Bay St, SS from a pt approx 80' E of St James Ave to St James Ave
Pleasant St, both sides from State St to limit of work
Stebbins St, ES from State St to limit of work
Stebbins St, WS from a pt approx 65' S of State St to State St
Terence St, ES from State St to limit of work
Terence St, WS from a pt approx 50' S of State St to State St
Thompson St, both sides, from State St to limit of work
Hancock St, ES from State St to limit of work
Hancock St, WS from a pt approx 50' S of State St to State St
Westminster St, both sides from State St to limit of work
Buckingham St, both sides from State St to limit of work
Sherman St, both sides from State St to limit of work
Hawley St, both sides from State St to limit of work
St Catharine St, both sides from State St to limit of work
Eastern Ave, both sides from Wilbraham Rd to limit of work
Andrews St, both sides from a pt approx 50' N of State St to State St
Rutland St, both sides from State St to limit of work
Hunter Place, both sides from a pt approx 50' N of State St to State St
Concord Terrace, both sides from State St to limit of work
Montrose St from a pt approx 50' N of State St to State St
Mapledell St, ES from a pt approx 60' N of State St to State St
Oak Grove Ave, both sides from a pt approx 60' N of State St to State St
College St, both sides from a pt approx 60' N of State St to State St
Maynard St, both sides from State St to limit of work
Homer St, both sides from State St to limit of work
Willard St, both sides from State St to limit of work
Reed St, both sides from a pt approx 30' from State St to State St
Cortland St, ES from a pt approx 25' N of State St to State St
Cortland St, WS from a pt approx 80' N of State St to State St
Dresden St ES from a pt approx 60' S of State St to State St
Austin St, both sides from a pt approx 40' N of State St to State St
Colonial Ave, both sides from a pt approx 40' S of State St to State St
Dearborn St, both sides from a point approx 50' S of State St to State St
Berlin St, both sides from a pt approx 60' S of State St to State St
Benton St, ES from a pt approx 165' S of State St to State St

Benton St, WS from a pt approx 50' S of State St to State St

Gaucher St, both sides from State St to limit of work

Alton St, WS from State St to limit of work

Alton St, ES from a pt approx 60' N of State St to State St

Insurance Rd, both sides from a pt approx 60' from State St to State St

Blunt Park Rd, both sides from State St to limit of work

Ionia St, both sides from a pt approx 50' from State St to State St

Hillmont St, ES from a pt approx 60' from State St to State St

Hillmont St, WS from a pt approx 70' from State St to State St

Edgemont St, ES from State St to limit of work

Edgemont St, WS from a pt approx 65' N of State St to State St

Kenilworth St, ES from a pt approx 60' S of State St to State St

Kenilworth St, WS from a pt approx 40' S of State St to State St

Balis St, ES from a pt approx 60' N of State St to State St

Balis St, WS from a pt approx 70' N of State St to State St

Margerie St, ES from a pt approx 70' N of State St to State St

Tilton St, both sides from a pt approx 60' N of State St to State St

N. No Parking Loading Zone

State Street:

Southside from station 15+28 to 16+12

Chestnut St (S of State St), WS from a pt 70' S of State St southerly

O. No Parking 1 HR 8-5

State Street:

Southside at station 11+30 to station 12+40

Southside at station 54+00 easterly 40'

Southside at station 54+75 easterly 105' to station 55+80 Hunter Place, ES from a pt approx 50' N of State St northerly

Oak Grove Ave, ES from a pt approx 60' N of State St to State St Wilbraham Rd, both sides from Hawley St to Eastern Ave

P. Reserved Parking HP

State Street:

Northside station 12+10 to station 12+32

Northside station 13+20 to station 13+42

Northside station 30+75

Northside station 22+90 to station 33+75

Southside station 16+12 to station 16+34

Dearborn St WS from a pt approx 50' south of State St southerly

Chestnut St(N of State St) WS from a pt approx 50' N of State St southerly 22'

Q. No Turn On Red

State St EB at Thompson/Hancock St

State St WB at Thompson/Hancock St

State St EB at Wilbraham Rd

Thompson St SB at State St

Hancock St NB at State St

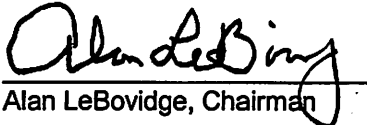
R. Left Turn Yield On Green

Main St SB at State St
Federal St SB at State St
State St WB at Gaucher St/Benton St
State St EB at Blunt Park Rd/Insurance Rd
State St EB at Edgemont St
State St EB at Berkshire Ave/Boston Rd

Traffic Control Signals - Traffic Control Signals will be installed at the following locations:

State Street and Main Street
State Street and Dwight Street
State Street and Chestnut St/Maple St
State Street and Spring St/School St
State Street and Federal St/Walnut St
State Street and St James Ave/Oak St
State Street and Thompson St/Hancock St
State Street and Buckingham Street
State Street and Catharine St/Wilbraham St
State Street and Andrews St/Rutland St
State Street and Oak Grove Avenue
State Street and Maynard St/Homer St
State Street and Cortland St/Dresden St
State Street and Gaucher St/Benton St
State Street and Blunt Park Rd/Insurance Rd
State Street and Edgemont St
State Street and Berkshire Ave/Boston Rd.

Order approved by the Finance Control Board May 11, 2007:


Alan LeBovidge, Chairman


Wayman Lee,
Clerk of the Board

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:

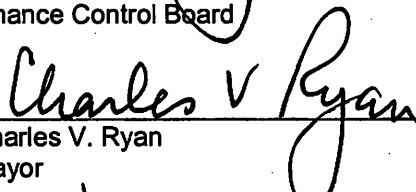
Account # #2324-400-5383-06 (\$90,000.00), and

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

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#05-11-OSB

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 Permanent Easements and Temporary Construction Easements for the Roosevelt Avenue Traffic Improvement 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 Roosevelt Avenue Traffic Improvement Project, an appropriation of money having been duly made for said purposes.

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 "SPRINGFIELD, MASS. DEPARTMENT OF PUBLIC WORKS - Page Boulevard & Roosevelt Avenue Intersection, May 3, 2007 and Bay Street & Roosevelt Avenue Intersection, May 3, 2007" ("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 "RIGHT OF WAY PLANS, SPRINGFIELD DEPARTMENT OF PUBLIC WORKS, ROOSEVELT AVENUE - 3 LOCATIONS, May 4, 2007" ("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 thirteen (13) 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 815 Page Boulevard, Springfield, MA., supposed to be owned by Western Mass. Electric Company, containing an area of 3,288 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southwesterly sideline of Roosevelt Avenue, said point being N36°-05'-21"E, 23.40 feet from baseline station 17+78.95, and running thence;

N60°-16'-25"W along land now or formerly of Western Massachusetts Electric Company, 225.89 feet to a point, thence;

Westerly, on a curve to the left, having a radius of 25.00 feet, along last named land, 27.87 feet to a point, thence;

S55°-51'-16"W, along last named land, 94.93 feet to a point, thence;

N34°-08'-44"W, along the northeasterly sideline of Rose Street, 8.00 feet to a concrete bound, thence;

N55°-51'-16"E, along the southeasterly sideline of Page Boulevard, 119.96 feet to a point, thence;

S60°-16'-25"E, along the southwesterly sideline of Roosevelt Avenue, 96.39 feet to a concrete bound, thence;

Southeasterly, on a curve to the right, having a radius of 920.00 feet, along last named land, 148.76 feet to the point of beginning

Containing an area of 3,288 square feet, more or less.

Parcel E-2: A portion of a parcel of land located at 812-816 Page Boulevard, Springfield, MA., supposed to be owned by Carmen Guzman, containing an area of 376 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly sideline of Page Boulevard, said point being S34°-08'-44"E, 35.00 feet from baseline station 204+03.86, and running thence;

N34°-08'-44"W along land now or formerly of Carmen Guzman, 2.00 feet to a point, thence;

N55°-51'-16"E along last named land, 25.00 feet to a point, thence;

Northerly, on a curve to the left, having a radius of 23.00 feet, along last named land, 46.55 feet to a point, thence;

S60°-05'-59"E, along the southwesterly sideline of Roosevelt Avenue, 23.01 feet to a concrete bound, thence;

Southerly, on a curve to the right, having a radius of 10.00 feet, along the southwesterly sideline of Roosevelt Avenue, 20.24 feet to a concrete bound;

S55°-51'-16"W, along the northwesterly sideline of Page Boulevard, 46.76 feet to the point of beginning.

Containing an area of 376 square feet, more or less.

Parcel E-3: A portion of a parcel of land located at 830 Page Boulevard, Springfield, MA., supposed to be owned by the Roman Catholic Bishop of Springfield, containing an area of 176 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Roosevelt Avenue, said point being S29°-50'-15"W, 47.08 feet from baseline station 14+42.31, and running thence;

N86°-37'-51"E, along land now or formerly of the Roman Catholic Bishop of Springfield, 34.37 feet to a point, thence;

S55°-51'-16"W, along the northwesterly sideline of Page Boulevard, 20.00 feet to a point, thence;

N62°-35'-32"W, along the northerly sideline of Roosevelt Avenue, 20.00 feet to the point of beginning.

Containing an area of 176 square feet, more or less.

Parcel E-4: A portion of a parcel of land located at 833 Page Boulevard, Springfield, MA., supposed to be owned by the City of Springfield, containing an area of 2,581 square feet, more or less, and bounded and described as follows:

Beginning at a granite bound on the southeasterly sideline of Page Boulevard, said point being N34°-50'-53"W, 35.84 feet from baseline station 207+31.95, and running thence;

S47°-02'-03"W, along land now or formerly of the City of Springfield, 86.73 feet to a point, thence;

Southerly, on a curve to the left, having a radius of 25.00 feet, along last named land, 44.92 feet to a point, thence;

S55°-54'-50"E, along last named land, 39 feet, more or less, to a point, thence;

Southwesterly, along Parcel E-4, 12 feet, more or less to a point, thence;

Northwesterly, on a curve to the left, having a radius of 1,000.00 feet, along the northeasterly sideline of Roosevelt Avenue, 36 feet, more or less to a point, thence;

N60°-16'25"W, along last named land, 27.38 feet to a point, thence;

Northerly, on a curve to the right, having a radius of 20.00 feet, along last named land, 40.54 feet to a point, thence;

N55°-51'-26"E, along the southeasterly sideline of Page Boulevard, 37.46 feet, to a point, thence;

N57°-31'-43"E, along the southeasterly sideline of Page Boulevard, 74.06 feet, to the point of beginning.

Containing an area of 2,581 square feet, more or less.

Parcel E-5: A portion of a parcel of land located at South Side Page Boulevard, Springfield, MA., supposed to be owned by Mary Helen Morris, containing an area of 1,060 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northeasterly sideline of Roosevelt Avenue, said point being 129 feet more or less, northwesterly along the northeasterly sideline of Roosevelt Avenue, from a point that is S45°-13'-44"W, 55.17 feet from baseline station 18+86.54, and running thence;

Northwesterly, on a curve to the left, having a radius of 1,000.00 feet, along the northeasterly sideline of Roosevelt Avenue, 109 feet, more or less to a point, thence;

Northeasterly, along Parcel E-4, 12 feet, more or less to a point, thence;

S55°-54'-50"E, along land now or formerly of Mary Helen Morris, 36 feet, more or less, to a point, thence;

Southeasterly, on a curve to the right, having a radius of 1,010.00 feet, along last named land, 65 feet, more or less to a point, thence;

Southerly, along Parcel E-6, 11 feet, more or less, to the point of beginning.

Containing an area of 1,060 square feet, more or less.

Parcel E-6: A portion of a parcel of land located at East Side Roosevelt Avenue, Springfield, MA., supposed to be owned by Western Mass. Electric Company, containing an area of 1,319 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northeasterly sideline of Roosevelt Avenue, said point being S45°-13'-44"W, 55.17 feet from baseline station 18+86.54, and running thence;

Northwesterly, on a curve to the left, having a radius of 1,000.00 feet, along the northeasterly sideline of Roosevelt Avenue, 129 feet, more or less, to a point, thence;

Northerly, along Parcel E-5, 11 feet, more or less, to a point, thence;

Southeasterly, on a curve to the right, having a radius of 1,010.00 feet, along land now or formerly of Western Massachusetts Electric Company, 135 feet, more or less, to a point, thence;

S45°-25'-55"W, along last named land, 10.00 feet to the point of beginning.

Containing an area of 1,319 square feet, more or less.

Parcel E-10: A portion of a parcel of land located at 1130 Bay Street, Springfield, MA., supposed to be owned by George H. Roy, Jr., containing an area of 109 square feet, more or less, and bounded and described as follows:

Beginning at a point on the westerly sideline of Roosevelt Avenue, said point being N86°-02'-26"E, 19.00 feet from baseline station 59+79.17, and running thence;

S05°-25'-42"E, along the westerly sideline of Roosevelt Avenue, 51 feet, more or less to a point, thence;

Westerly, along Parcel E-11, 2.5 feet, more or less, to a point, thence;

N05°-25'-42"W, along land now or formerly of George H. Roy, 51 feet, more or less, to a point, thence;

N86°-02'-26"E, along last named land, 2.50 feet, to the point of beginning.

Containing an area of 128 square feet, more or less.

This is registered land, see Certificate of Title #27887.

Parcel E-11: A portion of a parcel of land located at 1140 Bay Street, Springfield, MA., supposed to be owned by John E. Hesen and David W. Jenks, containing an area of 495 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Bay Street, said point being S05°-22'-12"E, 25.54 feet from baseline station 402+86.93, and running thence;

Northeasterly, on a curve to the left, having a radius of 42.00 feet, along land now or formerly of John E. Hesen & David W. Jenks, 66.02 feet, to a point, thence;

N05°-25'-42"W, along last named land, 58 feet, more or less, to a point, thence;

Easterly, along Parcel E-10, 2.5 feet, more or less, to a point, thence;

S05°-25'-42"E, along the westerly sideline of Roosevelt Avenue, 75 feet, more or less, to a point, thence;

Southwesterly, on a curve to the right, having a radius of 25.00 feet, along last named land, 39.30 feet, more or less, to a point, thence;

S84°-37'-48"W, along the northerly sideline of Bay Street, 19.52 feet to the point of beginning.

Containing an area of 495 square feet, more or less.

This is registered land, see Certificate of Title #18289.

Parcel E-12: A portion of a parcel of land located at 1160 Bay Street, Springfield, MA., supposed to be owned by Lilly Enterprise, Inc., containing an area of 1,102 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Bay Street, said point being S05°-22'-12"E, 22.60 feet from baseline station 405+41.96, and running thence;

S85°-54'-10"W along the northerly sideline of Bay Street, 106.09 feet to point, thence;

Northwesterly, on a curve to the right, having a radius of 25.00 feet, along last named land, 38.69 feet to a point, thence;

N05°-25'-42"W, along the easterly sideline of Roosevelt Avenue, 12.04 feet to a point, thence;

Southeasterly, on a curve to the left, having a radius of 30.00, along land now or formerly of Lily Enterprises, Inc., 47.09 feet to a point, thence;

N84°-37'-48"E, along last named land, 100.51 feet to point, thence;

S05°-27'-37"E, along the westerly sideline of West Brundreth Street, 9.40 feet to the point of beginning.

Containing an area of 1,102 square feet, more or less.

Parcel E-13: A portion of a parcel of land located at 1161 Bay Street, Springfield, MA., supposed to be owned by Dennis O'Connor and Sharon L. O'Connor, containing an area of 346 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of Bay Street, said point being

N05°-22'-12"W, 34.00 feet from baseline station 404+61.43, and running thence;
S63°-22'-19"W along land or formerly of Dennis & Sharon L. O'Connor, 45.04 feet to point, thence;
N07°-05'-37"W, along the easterly sideline of Roosevelt Avenue, 16.34 feet to a point, thence;
N84°-37'-48"E, along the southerly sideline of Bay Street, 42.46 feet to the point of beginning.
Containing an area of 346 square feet, more or less.

Parcel E-14: A portion of a parcel of land located at 1178 Bay Street, Springfield, MA., supposed to be owned by Lieu T. Phan and Thanh M. Trinh, containing an area of 801 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Bay Street, said point being
S05°-22'-12"E, 21.49 feet from baseline station 405+91.96, and running thence;
N05°-27'-37"W, along the westerly sideline of West Brundreth Street, 10.51 feet to a point, thence;
N84°-37'-48"E, along land now or formerly of Lieu T. Phan & Thanh M. Trinh, 72 feet, more or less to a point, thence;
Southerly, along parcel E-15, 12 feet, more or less, to a point, thence;
S84°-37'-48"W, along the northerly sideline of Bay Street, 27 feet, more or less, to a concrete bound, thence;
S85°-54'-10"W, along the northerly sideline of Bay Street, 45.00 feet to the point of beginning.
Containing an area of 801 square feet, more or less.

Parcel E-15: A portion of a parcel of land located at 1186 Bay Street, Springfield, MA., supposed to be owned by Leo D. Thompson and Raymond Girard, containing an area of 706 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Bay Street, said point being
61 feet, more or less along the northerly sideline of Bay Street from a point that is S04°-35'-43"E,
26.46 feet from baseline station 407+93.91, and running thence;
S84°-37'-48"W along the northerly sideline of Bay Street, 70 feet, more or less, to a point, thence;
Northerly, along Parcel E-14, 12 feet, more or less, to a point, thence;
N84°-37'-48"E, along land now or formerly of Leo D. Thompson & Raymond Girard, 28 feet, more or less, to a point, thence;
S88°-58'-44"E, along last named land, 42 feet, more or less, to a point, thence;
Southerly, along Parcel E-16, 8 feet, more or less, to the point of beginning.
Containing an area of 706 square feet, more or less.

Parcel E-16: A portion of a parcel of land located at 1192 Bay Street, Springfield, MA., supposed to be owned by Barbara J. Williams, containing an area of 206 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Bay Street, said point being S04°-35'-43"E, 26.46 feet from baseline station 407+93.91, and running thence;

S84°-37'-48"W along the northerly sideline of Bay Street, 61 feet, more or less, to a point, thence;

Northerly, along Parcel E-15, 8 feet, more or less, to a point, thence;

S88°-58'-44"E, along land now or formerly of Barbara J. Williams, 61 feet, more or less, to the point of beginning.

Containing an area of 206 square feet, more or less.

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 Roosevelt Avenue Traffic Improvement Project 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 twenty-three (23) 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 797 Page Boulevard, Springfield, MA., supposed to be owned by Richard A. Fuller, consisting of approximately 225 square feet, from Station 202+95.77 Page Boulevard Baseline, to Station 203+20.77 Page Boulevard Baseline, and shown as TE-1 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-3: A portion of a parcel of land located at 806-808 Page Boulevard, Springfield, MA., supposed to be owned by Pedro J. Morales, consisting of approximately 150 square feet, from Station 203+47.80 Page Boulevard Baseline, to Station 203+97.80 Page Boulevard Baseline, and shown as TE-3 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 812-816 Page Boulevard, Springfield, MA., supposed to be owned by Carmen Guzman, consisting of approximately 236 square feet, from Station 203+97.80 Page Boulevard Baseline, to Station 14+14.90 Page Boulevard Baseline, and shown as TE-4 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-5: A portion of a parcel of land located at 815 Page Boulevard, Springfield, MA., supposed to be owned by Western Mass. Electric Co., consisting of approximately 3,000 square feet, from Station 203+80.77 Page Boulevard Baseline, to Station 18+08.74 Roosevelt Avenue Baseline, and shown as TE-5 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-6: A portion of a parcel of land located at 830 Page Boulevard, Springfield, MA., supposed to be owned by the Roman Catholic Bishop of Springfield, consisting of approximately 1,862 square feet, from Station 14+24.91 Roosevelt Avenue Baseline, to Station 207+51.57 Page Boulevard Baseline, and shown as TE-6 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 South Side Page Boulevard, Springfield, MA., supposed to be owned by Mary Helen Morris, consisting of approximately 2,371 square feet, from Station 16+81.32 Roosevelt Avenue Baseline to Station 17+56.29 Roosevelt Avenue Baseline, and shown as TE-7 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-8: A portion of a parcel of land located at East Side Roosevelt Avenue, Springfield, MA., supposed to be owned by Western Mass. Electric Co., consisting of approximately 2,095 square feet, from Station 17+56.29 Roosevelt Avenue Baseline to Station 19+02.91 Roosevelt Avenue Baseline, and shown as TE-8 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-9: A portion of a parcel of land located at West Side Roosevelt Avenue, Springfield, MA., supposed to be owned by Western Mass. Electric Co., consisting of approximately 3,277 square feet, from Station 19+00.08 Roosevelt Avenue Baseline, to Station 20+75.95 Roosevelt Avenue Baseline, and shown as TE-9 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-10: A portion of a parcel of land located at 797R Page Boulevard, Springfield, MA., supposed to be owned by Western Mass. Electric Co., consisting of approximately 2,481 square feet, from Station 20+75.95 Roosevelt Avenue Baseline, to Station 21+89.04 Roosevelt Avenue Baseline, and shown as TE-10 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-15: A portion of a parcel of land located at 1130 Bay Street, Springfield, MA., supposed to be owned by George H. Roy, Jr., consisting of approximately 4,380 square feet, from Station 58+06.45 Roosevelt Avenue Baseline, to Station 60+29.65 Roosevelt Avenue Baseline, and shown as TE-15 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 1140 Bay Street, Springfield, MA., supposed to be owned by John E. Hesen and David W. Jenks, consisting of approximately 1,537 square feet, from Station 60+29.65 Roosevelt Avenue Baseline, to Station 402+51.93 Bay Street Baseline, and shown as TE-16 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-17: A portion of a parcel of land located at South Side Bay Street, Springfield, MA., supposed to be owned by the City of Springfield (Central High School), consisting of approximately 1,326 square feet, from Station 400+92.08 Bay Street Baseline to Station 62+58.81 Roosevelt Avenue Baseline, and shown as TE-17 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-18: A portion of a parcel of land located at 1160 Bay Street, Springfield, MA., supposed to be owned by Lilly Enterprise, Inc., consisting of approximately 718 square feet, from Station 60+93.31 Bay Street Baseline to Station 405+41.94 Bay Street Baseline, and shown as TE-18 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 1161 Bay Street, Springfield, MA., supposed to be owned by Dennis O'Connor and Sharon L. O'Connor, consisting of approximately 194 square feet, from Station 62+07.74 Roosevelt Avenue Baseline, to Station 404+69.15 Bay Street Baseline, and shown as TE-19 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-20: A portion of a parcel of land located at 1165 Bay Street, Springfield, MA., supposed to be owned by Nereida Prats, consisting of approximately 249 square feet, from Station 404+69.15 Bay Street Baseline, to Station 405+19.20 Bay Street Baseline, and shown as TE-20 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 1171 Bay Street, Springfield, MA., supposed to be owned by Christian D. Lewis, consisting of approximately 249 square feet, from Station 405+19.20 Bay Street Baseline, to Station 405+69.24 Bay Street Baseline, and shown as TE-21 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-22: A portion of a parcel of land located at 1179 Bay Street, Springfield, MA., supposed to be owned by Pamela J. Tolliver, formerly known as Pamela J. McCarthy, consisting of approximately 518 square feet, from Station 405+69.24 Bay Street Baseline, to Station 406+74.21 Bay Street Baseline, and shown as TE-22 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-23: A portion of a parcel of land located at 1178 Bay Street, Springfield, MA., supposed to be owned by Lieu T. Phan and Thanh M. Trinh, consisting of approximately 358 square feet, from Station 405+91.94 Bay Street Baseline, to Station 406+62.23 Bay Street Baseline, and shown as TE-23 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-24: A portion of a parcel of land located at 1186 Bay Street, Springfield, MA., supposed to be owned by Leo D. Thompson and Raymond Girard, consisting of approximately 351 square feet, from Station 406+62.23 Bay Street Baseline, to Station 407+31.98 Bay Street Baseline, and shown as TE-24 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-25: A portion of a parcel of land located at 1187 Bay Street, Springfield, MA., supposed to be owned by Maritza Vega, consisting of approximately 350 square feet, from Station 406+74.21 Bay Street Baseline to Station 407+25.67 Bay Street Baseline, and shown as TE-25 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-26: A portion of a parcel of land located at 1192 Bay Street, Springfield, MA., supposed to be owned by Barbara J. Williams, consisting of approximately 475 square feet, from Station 407+31.74 Bay Street Baseline, to Station 408+03.43 Bay Street Baseline, and shown as TE-26 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 1199 Bay Street, Springfield, MA., supposed to be owned by Mark A. Grebbin, Trustee, consisting of approximately 225 square feet, from Station 407+74.76 Bay Street Baseline to Station 407+98.13 Bay Street Baseline, and shown as TE-27 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-28: A portion of a parcel of land located at 833 Page Boulevard, Springfield, MA., supposed to be owned by the City of Springfield (former Fire Station), consisting of approximately 3,029 square feet, from Station 16+72.82 Roosevelt Avenue Baseline to Station 207+31.95 Page Boulevard Baseline, and shown as TE-28 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 Roosevelt Avenue Traffic Improvement, including any improvements, trees or shrubs:

PERMANENT EASEMENTS

PARCEL NO.	SUPPOSED OWNER	S.F. AREA +/-	AWARD OF DAMAGES
E-1	Western Mass. Electric Co.	3,288	\$19,700.00
E-2	Carmen Guzman The affected property is subject to two mortgages to MERS as nominee for Mortgage Lenders Network USA, Inc., recorded in Book 16162, Page 469 and Book 16162, Page 492.	376	\$4,500.00
E-3	Roman Catholic Bishop of Springfield (donation)	176	\$0.00
E-4	City of Springfield (former Fire Station)	2,581	\$0.00
E-5	Mary Helen Morris	1,060	\$6,400.00
E-6	Western Mass. Electric Co.	1,319	\$2,600.00
E-10	George H. Roy, Jr. - Damages to be made payable to "Gary Weiner, Chapter 7 Trustee" on behalf of George H. Roy, Jr. (Registered Land - Certificate of Title #27887)	109	\$700.00
E-11	John E. Hesen and David W. Jenks (Registered Land - Certificate of Title #18289) The affected property is subject to a mortgage granted to Third National Bank of Hampden County, Recorded at Document #56273; a mortgage granted to Harold J. Moynahan Jr. et als, Recorded at Document #56274; and a mortgage to Leonard E. Belcher, Inc., Recorded at Document #64793.	495	\$5,900.00
E-12	Lilly Enterprise, Inc. The affected property is subject to a mortgage granted to Banknorth, N.A., recorded at Book 12853, Page 590.	1,102	\$22,000.00
E-13	Dennis O'Connor and Sharon O'Connor (donation)	346	\$0.00
E-14	Lieu T. Phan and Thanh M. Trinh	801	\$12,500.00
E-15	Leo D. Thompson and Raymond Girard The affected property is subject to a mortgage granted by the	706	\$11,000.00

City of Springfield recorded at Book 10033, Page 403; and mortgage granted by Saxon Mortgage, Inc., recorded at Book 16205, Page 436.

E-16	Barbara J. Williams The affected property is subject to a mortgage granted by MERS as nominee for Countrywide Home Loans, Inc., recorded at Book 15053, Page 493; and a mortgage granted by MERS as nominee for Bank of America, recorded at Book 16126, Page 392.	206	\$3,300.00
		TOTAL	\$88,600

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 CONSTRUCTION EASEMENTS

PARCEL NO.	SUPPOSED OWNER	S.F. AREA	AWARD OF DAMAGES
TE-1	Richard A. Fuller	225	\$500.00
TE-3	Pedro J. Morales	150	\$300.00
TE-4	Carmen Guzman The affected property is subject to two mortgages to MERS as nominee for Mortgage Lenders Network USA, Inc., recorded in Book 16162, Page 469 and Book 16162, Page 492.	236	\$800.00
TE-5	Western Mass. Electric Co.	3,000	\$5,100.00
TE-6	Roman Catholic Bishop of Springfield (donation)	1,862	\$0.00
TE-7	Mary Helen Morris	2,371	\$4,000.00
TE-8	Western Mass. Electric Co.	2,095	\$1,200.00
TE-9	Western Mass. Electric Co.	3,277	\$1,900.00
TE-10	Western Mass. Electric Co.	2,481	\$1,400.00
TE-15	George H. Roy, Jr. - Damages to be made payable to "Gary Weiner, Chapter 7 Trustee" on behalf of George H. Roy, Jr. (Registered Land - Certificate of Title #27887)	4,380	\$7,500.00
TE-16	John E. Heslen and David W. Jenks (Registered Land - Certificate of Title #18289) The affected property is subject to a mortgage granted to Third National Bank of Hampden County, Recorded at Document #56273; a mortgage granted to Harold J. Moynahan Jr. et als, Recorded at Document #56274; and a mortgage to Leonard E. Belcher, Inc., Recorded at Document #64793.	1,537	\$5,200.00
TE-17	City of Springfield (Central High School)	1,326	\$0.00

TE-18	Lilly Enterprise, Inc. The affected property is subject to a mortgage granted to Banknorth, N.A., recorded at Book 12853, Page 590.	718	\$2,400.00
TE-19	Dennis O'Connor and Sharon O'Connor (donation)	194	\$0.00
TE-20	Nereida Prats	249	\$300.00
TE-21	Christian D. Lewis	249	\$300.00
TE-22	Pamela J. Tolliver (formerly known as Pamela J. McCarthy)	518	\$600.00
TE-23	Lieu T. Phan and Thanh M. Trinh	358	\$400.00
TE-24	Leo D. Thompson and David Girard The affected property is subject to a mortgage granted by the City of Springfield recorded at Book 10033, Page 403; and mortgage granted by Saxon Mortgage, Inc., recorded at Book 16205, Page 436.	351	\$400.00
TE-25	Maritza Vega	350	\$400.00
TE-26	Barbara J. Williams The affected property is subject to a mortgage granted by MERS as nominee for Countrywide Home Loans, Inc., recorded at Book 15053, Page 493; and a mortgage granted by MERS as nominee for Bank of America, recorded at Book 16126, Page 392.	475	\$500.00
TE-27	Mark A. Grebbin, Trustee	225	\$300.00
TE-28	City of Springfield (former Fire Station)	3,029	\$0.00
		TOTAL	\$33,500.00

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;

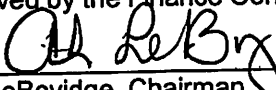
that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public highway by reason of laying out and construction of the project within the limits described herein;

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;

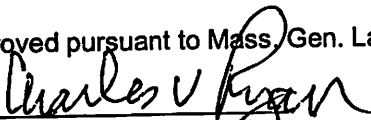
that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof, together with the aforementioned Layout Plans, in the Hampden County Registry of Deeds.

Approved by the Finance Control Board on May 11, 2007:

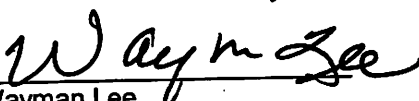


Alan LeBovidge, Chairman
Date signed: MAY 11, 2007

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



Charles V. Ryan, Mayor
Date signed: MAY 11, 2007



Wayman Lee
Clerk of the Finance Control Board

Order of Taking Approved Pursuant to Section 4(d)(14) of Chapter 169 of the Acts of 2004:

Leslie A. Kirwan
Secretary for Administration and Finance
Commonwealth of Massachusetts
Date signed: _____

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

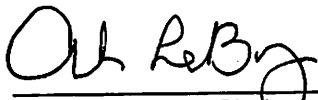
#5-11-05C

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 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, Mass. General Laws 121B, Section 23, and Mass. Gen. Laws Chapter 79, the Finance Control Board appropriates the sum of Sixteen Thousand Nine Hundred and 00/100 Dollars (\$16,900.00) as damages for the anticipated eminent domain taking of three permanent easements and a temporary construction easement in four parcels of land on the W/S of Roosevelt Avenue, for and referred to as the Highway Project, known as Performance Boulevard, consisting of approximately .141 acres of permanent easements and 1.249 acres of a temporary construction easement, in Springfield, MA., for municipal purposes, from account # 0100-151-5810-07.

Approved by the Finance Control Board May 11, 2007:



Alan LeBovidge, Chairman
Finance Control Board

Charles V. Ryan
Mayor

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#05-11-QSD

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 Permanent Easements for the Highway Project, known as Performance Boulevard

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, Mass. General Laws Chapter 121B Section 23 and Mass. General Laws Chapter 79, upon the request of the Department of Public Works and the Office of Planning and Economic Development does hereby take by eminent domain in the name and on behalf of the said City of Springfield, certain permanent easements for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the proposed **Highway Project, known as Performance Boulevard**, an appropriation of money having been duly made for said purposes from appropriation code # 0100-151-5810-07.

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 a plan entitled "**PROPOSED HIGHWAY EASEMENTS – Performance Boulevard**" ("Permanent & Temporary Easement Plan"), on file with the Hampden County Registry of Deeds at Book of Plans _____, Page _____, a portion of which is registered land noted at Certificate of Title No. 27868, a reduced copy of which is attached as Exhibit A; and

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, Mass. General Laws 121B, Section 23, 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 three (3) parcels of land which are described below and are shown on the aforementioned Permanent & Temporary Easement Plan on file with the Hampden County Registry of Deeds:

Parcel AT-1: A portion of a parcel of land located at 1982 Roosevelt Avenue, Springfield, Hampden County, Commonwealth of Massachusetts., supposed to be owned by Springfield Foodservice Corporation, shown as AT-1 on the aforementioned Permanent & Temporary Easement Plan, filed with the Hampden County Registry of Deeds, and bounded and described as follows:

Beginning at a point on the southerly sideline of the proposed Performance Boulevard, on the westerly sideline of Roosevelt Avenue and running thence;

Southerly, on a curve to the right, having a radius of 2,460 feet, along the westerly sideline of Roosevelt Avenue, 50.66 feet to a point, thence;

Northerly and westerly, on a curve to the left, having a radius of 50.00 feet, through land now or formerly of Springfield Foodservice Corporation, 78.94 feet to a point, thence;

N70°-13'-53"E, along the southerly sideline of the proposed Performance Boulevard, 50.14 feet to the point of beginning.

Containing an area of 551 square feet, more or less.

Being a portion of Lot B shown on a Plan filed with the Hampden County Registry of Deeds at Book of Plans 343, Page 43. For Grantor's title see deed of Springfield Redevelopment Authority to Springfield Foodservice Corporation, dated August 18, 2006, and recorded in the Hampden County Registry of Deeds at Book 16240, Page 93.

Parcel AT-2: A portion of a parcel of land located at 2100 Roosevelt Avenue, Springfield, Hampden County, Commonwealth of Massachusetts, supposed to be owned by Smith & Wesson, Corp., shown as AT-2 on the aforementioned Permanent & Temporary Easement Plan, and bounded and described as follows:

Beginning at an iron pipe on the westerly sideline of Roosevelt Avenue, at the northeasterly corner of land now or formerly of Springfield Redevelopment Authority and running thence;

S70°-13'-53"W, along land now or formerly of Springfield Redevelopment Authority, 157.03 feet to an iron pipe, thence;

N22°-39'-25"W, along last named land, 18.72 feet to a point, thence;

Easterly on a curve to the right, having a radius of 458.50 feet, along land now or formerly of Smith & Wesson, Corp., 43.08 feet to a point, thence;

N70°-13'-53"E, along last named land, 39.02 feet to a point, thence;

Northeasterly, on a curve to the left, having a radius of 66.50 feet, along last named land 108.13 feet to a point, thence;

N22°-55'-45"W, along last named land, 10.00 feet to a point, thence;

N67°-04'-15"E, along last named land, 5.50 feet to a point, thence;

S22°-55'-45"E, along the westerly sideline of Roosevelt Avenue, 31.78 feet to a concrete bound, thence;

Southerly, on a curve to the right, having a radius of 2,460 feet, along the westerly sideline of Roosevelt Avenue, 69.50 feet to the point of beginning;

Containing an area of 4,741 square feet, more or less.

Being a portion of Lot 19 shown on Land Court Plan No. 18539-J filed with the Hampden County Registry District of the Land Court. For Grantor's title see Certificate of Title No. 27868 filed with the Hampden County Registry District of the Land Court in Registration Book 154, Page 38

Parcel SS-1: A portion of a parcel of land located at 1982 Roosevelt Avenue, Springfield, Hampden County, Commonwealth of Massachusetts., supposed to be owned by Springfield Foodservice Corporation, shown as SS-1 on the aforementioned Permanent & Temporary Easement Plan, and bounded and described as follows:

Beginning at a point on the southeasterly sideline of the proposed Performance Boulevard, said point being 69.43 feet from the northwesterly corner of Parcel B, land now or formerly of Springfield Foodservice Corporation and running thence;

S25°-03'-38"W, through land now or formerly of Springfield Foodservice Corporation, 65.03 feet to a point, thence;

N38°-17'-32"W, through last named land, 29.16 feet to a point, thence;

N51°-42'-28"E, along land now or formerly of Springfield Redevelopment Authority, 58.12 feet to the point of beginning.

Containing an area of 847 sq. ft., more or less.

Being a portion of Lot A shown on a Plan filed with the Hampden County Registry of Deeds at Book of Plans 343, Page 43. For Grantor's title see deed of Springfield Redevelopment Authority to Springfield Foodservice Corporation, dated August 18, 2006, and recorded in the Hampden County Registry of Deeds at Book 16240, Page 93.

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 taken for construction of the Highway Project, known as Performance Boulevard, including any improvements, trees or shrubs:

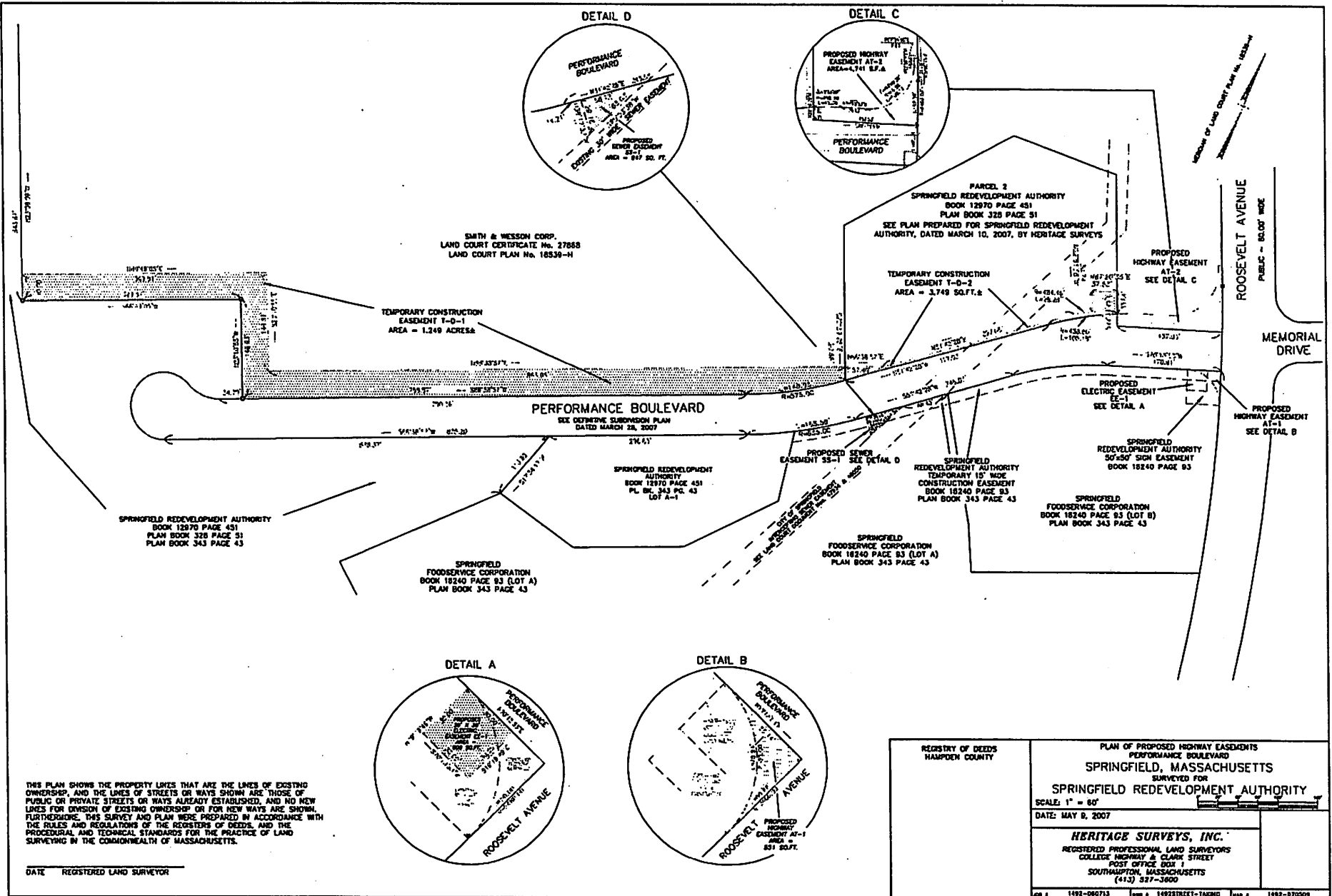
PERMANENT EASEMENTS

PARCEL NO.	SUPPOSED OWNER	AREA +/-	AWARD OF DAMAGES
AT-1	Springfield Foodservice Corporation	551 s.f.	\$0.00
AT-2	Smith & Wesson Corp.	4,741 s.f.	\$9,500.00
SS-1	Springfield Foodservice Corporation	847 s.f.	\$ 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.

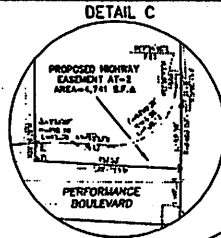
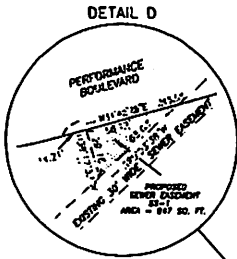
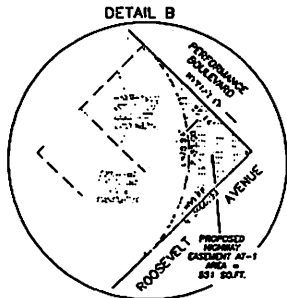
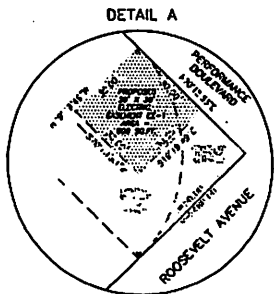
It is further ORDERED: that the City Treasurer be and is hereby authorized to pay said sums to the owners of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

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;



THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS, AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ REGISTERED LAND SURVEYOR _____



REGISTRY OF DEEDS HAMPSHIRE COUNTY	PLAN OF PROPOSED HIGHWAY EASEMENTS PERFORMANCE BOULEVARD SPRINGFIELD, MASSACHUSETTS SURVEYED FOR SPRINGFIELD REDEVELOPMENT AUTHORITY SCALE: 1" = 60' DATE: MAY 8, 2007	
	HERITAGE SURVEYS, INC. REGISTERED PROFESSIONAL LAND SURVEYORS COLLIERE HIGHWAY & CLARK STREET POST OFFICE BOX 1 SOUTHAMPTON, MASSACHUSETTS (413) 527-3600	
JOB # 1492-000713	SHEET # 1492B STREET-TAKING	MAP # 1492-070209

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 Permanent Easement Plan, in the Hampden County Registry of Deeds.

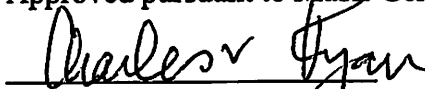
Approved by the Finance Control Board on May 11, 2007:



Alan LeBovidge, Chairman

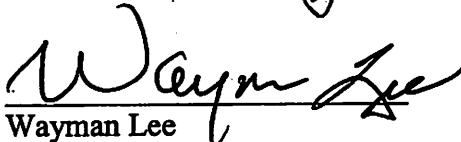
Date signed: MAY 11, 2007

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



Charles V. Ryan, Mayor

Date signed: MAY 11, 2007



Wayman Lee

Clerk of the Finance Control Board

Order of Taking Approved Pursuant to Section 4(d)(14) of Chapter 169 of the Acts of 2004:

Leslie A. Kirwan

Secretary for Administration and Finance

Commonwealth of Massachusetts

Date signed: _____

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

#05-11-QSE

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 a Temporary Construction Easement for the Highway Project known as Performance Boulevard

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, Mass. General Laws 121B, Section 23, and Mass. General Laws Chapter 79, upon the request of the Department of Public Works and Office of Planning and Economic Development, does hereby take by eminent domain in the name and on behalf of the said City of Springfield, a certain temporary construction easement, for the purpose of constructing and maintaining improvements to certain ways in the City of Springfield, for the proposed **Highway Project, known as Performance Boulevard**, an appropriation of money having been duly made for said purposes from appropriation code # 0100-151-5810-07.

Such temporary construction easement is 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 installation and separation of drainage infrastructure and utilities to accommodate separation of two land parcels as set forth in an Order of Conditions issued by the Springfield Conservation Commission (DEP File Number 294-0496) recorded in the Hampden County Registry of Deeds at Book 16230, Page 272, to adjust and relocate existing fence line and driveways to meet new construction, and to grade and landscape easement areas to meet new construction.

Where such temporary construction easement is shown on a plan entitled "**PROPOSED HIGHWAY EASEMENTS – Performance Boulevard**" ("Permanent & Temporary Easement Plan"), on file with the Hampden County Registry of Deeds at Book of Plans _____, Page _____, a portion of which is registered land noted at Certificate of Title No. 27868, a reduced copy of which is attached as Exhibit A;

TEMPORARY CONSTRUCTION EASEMENT

It is ORDERED that a temporary construction easement is 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, Mass. General Laws Chapter 121B, Section 23, and Mass. General Laws Chapter 79; including any improvements, trees and shrubs located thereon;

Such temporary construction easement is temporary in nature and is to be in effect only until one (1) year from the date of recording of this instrument;

That included within said temporary construction easement is one (1) parcel of land which is described below and is shown on the aforementioned Permanent and Temporary Easement Plan on file with the Hampden County Registry of Deeds:

Parcel T-D-1: A portion of a parcel of land located at 2100 Roosevelt Avenue, Springfield, Hampden County, Commonwealth of Massachusetts, supposed to be owned by Smith & Wesson, Corp., shown as T-D-1 on the aforementioned Permanent & Temporary Easement Plan, and bounded and described as follows:

Beginning at a point on the northerly sideline of Performance Boulevard, at the southwest corner of land now or formerly of Springfield Redevelopment Authority, and running thence;

Westerly, on a curve to the right, having a radius of 575.00 feet, along the Northerly sideline of Performance Boulevard, 149.95 feet to a point, thence;

S66°-38'-57"W, along last named land, 755.57 feet to an iron pipe, thence;

N23°-10'-55"W, along land now or formerly of Springfield Redevelopment Authority, 149.93 feet to an iron pipe, thence;

S66°-49'-05"W, along last named land, 329.87 feet to an iron pipe, thence;

N23°-06'-09"W, along last named land, 40.00 feet to a point, thence;

N66°-49'-05"E, through land now or formerly of Smith & Wesson Corp. 369.81 feet to a point, thence;

S23°-10'-55"E, along last named land, 149.81 feet to a point, thence;

N66°-38'-57"E, through last named land, 863.95 feet to a point, thence;

S22°-39'-25"E, along land now or formerly of Springfield Redevelopment Authority, 20.56 feet to the point of beginning.

Containing an area of 1.249 acres, more or less.

Being a portion of Lot 19 shown on Land Court Plan No. 18539-J filed with the Hampden County Registry District of the Land Court. For Grantor's title see Certificate of Title No. 27868 filed with the Hampden County Registry District of the Land Court in Registration Book 154, Page 38.

Although said parcel is 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 temporary construction easement taken for construction of the Highway Project, known as Performance Boulevard, including any improvements, trees or shrubs:

TEMPORARY EASEMENT

PARCEL NO.	SUPPOSED OWNER	AREA +/-	AWARD OF DAMAGES
T-D-1	Smith & Wesson Corp.	1.249 ac.	\$7,400.00

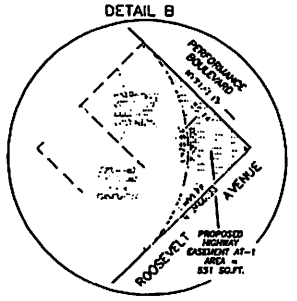
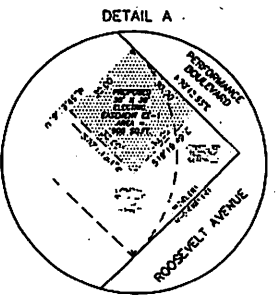
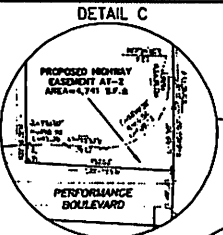
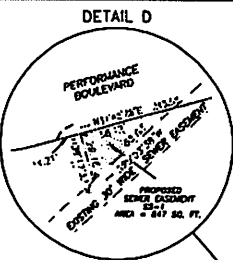
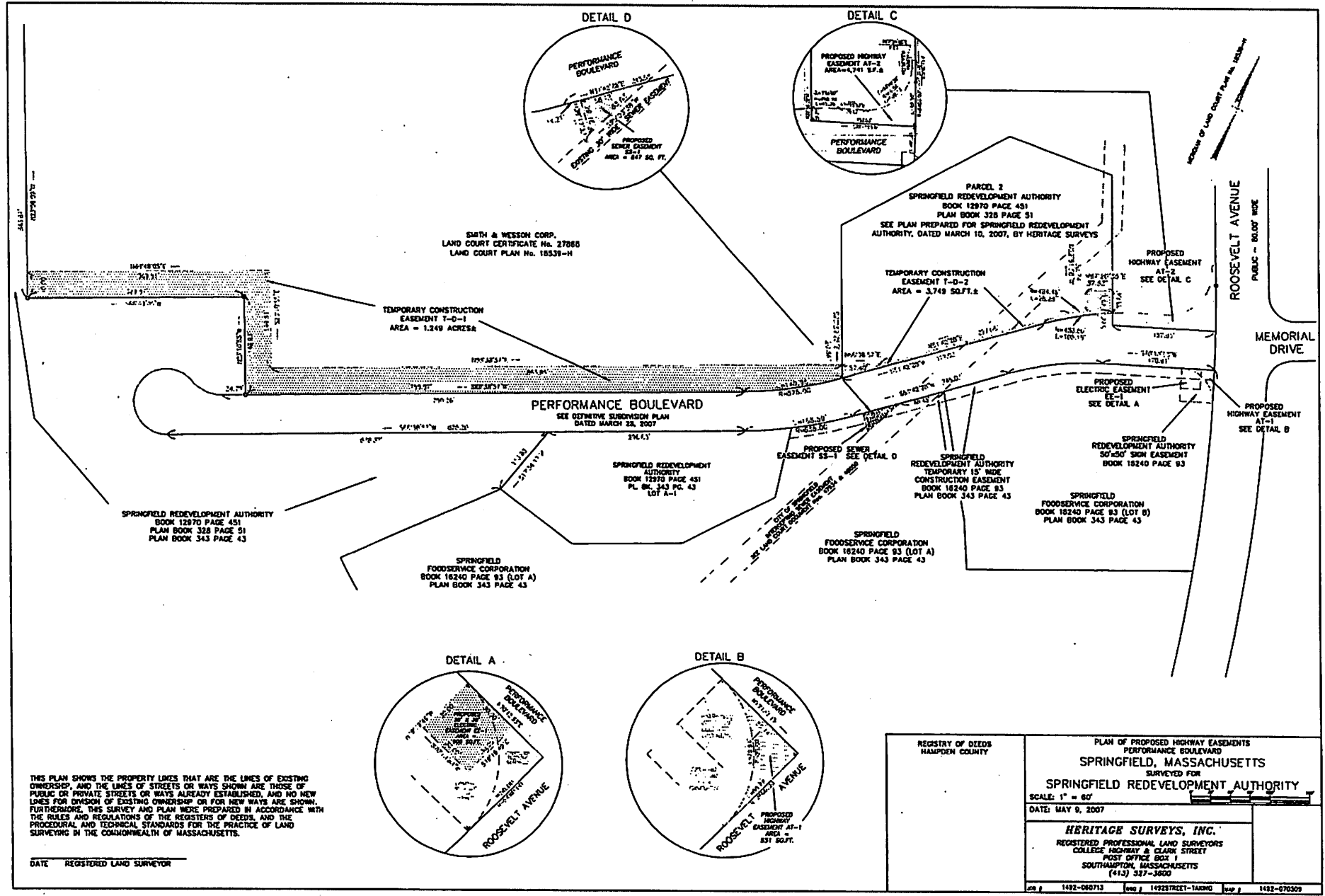
Such temporary construction easement is taken subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield, MA.

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;



THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS, AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ REGISTERED LAND SURVEYOR _____

REGISTRY OF DEEDS HAMDEN COUNTY	PLAN OF PROPOSED HIGHWAY EASEMENTS PERFORMANCE BOULEVARD SPRINGFIELD, MASSACHUSETTS SURVEYED FOR SPRINGFIELD REDEVELOPMENT AUTHORITY
	SCALE: 1" = 60' DATE: MAY 9, 2007
HERRITAGE SURVEYS, INC. REGISTERED PROFESSIONAL LAND SURVEYORS COLLEGE HIGHWAY & CLARK STREET POST OFFICE BOX 1 SOUTHAMPTON, MASSACHUSETTS (413) 527-3600	
JOB # 1492-060713	DRAW # 14923TRCET-1ACRNG

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.

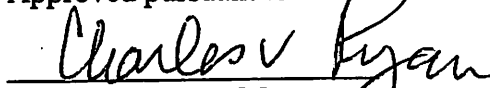
Approved by the Finance Control Board on May 11, 2007:



Alan LeBovidge, Chairman

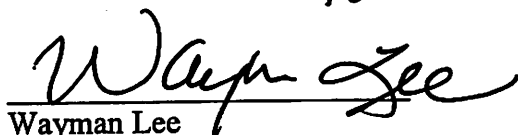
Date signed: MAY 11, 2007

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



Charles V. Ryan, Mayor

Date signed: MAY 11, 2007



Wayman Lee

Clerk of the Finance Control Board

Order of Taking Approved Pursuant to Section 4(d)(14) of Chapter 169 of the Acts of 2004:

Leslie A. Kirwan

Secretary for Administration and Finance

Commonwealth of Massachusetts

Date signed: _____

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

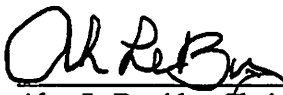
ORDERED:

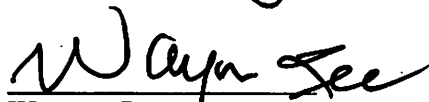
That the Control Board appropriates as follows, pursuant to Massachusetts General Law Chapter 40, Section 5:

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

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

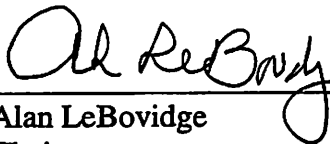
#05-11-07

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.*

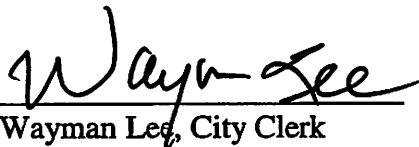
An Executive Order Authorizing the Borrowing of \$22,287,416 million from the Fiscal Recovery Trust Fund

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 11th day of May, 2007.



Alan LeBovidge
Chairman
Finance Control Board



Wayman Lee, City Clerk



The Commonwealth of Massachusetts

Springfield Finance Control Board

436 Dwight St.

Springfield, MA 01103

ALAN LEBOVIDGE
CHAIRMAN

To: Secretary Kirwan
From: Phil Puccia, *Phil Puccia*
Date: May 4, 2007
Re: SFCB Extension and Funding

Pursuant to our conversation of last week concerning the time extension of the Board, funding for its operations and drawing down of funds for an Economic Development plan, I attach the following information:

- A draw down order for \$22,287, 416.00 (the amount remaining in the trust fund minus the proposed operational budget for FY 08);
- An appropriation order for the same and
- A budget and funding request of \$2,486,000 for Control Board operations in FY 08.

We propose that the Board at the May 11th meeting approve the first two items. I believe discussion of the proposed extension is taking place at this time. We will be prepared with a draft order should that be required for May 11th.

We believe that the Secretary of ANF can act on her discretion to move the operational funds into a DOR account for funding of the Board. It is not an item the Board has voted in the past.

Please feel free to call me with any questions.

Attachments

Cc: Alan LeBovidge

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

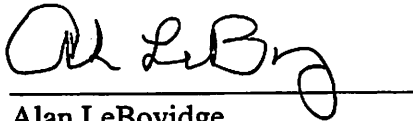
#05-11-07A

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.*

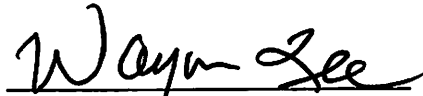
An Executive Order Authorizing the Borrowing of \$2,486,000 million from the Fiscal Recovery Trust Fund

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 11th day of May, 2007.



Alan LeBovidge
Chairman
Finance Control Board



Wayman Lee, 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:

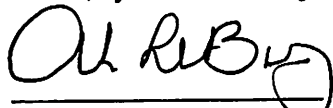
Date of Vote: May 11, 2007

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

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:

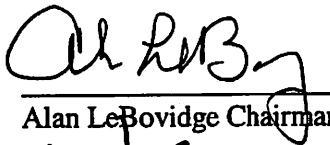
FROM Springfield Fiscal Recovery Trust Fund, in the amount of \$2, 486,000

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



The Commonwealth of Massachusetts

Springfield Finance Control Board

436 Dwight St.
Springfield, MA 01103

ALAN LEBOVIDGE
CHAIRMAN

Memorandum

To: The Honorable Leslie A. Kirwan, Secretary of Administration and Finance
From: Philip Puccia, Executive Director
Date: May 4, 2007
Re: Fiscal Year 2008 Control Board Budget

Pursuant to Section 2 of Chapter 169 of the Acts of 2004, the Secretary of Administration and Finance may authorize a loan from the Springfield Fiscal Recovery Trust Fund to pay the expenses of the Springfield Finance Control Board. The following is the proposed budget for the Springfield Finance Control Board for Fiscal Year 2008:

Personal Services

Personnel and Benefits: \$545,000

Total Personal Services: \$545,000

Non-Personal Services

Economic Development Activities: \$610,000

Legal Services: \$415,000

School Department Improvements: \$337,500

Other Consulting: \$285,000

Departmental Studies: \$233,500

Equipment/Administration: \$60,000

Total Non-Personal Services: \$1,881,000

Total Budget \$2,486,000

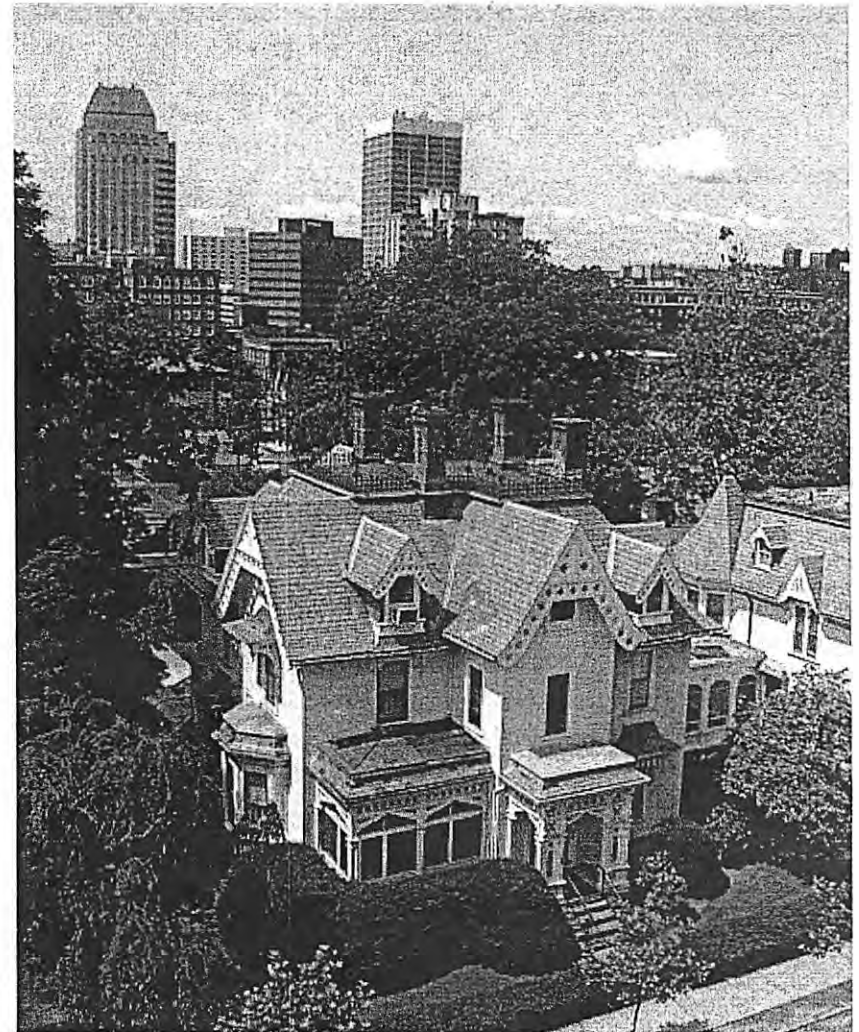
I request that you authorize a loan of \$2,486,000 from the Springfield Fiscal Recovery Trust Fund to pay the Fiscal Year 2008 operating expenses of the Springfield Finance Control Board and, pursuant to prior practice, that said amount be transferred to and administered by the Department of Revenue.

Please do not hesitate to contact me if you have any questions regarding this matter. I would be happy to provide you whatever detail you may require regarding this request.

Urban Land Institute

Springfield: Strategies for a Sustainable City

Overview
& Recommendations



Why Springfield chose ULI

- Objective resource in urban planning, growth and development
- World-wide experience, stellar reputation
- Practical, reality-based recommendations
- Inclusive, community-wide dynamic process
- Immediate consensus driven program

Goal of ULI process: Setting our collective priorities

- Inclusive Community Based Plan
- Puts effort behind the right projects
- Makes best use of assets
- Retains the equity we have
- Develops a plan for now
- Forges partnership with Business Community

ULI's assessment & recommendations

- **Cross-sector leadership**
- **Capitalize on strengths**
- **Downtown's market potential**
- **Neighborhood preservation**

Cross-sector leadership

- Effective local government support
- Foster civic pride and corporate philanthropy
- Visionary developers
- Regional pride and cooperative

Cross-sector leadership: Recommendations

- **Extend the term of the Finance Control Board**
- **Work to increase state appropriations**
- **Create and promote guiding principles for good government**
- **Celebrate diversity and seek inclusiveness**

Capitalize on Springfield's strengths

- **Exceptional regional access**
- **Vibrant mix of uses in the urban core**
- **Architecturally significant buildings ripe for redevelopment**
- **Abundant, convenient parking**
- **350-year history**

Springfield's strengths:

Planning & development strategies

- Think like a master developer
- Establish criteria for evaluating city projects
- Enhance and develop critical planning, development and enforcement tools
- Inventory and repackage vacant land

Enhance downtown's market potential

- **Maximize assets: Historic downtown and cultural attractions**
- **Minimize liabilities: Office and commercial vacancies, perception of crime, civil disorder**

Downtown:

Planning & Development strategies

- Market, Market, Market
- Convert vacant/underused Class B & C spaces into market-rate housing
- Expand retail development attracting street-oriented retailers (e.g. American Apparel)
- Identify and attract target markets for downtown living (e.g. young professionals)
- Raise occupancy in existing downtown commercial space

Downtown strategies

Short-term priority projects

- Redevelopment of 31 Elm Street project
- Re-use of old Federal building on Main Street
- York Street Jail demolition

Mid-term priority projects

- Main Street and State Street Corridor Improvements
- Downtown parking lots
- Apremont Triangle area

Future development

- Union Station

Preserving Springfield's neighborhoods

- Rich, varied, historic housing stock
- Affordable prices

Neighborhood

Short-term Priority Project

- The South End

Mid-term Priority Projects

- Targeted neighborhood improvements
- Smith Carriage Company District
- Community resources in and around East Columbus Avenue
- Vacant houses of worship throughout Springfield

Future development

- Mason Square fire station
- Former Chapman Valve site
- Memorial Industrial Park II

ULI: Report summary

- Attract leadership from throughout the community
- Make downtown a destination to live, work, and play
- Preserve the character and integrity of neighborhoods

Moving Forward

- New York Times Article on 5/9/07
 - Focused on ULI and joint effort of City Staff, Local Businesses, Chamber of Commerce, EDC, Community Leaders and residents
- The Boston Chapter of the ULI has volunteered to perform 2 Technical Assistance Panels (TAP)
 - The First TAP is focused on Hollywood/ Gemini
 - Panel performed fact-finding mission on 4/17/07
 - Panel presented findings on 4/28/07
 - Panel final report expected late May
 - The Second TAP is focused on the Downtown
 - Panel performed fact finding mission on 5/8/07
 - Panel to present findings in late May or early June

COMMONWEALTH OF MASSACHUSETTS

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

5-11-10A

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 Relative to the Redevelopment of the York Street Jail.

Whereas economic development has been determined to be necessary for the long term financial recovery of Springfield, and

Whereas the Urban Land Institute Report, *Strategies for a Sustainable City*, identified key priority development projects, including the demolition and redevelopment of the York Street Jail site for through a competitive public process, and

Whereas the redevelopment of the "York Street Jail" by a qualified developer will require complex negotiation of terms and conditions, and

Whereas the Springfield Redevelopment Authority established under Mass.Gen.L. Chapter 121B is uniquely qualified to enter into such negotiations and redevelopment of such projects, and

Whereas the City owns the York Street Jail parcel(s) and the adjacent former City snow dump, which are otherwise identified as acquisition parcels in the West Columbus Avenue Urban Renewal Plan as amended;

Whereas the assistance and involvement of the City and Board may from time to time be required to facilitate the redevelopment of the York Street Jail,

Therefore the Board hereby authorizes the Chief Development Officer to prepare and the Mayor to execute on behalf of the Board any and all agreements with the Springfield Redevelopment Authority necessary to facilitate the redevelopment of the York Street Jail including but not limited to the execution of a deed and/or deeds of conveyance of the City owned parcels, otherwise identified in


*All to the Springfield
Redevelopment Authority*

Amendment #9 upon such terms and conditions as he in consultation with the Executive Director deems appropriate.

Approved by the Finance Control Board on May 11, 2007:



Alan LeBovidge Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

5-11-10B

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 Relative to the Redevelopment of the "31 Elm Street Project"

Whereas economic development has been determined to be necessary for the long term financial recovery of Springfield, and

Whereas the "31 Elm Street Project" is further described in Amendment #9 to the Court Square Urban Renewal Area, as approved in December 2006 ("Amendment #9"), and

Whereas the Urban Land Institute Report, *Strategies for a Sustainable City* identified key priority development projects, including the "31 Elm Street Project" for redevelopment through a competitive public process, and

Whereas redevelopment of these parcels by a qualified developer or developer team will require complex negotiation of terms and conditions, and

Whereas, the Springfield Redevelopment Authority is implementing Amendment # 9; and

Whereas the City owns the parcels identified as 31-13 Elm Street & 92-96 State Street, N/S State Street (98) and 7-3 Elm Street in Amendment #9; and

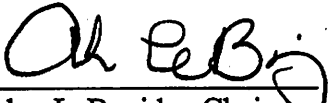
Whereas each of these properties lies within an urban renewal district amended and established for the purposes of redevelopment of these parcels, and

Whereas the Springfield Redevelopment Authority established under Mass.Gen.L. Chapter 121B is uniquely qualified to enter into such negotiations and redevelopment of such projects, and
Whereas the assistance and involvement of the City and the Board may from time to time be required to facilitate the redevelopment of the 31 Elm Street Project, and

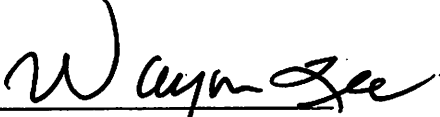
Therefore the Board hereby authorizes the Chief Development Officer to prepare and the Mayor to execute on behalf of the Board any and all agreements with the Springfield Redevelopment Authority necessary to facilitate the redevelopment of the 31 Elm Street Project including but not limited to the execution a deed and/or deeds of conveyance of City owned parcels otherwise identified in Amendment #9, upon such terms and conditions as he in consultation with the Executive Director deems appropriate.

to the
Springfield
Redevelopment
Authority
deed

Approved by the Finance Control Board on May 11, 2007:



Alan LeBovidge Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

5-11---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 in the City of Springfield*.

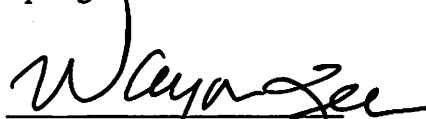
**An Executive Order Altering a Decision of the School Committee
And Approving an Employment Contract
with Joseph P. Burke, as Superintendent of Schools**

The Springfield Finance Control Board, acting pursuant to Section 4(d)(18) of Chapter 169 of the Acts of 2004 ("Act"), hereby alters the May 9, 2007 decision of the School Committee which approved an employment contract with Joseph P. Burke as the Superintendent of Schools, and pursuant to Sections 4(d)(8) and 4(d)(20) of the Act, hereby approves an employment contract with Joseph P. Burke, as Superintendent of Schools, for a term commencing July 1, 2007, and ending June 30, 2008, and as otherwise set out in the contract terms as attached hereto.

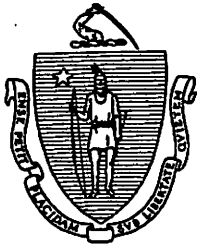
Approved by the Finance Control Board on May 11, 2007:



Alan LeBovidge Chairman
Springfield Finance Control Board



Wayman Lee
Clerk of the Board



The Commonwealth of Massachusetts

Springfield Finance Control Board

*436 Dwight St.
Springfield, MA 01103*

ALAN LEBOVIDGE
CHAIRMAN

MEETING AGENDA

February 12, 2007
Room 220, City Hall
11:00 AM

-
- I. Approval of Minutes
 - II. Recognition of Former Board Member Jose Tosado
 - III. Presentation on Springfield Residential Market Potential by Zimmerman & Volk
 - IV. Presentation on State Street Corridor Project by Maureen Hayes & David Panagore
 - V. District Improvement Financing (DIF) Application Approval
 - VI. Consideration of Two Donation Accounts for the Parks Department.
 - VII. Consideration of Appropriation Order and Order of Taking for Purchase of Worthington Street Parcels for SPD
 - VIII. Presentation of Proposed Financial Policies
 - IX. Overview of Recent Bond Issuance and Debt Structure
 - X. New Business
 - XI. Adjournment to Executive Session

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#02-12-01

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.*

=====

Resolved that the Control Board designate its Chief Development Officer, acting as and through the Springfield Office of Planning and Economic Development as the responsible individual and entity for developing proposed development districts, invested revenue districts, development programs, and invested revenue district development programs and seeking local approval for said items under the District Improvement Financing statute (M.G.L. c.40Q) on behalf of the Control Board pursuant to the Boards' authority under Chapter 169 of the Acts of 2004.

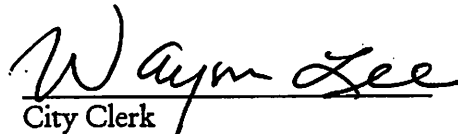
Resolved that the Control Board approve the creation and designation of the proposed eighty-five (85) +/- acre Memorial Industrial Park II Development District, Invested Revenue District, Development Program and Invested Revenue District Development Program as described within the District Improvement Financing application for a period of ten (10) years.

Resolved that the Control Board authorize up to forty percent (40%), (but in no case more than one hundred and fifty thousand dollars (\$150,000) annually), of the incremental captured assessed value from the District per year be applied to the Development Program on a year to year basis to pay for the municipal improvements and costs associated with the development of the park.

Resolved that the Control Board authorize the submission of the Memorial Industrial Park II District Improvement Financing application to the Massachusetts Economic Assistance Coordinating Council for its review and consideration.

By its Chairman


Alan LeBovidge


City Clerk

District Improvement Financing and the Memorial Industrial Park II DIF District and Program Executive Summary

District Improvement Financing (DIF), authorized by the Municipal Relief package of August, 2003, and codified at Massachusetts General Laws Chapter 40Q, provides municipalities with a means to fund infrastructure improvements to attract business growth and/or housing development. DIF has been used in over 45 states since 1947, and is most frequently referred to elsewhere as Tax Increment Financing. The existing Massachusetts Economic Development Program (EDIP) does contain a component referred to as Tax Increment Financing, but it is a bit of a misnomer as the EDIP does not permit a community to pledge future property tax receipts to finance needed infrastructure.

DIF allows communities to fund capital improvements on either a "pay as you go" basis (the method proposed for the Memorial Industrial Park II District), or by using bond financing. In either case, infrastructure and project development costs are financed or paid for from a portion of the real estate tax increases for an approved District. Property owners in the district do not pay additional fees, but a portion of the real estate taxes from the new development is channeled to a dedicated fund to either pay project costs directly or to service debt.

A redevelopment area, or district (the 85+/- acres known as Memorial Industrial Park II), is created through a public process, and the incremental taxes can then be used for land acquisition, site preparation, public improvements and other development-related costs (collectively "The Program"). Subsequently, housing, commercial, or industrial projects are developed and financed privately – thus raising the taxable value of the district in question. Upon the expiration of the DIF District and Program, the municipality has the full use of all of the real estate taxes generated from the District. Even during the term of the DIF District, the existing tax base within the District continues to fund other City obligations through the General Fund, it is only the incremental taxes that can be reprogrammed to fund the program contemplated within the District.

After designation of a District and Program within an application prepared by the entity charged with administration of and compliance with the DIF program, a Public Hearing is held to solicit public comment on the prepared application. (A public hearing was held before the Springfield Redevelopment Authority on January 24, 2007.) In ordinary circumstances municipal approval consists of approval by the City Council and Mayor – in Springfield's case, the Control Board will be the current local approving authority. (The matter being brought you on February 12th.) If approved locally, the application materials are then forwarded to the Massachusetts Economic Assistance Coordinating Council (EACC) for its review and approval at the state level.

In the specific instance of the proposed Memorial Industrial Park II Development District and attendant Program, the District is proposed for a 10-year term with up to 40% (but never more than \$150,000 annually) of the incremental taxes realized within the District dedicated to paying for costs associated with the development of the park – the Program.

TN61-ec

COMMONWEALTH OF MASSACHUSETTS

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

EXECUTIVE ORDER

#02-12-02

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.*

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

Pursuant to Mass. General Law Chapter 44 Section 53A, the Control Board establishes an account for miscellaneous donations to the Springfield Park and Recreation Department. The Control Board authorizes that said funds may only be expended for the purpose of said gifts. The gifts shall be deposited with the City Treasurer and may be expended by the Park Department without further appropriation.

By its Chairman

Alan LeBovidge

City Clerk

COMMONWEALTH OF MASSACHUSETTS

tbl-ear

**CITY OF SPRINGFIELD
FINANCE CONTROL BOARD**

EXECUTIVE ORDER

#02-12-03

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.*

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

Pursuant to Mass. General Law Chapter 44 Section 53A, the Control Board establishes an account for Peoples Bank's gift to the Springfield Park and Recreation Department. The Control Board authorizes that said funds may only be expended for the purpose of restoring the Greenleaf Park Recreational Center. The gift shall be deposited with the City Treasurer and may be expended by the Park Department without further appropriation.

By its Chairman

Alan LeBovidge

City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD FINANCE CONTROL BOARD

EXECUTIVE ORDER

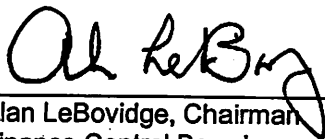
#2-12-04

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.*

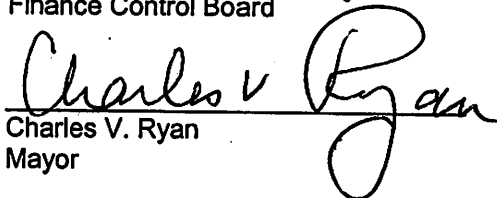
An Executive Order Appropriating Funds for the Eminent Domain Taking Of Land for Municipal Purposes

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, the Finance Control Board appropriates the sum of One-Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00) as damages for the anticipated eminent domain taking of a fee simple interest in two parcels of land on Worthington Street, referred to as South Side Worthington Street (Street 12535, Parcel 0249) consisting of approximately 0.291 acres, and South Side Worthington Street (Street 12535, Parcel 0250) consisting of approximately 1.962 acres, in Springfield, MA., for municipal purposes, from account # 3265-192-5810-07-0210-00.

Approved by the Finance Control Board February 12, 2007:



Alan LeBovidge, Chairman
Finance Control Board



Charles V. Ryan
Mayor

CITY OF SPRINGFIELD
Notice of Taking
of a Fee Simple Interest
at
South Side Worthington Street (Parcel 249) and
South Side Worthington Street (Parcel 250),
Springfield, MA.

RECEIVED

2007 MAR 29 A 10: 11

March 27, 2007

Department: Requested by the City of Springfield Police Department

CITY CLERK'S OFFICE
SPRINGFIELD, MA

Supposed Owner: Calvary's Love Church
Address: P.O. Box 2702
City/State/Zip: Springfield, MA 01101

In care of: James R. McMahon, III, Esq.
25 Main Street, 2nd Floor
P. O. Box 313
Buzzard's Bay, MA. 02532-0313

and others as their interest may appear in the Order of Taking.

Notice is hereby given that on February 12, 2007, the Springfield Finance Control Board approved an "Order of Taking" (Executive Order #2-12-05), which was signed by the Chairman of the Finance Control Board and Mayor Charles V. Ryan, taking by eminent domain, on behalf of the City of Springfield ("City"), a fee simple interest in two (2) parcels of land known as South Side Worthington Street (Street 12535, Parcel 249) and South Side Worthington Street (Street 12535, Parcel 250), in Springfield, MA.. The parcels are more particularly described in the "Order of Taking", attached hereto as Exhibit #1. The parcels were taken for municipal purposes.

On March 5, 2007, Leslie A. Kirwan, Secretary for Administration and Finance for the Commonwealth of Massachusetts, approved the Finance Control Board's action in accordance with Chapter 169 of the Acts of 2004, section 4(d)(14).

The Order of Taking was recorded in the Hampden County Registry of Deeds on March 13, 2007 at Book 16557, Page 54.

Award of Damages: In the "Order of Taking", the Finance Control Board made an award of damages for the two parcels in the total amount of \$175,000.00. The amount of \$35,000.00 was awarded for the taking of South Side Worthington Street (Street 12535, Parcel 0249), and the amount of \$140,000.00 was awarded for the taking of South Side Worthington Street (Street 12535, Parcel 0250). The award of damages is based upon just compensation as determined by appraisals obtained by the City. The right to these damages vested on the date the "Order of Taking" was recorded in the Registry of Deeds (March 13, 2007).

The award of damages is subject to proof of title. This award may be amended, for good cause, prior to the payment.

In accordance with Mass. Gen. Laws ch. 79, sections 7B, 7C, 7G, and 8A, as amended, the City of Springfield will make a check for payment of damages and will tender (offer) such check at the following place and time, subject to the prior payment of outstanding liens for taxes, fees, and other charges, as follows:

Place: Office of the City Treasurer, 36 Court Street
Room 141, Springfield, Massachusetts

Time: 10 A.M. to 4 P.M. on or after April 13, 2007*

*Payment of Outstanding Taxes: Payment of the award of damages is subject to the prior payment of any liens for taxes, assessment or other lawful charges by the City of Springfield pursuant to Mass. Gen. Laws ch. 79, section 44A.

W-9 Form Required: In order for the City to release the damage award check to you, the property

owner must complete and return the enclosed W-9 Form for tax reporting purposes. Please mail the completed form at your earliest convenience to: Kathleen T. Breck, Deputy City Solicitor, City of Springfield Law Department, 36 Court Street, Room 210, Springfield, MA 01103.

Your Rights Regarding the Damage Award:

You may accept the awarded payment (pro tanto) and collect it immediately without waiving your rights to petition the courts for a higher award. However, if you petition the courts, and the courts award a smaller amount of compensation, you will be obligated to refund the difference to the City.

In accordance with M.G.L. c. 79, §§ 8A, and 8B, as amended: (1) Your check for damages may be withdrawn if it is not claimed within sixty (60) days of tender; and (2) a person entitled to damages may request an offer in full settlement, or payment pro tanto (for the time being).

If you accept your award of damages (pro tanto), you have three (3) years from the vesting date (March 13, 2007) to petition the Superior Court for an assessment of damages. (Mass. Gen. Laws ch. 79, sections 14 and 16).

This notice is being sent to all mortgagees of record and all lienholders of record on the subject parcel(s), if any, pursuant to Mass. Gen. Laws ch. 79, section 7C. If a properly endorsed and notarized release from the mortgagee or lienholder (except the City of Springfield) is not received by the City Treasurer on or before the payment date, then the check for damages (if any) will include the mortgagee and/or lienholder as a payee. **If there are outstanding taxes owed on the property, a payment toward those taxes will be made to the City of Springfield directly.**


Wayman Lee, Esq., City Clerk

A True Copy
Attest:



Certified Mail No.:

COPY

EX#1

COMMONWEALTH OF MASSACHUSETTS

CITY OF SPRINGFIELD
FINANCE CONTROL BOARD

EXECUTIVE ORDER

#2-12-05

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 Authorizing the Eminent Domain Taking
Of Land for Municipal 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 Springfield Police 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 South Side Worthington Street (Street 12535, Parcel 0249), consisting of approximately 0.291 acres, and South Side Worthington Street (Street 12535, Parcel 0250), consisting of approximately 1.962 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 Calvary's Love Church by a deed recorded in the Hampden County Registry of Deeds at Book 13665, Page 564, and are shown as Parcels A and C on a plan of land drawn by Durkee, White, Towne & Chapdelaine, which is recorded in the Hampden County Registry of Deeds at Book of Plans, 197, Page 48 and 49.

An appropriation of money has been duly made for said purposes from account #3265-192-5810-07-0210-00.

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,

It is ORDERED, that the parcels of land described in Exhibit A attached hereto are taken by eminent domain, for municipal 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 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.

SOUTH SIDE WORTHINGTON STREET (PARCELS 0249, 0250) SPRINGFIELD, MASS.

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>
CALVARY'S LOVE CHURCH	(Street 12535, Parcel 0249) S/S WORTHINGTON STREET	\$ 35,000.00
CALVARY'S LOVE CHURCH	(Street 12535, Parcel 0250) S/S WORTHINGTON STREET	<u>\$ 140,000.00</u>
	TOTAL AWARD:	\$175,000.00

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;

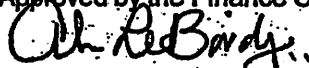
that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public highway by reason of laying out and construction of the project within the limits described herein;

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;

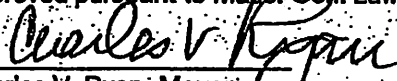
that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof, together with the aforementioned Plan, in the Hampden County Registry of Deeds.

Approved by the Finance Control Board on February 12, 2007:



Alan LeBovidge, Chairman
Date signed: 02/12/07

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




Charles V. Ryan, Mayor
Date signed: 2/12/07

Approved:



Secretary for Administration and Finance
Commonwealth of Massachusetts
Date signed: 3/5/07

Attest:



City Clerk

EXHIBIT A

Parcel I: (Street 12535, Parcel 0250)

Certain real estate situated in Springfield, Hampden County, Massachusetts, being Parcel A as shown on a plan of land in the City of Springfield, Massachusetts, drawn by Durkee, White, Towne and Chapdelaine, which plan is recorded herewith in Hampden County Registry of Deeds, Book of Plans 197, Pages 48 and 49, said parcel being bounded and described as follows:

Beginning at a point on the Southeasterly side of Worthington Street at the Northeasterly corner of land of Jones Realty Corp., being Parcel C as shown on said Plan, and running thence

- N. 40° 48' 10" E. along said Southeasterly side of Worthington Street, three hundred seventeen and 06/100 (317.06) feet to land now or formerly of Agnoli Sign Company, Inc.; thence running
- S. 49° 06' 04" E. along last named land, two hundred fourteen and 48/100 (214.48) feet; thence running;
- N. 41° 11" E. along last named land and land now or formerly of Ferrara Realty Co., Inc., and land now or formerly of Springfield Auto Electronics, Inc., as shown on said Plan, two hundred twelve and 97/100 (212.97) feet; thence running
- S. 48° 49' E. along Parcel B as shown on said Plan, forty-one and 17/100 (41.17) feet to land now or formerly of the Salvation Army of Massachusetts, Inc., thence running;
- S. 40° 44' W. along last named land and land of the City of Springfield, as shown on said Plan, three hundred eighty-eight and 68/100 (388.68) feet; thence running;
- N. 48° 56' 20" W. along land of the City of Springfield, twenty-four and 22/100 (24.22) feet; thence running
- S. 41° 11' W. along last named land, twenty-five (25.00) feet; thence running;
- S. 62° 58' 08" W. along last named land, fifty-three and 89/100 (53.89) feet, thence running;
- S. 41° 11' W. along last named land, sixty-eight (68.00) feet, thence running;
- N. 48° 38' 11" W. along last named land and land of said Jones Realty Corp. being Parcel C as shown on said Plan, two hundred twelve and 37/100 (212.37) feet to the point of beginning.

Parcel II: (Street 12535, Parcel 0249)

Certain real estate situated in Springfield, Hampden County, Massachusetts, being Parcel C as shown on a Plan recorded in the Hampden County Registry of Deeds, Book of Plans 197, Pages 48 and 49, said parcel being bounded and described as follows:

NORTHWESTERLY, by Worthington Street, sixty-six (66.00) feet;

NORTHEASTERLY, by Parcel A as shown on said Plan, one hundred ninety-two and 37/100 (192.37) feet;

SOUTHEASTERLY, by land of the City of Springfield as shown on said Plan sixty-six (66.00) feet; and

SOUTHWESTERLY, by land of the City of Springfield as shown on said Plan one-hundred ninety-one and 93/100 (191.93) feet.

BEING the same premises conveyed to the Calvary's Love Church by deed of Robert P. Sanborn dated October 8, 2003, and recorded in the Hampden County Registry of Deeds, at Book 13665, Page 564-565.

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	
<input type="checkbox"/> Exempt from backup withholding	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
or								
Employer identification number								

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here

Signature of
U.S. person ▶

Date ▶

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II Instructions on page 4 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules regarding partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

Exempt payees. Backup withholding is not required on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
 2. The United States or any of its agencies or instrumentalities,
 3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
 4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
 5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
 7. A foreign central bank of issue,
 8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
 9. A futures commission merchant registered with the Commodity Futures Trading Commission,
 10. A real estate investment trust,
 11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
 12. A common trust fund operated by a bank under section 584(a),
 13. A financial institution,
 14. A middleman known in the investment community as a nominee or custodian, or
 15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt recipients 1 through 7

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.socialsecurity.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer ID Numbers under Related Topics. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or single-owner LLC	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship or single-owner LLC	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

²Circle the minor's name and furnish the minor's SSN.

³You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one). If you are a sole proprietor, IRS encourages you to use your SSN.

⁴List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules regarding partnerships* on page 1.

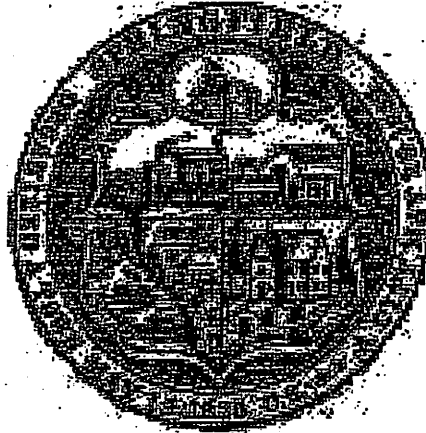
Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

Financial Policies of the City of Springfield



Approved DATE
by the Springfield Finance Control Board

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Please note, throughout this document, "departments" shall mean any department or agency of the City of Springfield, including the School Department.

Introduction

Financial policies set the boundaries within which governments make financial decisions. Unlike the budget adopted for a single fiscal year, financial policies are long-range in nature. They are carried over from one year to the next, adding continuity and stability to a government's financial structure.

Financial policies can also serve as the foundation for a government's long-range financial plan. By adopting and adhering to these policies the City will improve its ability to provide a balanced level and quality of services while protecting and improving the public health, safety, education and general well-being of its citizens. Adherence to proper financial policies will help the City develop flexibility to withstand external economic, environmental disruptions caused by factors over which it has no control while meeting the demands and challenges of natural growth, decline and change within the community.

Compliance With Finance Laws

Legal Policy 1: The City shall comply with all General Laws and Special Acts of the Commonwealth, and City ordinances that relate to finance and financial management.

Legal Policy One requires that the City adhere to all State and local laws and ordinances regarding finance and financial management. This policy touches on all areas of financial management, including those regulated in this document. Individual policies may not specifically require compliance with State law or City ordinance, but compliance is required by the fact that they are laws and ordinances; this overarching policy also mandates compliance with these laws and ordinances.

Budget Policies

Budget Policy 1: The Mayor shall propose to the City Council and the City Council shall adopt balanced budgets in which current revenues (non-one-time) equal or exceed current expenditures.

Budget Policy 2: The City will not balance the budget by using one time or other nonrecurring revenues to fund ongoing expenditures. Transfers from Free Cash and the Stabilization Reserve Fund shall be the only exception.

Budget Policy 3: The City will not use budgetary procedures that balance the budget at the expense of future years, such as: postponing or deferring expenditures, accruing future year revenues, or rolling over short-term debt.

The purpose of Budget Policies One, Two and Three is to prevent the use of procedures that appear to balance the budget at the expense of our future. Delaying building and equipment maintenance or postponing the cost of operations are two of the most common procedures used to artificially create the appearance of a balanced budget. These actions merely pass today's costs onto future taxpayers and residents, and these costs usually grow as they are deferred.

Budget Policy One was developed to ensure that the City does not spend more than it receives in revenue in any one year and therefore does not degrade its overall financial condition. This ensures that the City does not "live beyond its means" and build a structural deficit into its budget.

Budget Policy Two helps ensure that the City does not use one-time revenue to support ongoing operations. Simply put, this policy prevents the use of temporary funding to support recurring needs. Such expenditures are considered inadvisable because the ongoing expenditure need will still exist after the non-recurring revenue disappears. Use of non-recurring revenue for recurring purposes only delays appropriate action to correct an imbalanced budget; this delay typically increases the cost of the required corrective action.

Budget Policy Three prevents the use of gimmicks such as expenditure deferral, booking future revenue in the current fiscal year or the inappropriate rolling over of debt. These fiscal maneuvers generally occur in times of poor financial performance and only serve to delay necessary budgetary adjustments. This serves to increase the long-term cost of services for the taxpayers of a community.

Budget Policy 4: The budget proposed by the Mayor shall include the following sections: the expenditure budget, a summary of the City's financial condition, an analysis of revenues used in the proposed budget, an analysis of outstanding debt and a summary of the City's capital condition (buildings, infrastructure, equipment, rolling stock and information technology).

Budget Policy 5: The City's annual budget shall be adopted by the City Council at the organization group level (i.e., salaries, expenses and capital).

Budget Policies Four and Five guide the development of the City's annual budget. Budget Policy Four requires that certain information be provided to the City Council and the public along with the budget. This policy mandates communication with the City Council regarding the most pressing financial issues before the City – overall fiscal condition, debt, revenues and capital needs and condition. This information will allow the City Council to make decisions on the annual budget with necessary information regarding the City's overall financial condition, the condition of its capital assets and other matters of importance.

Budget Policy Five sets forth the form of budget passage by the City. This provides the City Council with oversight with regard to budgetary expenditures but permits some level of flexibility to departmental managers by allowing them to transfer funding among certain line items that were approved by the City Council in the annual budget.

Budget Policy 6: The budget will provide for adequate maintenance and the replacement of capital plant and equipment. All budgetary procedures will conform with existing state and local regulations.

Budget Policy Six requires that the annual operating budget funds necessary maintenance and capital investment. Required maintenance is critical if taxpayers are to receive the maximum return on their dollars invested. Delaying routine maintenance to a roof, for instance, may lead to the premature replacement of the roof and may cause avoidable damage within the building. Budget Policy Six is intended to prevent this.

Budget Policy 7: The City Auditor shall produce and issue within the budget submitted to the City Council a five-year financial forecast for the City. Said forecast shall be comprised of reasonable revenue estimates and all expenditures the City may reasonably experience during said period. All assumptions contained in the forecasts shall be clearly presented within the forecast document.

Budget Policy Seven requires the City Auditor to present a conservative long-term financial projection for the City as part of the budget submitted to the City Council. This will assist policymakers and the public in understanding the context in which the proposed budget exists; if the City is projecting future financial difficulties, it may be unwise to implement spending increases in a proposed budget. Similarly, it may be prudent to begin service expansion if financial improvements are projected in future years. Long-term financial projections are important because they help policymakers take early action to avert problems. This can significantly reduce the cost and difficulty of the required solutions and therefore minimize their negative impact on residents, businesses and employees. It will also help reduce the tendency toward a crisis management approach to municipal operations which can negatively impact efficiency, effectiveness and community and employee morale.

Budget Policy 8: The City Auditor shall provide to the Mayor and City Council a monthly report of revenues and expenditures at the line item level.

Budget Policy Eight provides a tool for the Mayor, City Council and the public to monitor expenditures and ensure that revenue and expenditure projections are being met. Provision of this information is necessary to ensure accountability and prevent problems from going unnoticed by the public and policymakers.

Revenue Policies

Revenue Policy 1: The City's annual budget shall include a revenue budget that is created in line item detail for City operations.

Revenue Policy 2: The City will estimate its revenue using conservative methods and present this along with the balanced budget.

Revenue Policy 3: The City shall review and update the fee schedule of each of its departments no less than every two years to ensure the cost of services is being fully recovered.

Significant attention is provided to the City's expenditure budget to ensure that taxpayer money is expended prudently and in a cost-effective manner. The City's revenue budget does not receive a similar level of attention but is equally as important; this budget provides the funding that is detailed in the expenditure budget. Pursuant to Budget Policy One, the City cannot expend more money than it expects to receive in revenue in the course of a year. As a result, the manner in which revenue is estimated is very important.

Revenue Policy One ensures that the City's revenue projections will be disclosed to policymakers and the public along with the expenditure budget. This will facilitate an examination of the procedures used to estimate revenue as well as provide information to the public regarding the City's revenue condition.

Revenue Policy Two requires that revenue estimation be conducted prudently, in a conservative manner. Overly optimistic estimates can create the appearance of a balanced budget when in reality a deficit will result. According to Massachusetts General Law, any deficit that remains at the end of one fiscal year will be automatically deducted from the budget of the next; overly optimistic revenue estimates will drive reduced public spending in the next fiscal year.

Many services provided by the City benefit all residents, though others benefit only the specific users of services (building inspections, marriage licenses, participation in recreation services). Revenue Policy Three is designed to ensure that user fees – fees charged for specific services provided to individuals – cover the costs of providing those services. If fee revenue is insufficient to support these services then the costs of these individual services will be paid by all taxpayers. The general taxpayer will be forced to pay the cost of a plumbing inspection, for instance, that does not benefit them.

Revenue Policy 4: The City may build into its revenue base from one fiscal year to the next an increase in each revenue line item of no more than 3%, with the exception of real and personal property taxes, Chapter 70 (school) aid and school building assistance payments from the Commonwealth.

Revenue Policy 5: Any revenue increase in excess of the 3% limit established in Revenue Policy Four shall be considered upwardly volatile revenue and may only be expended to increase reserve fund levels or to fund non-recurring capital expenditures.

Revenue Policies Four and Five relate to "upwardly volatile revenue". In brief, upwardly volatile revenue occurs when one or more revenue sources increase at an atypically fast rate, as occurred with State Aid for some cities and towns during the 1990's, and with certain income tax revenues for the Commonwealth. The danger of upward revenue volatility is that a community can become dependant on an artificially high level of revenue that exists merely because of a strong economy. This revenue may decrease sharply or disappear entirely when the economy contracts, leaving critical services under-funded. This expansion and contraction of public service can be avoided - as can the resultant layoffs and unemployment costs - if upwardly volatile revenue is managed wisely.

Revenue Policy Four prevents the City from building into the "base" of its revenue model an increase in any revenue source of greater than 3%. Property tax revenue is excepted from this limitation because it is already limited - to a lower level - by Proposition 2 ½. Chapter 70 school aid and school building assistance are also excepted from this limitation because they are provided by the Commonwealth for a specific purpose and can not be redirected for any other use.

Revenue Policy Five limits the use of upwardly volatile revenue to ways that will prevent the City from becoming dependent on unstable sources of revenue. It also simultaneously strengthens the City's financial position. Use of this revenue to build reserve fund balances will help the City prepare for cyclical revenue contractions while strengthening its financial condition and giving it much-needed financial flexibility. Use of this revenue to make non-recurring capital investments will provide a service benefit to the City's taxpayers by improving Springfield's physical infrastructure. It will also develop a soft reserve fund by allowing the City to "get ahead" of its capital plan. This will allow the City to forego a portion of its capital investment in the future if necessary, saving operating money without impacting the City's long-term capital plan.

Revenue Policy 6: The City will maintain property assessment for the purpose of taxation at full and fair market value, as prescribed by State law.

Revenue Policy Six ensures that the City continues to regularly assess the value of property in Springfield. Regular reassessments are required by Massachusetts General Law and are critical to ensuring the fairness of the City's system of property taxation.

Revenue Policy 7: The City shall collect all revenue using fair and consistent methods, exercising all powers provided to it under law. On or before May 30th of each year, the City shall commence tax title proceedings against all properties that owe property taxes to the City.

Revenue Policy Seven ensures that the City will actively pursue revenue collection. This is important, as failure to collect revenue actually increases costs for taxpayers. As one example, poor revenue collection may force the City to conduct cash flow borrowing. Low rates of tax collection also result in higher tax rates in order to generate a given amount of revenue. Poor revenue collection processes can also create significant unfairness by allowing certain people to avoid payment of taxes, and can provide the opportunity for political favoritism and corruption as specific individuals may be given preferential treatment regarding tax debts.

Policies With Regard to Self Supporting Operations

- Self Supporting Policy 1: The Mayor shall annually propose to the City Council the rates and fees for all rate- and fee-supported services in City government.
- Self Supporting Policy 2: Proposed rates and fees shall include all direct and indirect costs (such as the costs of payroll, property and liability insurance, legal services, etc.).
- Self Supporting Policy 3: All enterprise funds shall be fully supported solely by the revenue from their rates, fees and other revenue generating operations. In the event that an enterprise fund requires General Fund or other support because its revenue does not fully support its operations, the Chief Financial Officer shall make a report to City Council regarding the fund, its revenue and expenditure position and the reason a deficit occurred.

Self-supporting operations are generally those that provide specific benefits to individual service users rather than the general public. Because benefits accrue to individuals and not the general public, these services should be paid for by service users through user fees, not through general tax revenue. Use of general tax revenue to support these services forces all residents to help pay for services that benefit certain individuals, not everyone.

Generally speaking, tax dollars should not be used to finance self-supporting operations because doing so forces a reduction in other government services that could benefit the community as a whole. These policies do provide the City the flexibility to establish fees and rates for self-supporting operations that are below the levels required to fully fund their operation, however, as long as the public is informed of the deficit and the reason it occurred.

Self Supporting Policy One requires that rates and fees be proposed annually for adoption by the City Council. This will help ensure that fees and rates associated with self-supporting operations are adjusted on a regular basis, and that the public has frequent opportunities to comment on the level of rates and fees. Regular consideration of rates and fees can help prevent fee-supported costs from shifting to the general tax base by facilitating small rate increases as the cost to provide these services increases.

Self Supporting Policy Two requires that rates and fees reflect the true and total cost of providing those services. This is intended to prevent these operations from forcing costs upon the general taxpayer who may not receive the benefit of these services. A corollary to this is that the rates and fees for these departments should not provide for the unnecessary appropriation of money to the City's General Fund, as to do so would force costs on ratepayers in excess of those needed to provide the service they are receiving.

Self Supporting Policy Three is a reflection of the unique circumstances surrounding certain enterprise funds in which actual revenue is less than the cost of providing the enterprise fund service. Under Massachusetts General Law, the General Fund is required to fund any deficits in an enterprise fund. This policy provides the City the flexibility to do this, but requires that the City Council receive a report of the activities of the enterprise fund to ensure oversight. This will help inform the public that an enterprise fund has experienced a deficit while also explaining why the deficit – either planned or unplanned – has occurred.

Capital Planning Policies

For purposes of these policies, the term "Capital" shall refer to a fixed facility, object or asset costing more than \$25,000 with an estimated useful life of ten years or more. Projects and assets that do not meet both of these requirements shall be considered operating expenses and shall be included in the operating budget.

Capital Policy 1:

The Capital Improvement Program will directly relate to the long-range plans and policies of the City.

Capital Policy 2:

The Capital Improvement Plan shall be in a form designated by the City's Chief Financial Officer. At a minimum, the Plan shall be a "rolling" five-year plan, proposed by the Mayor and adopted by the City Council annually. The first year of the Capital Improvement Plan shall include the proposed capital improvements for the forthcoming fiscal year.

Capital Policy 3:

The Capital Improvement Plan shall be reviewed by the Capital Improvement Planning Committee and shall include all capital expenditures proposed by the various departments. The Committee shall recommend in each year of the Plan the capital investments to be funded, and how these expenditures should be financed.

Capital Policy 4:

The Capital Improvement Planning Committee shall be comprised of the City's Chief Financial Officer, a representative from the City Council, the Director of Parks, Buildings and Recreation, the Budget Director, the Planning Director and the Director of Community and Economic Development. The Committee shall provide its recommendations in writing to the Mayor and City Council. Any capital funding request that is at variance from the Committee's recommendation, including a request that changes the order in which projects shall be conducted, shall be accompanied by a written justification of the variance, including a comparison of cost-benefit analyses for the effected projects.

Capital Policy 5:

Except as required by an emergency, all approved capital projects must be part of the adopted Capital Improvement Plan. Capital projects that were not included in the Capital Improvement Plan may not be conducted unless an emergency has occurred and a written report explaining the emergency has been provided to the City Council.

Capital Policy 6:

All capital expenditure decisions shall analyze the potential use of alternative energy and fuel/energy efficient technologies and devices, and the use of recycled materials and environmentally preferable products.

Capital Policy One merely states that the Capital Improvement Plan (CIP) must conform to the policies and long-term plans of the City. The Plan must be consistent with the City's financial plans – it cannot cause an unacceptably high level of debt to be incurred, for instance – and should be something that strengthens and provides an overall benefit to the community.

Capital Policy Two provides the Chief Financial Officer the flexibility to determine the best form for the Capital Improvement Plan but requires that it be a five-year plan that is updated annually and submitted to the Mayor and City Council each year. The CIP is a "rolling plan" in that the first year of the plan is always the upcoming year, and years two through five represent the next four years. In this way the CIP always looks ahead four years, facilitating the planned and rational replacement, upgrade and acquisition of capital.

Capital Policy Three requires that all requested capital expenditures be published in the Capital Improvement Plan in order to provide policymakers a full understanding of the City's capital needs. This policy also requires that capital requests be vetted by a multidisciplinary Committee, that the Committee recommend which capital projects the City should undertake and that the Committee propose the manner to finance recommended capital expenditures. This will provide policymakers with significant input from City staff from a variety of backgrounds, thereby improving deliberation and decision-making.

Capital Policy Four establishes the membership of the Capital Improvement Planning Committee, consistent with existing City practice. This policy requires that the Committee's recommendations be provided to the Mayor and City Council, and establishes the strong preference that capital funding requests be consistent with the Committee's recommendations. Policymakers retain the flexibility to vary from the plan recommended by the Capital Improvement Planning Committee but, in doing so, must issue a report justifying the change, including a comparison of the cost-benefit analyses to help demonstrate that the most beneficial projects are being pursued.

Capital Policy Five requires that all capital projects approved for funding be part of the CIP. The CIP is a long-term document that will facilitate planning and improve the means by which capital investment decisions are made. Funding items that are not in the CIP will undermine the effectiveness of the CIP – "why should I bother to plan if items can be funded without planning?" – and will likely result in inefficiency. Capital investments can often be made in ways that are complimentary to each other, reducing cost or inconvenience through proper sequencing. Funding capital projects that have not been approved through the capital planning process will likely lead to wasted time, effort and money, and will undermine the City's effort to rationally plan for its future and long-term growth.

Capital Policy Five also provides flexibility for the City to make unplanned capital investments in the event of an emergency, but requires a written report to ensure that policymakers and the public are aware that an emergency has occurred.

Capital Policy Six requires that capital expenditures consider "green" technologies and improved construction techniques such as alternative fuel technologies, the use of products with a lesser environmental impact, technologies that can increase fuel and energy efficiency and construction techniques that divert waste products that have other practical uses. In some instances, these technologies are more expensive initially but have lower life-cycle costs. This policy requires that the City analyze these technologies to ensure they are considered when making capital investment decisions.

Capital Policy 6: The Capital Improvement Plan shall include a multi-year forecast of annual debt service requirements for items in the Plan to permit the examination of the future implication of debt issuance.

Capital Policy 7: Each capital item in the Capital Improvement Plan shall be accompanied by a cost-benefit analysis which shall include the identification and cost estimation of additional operational funding and personnel requirements associated with that capital improvement.

Capital Policy 8: All proposals for capital improvements shall include sources of funding for each capital improvement. Pay-as-you-go capital funding shall be considered as a financing source for each proposed capital improvement.

Capital Policy 9:

As part of a comprehensive Capital Improvement Program, the City shall maintain net tax financed capital improvement expenditures (pay as you go) at a level of two percent of net operating revenues.

Capital Policy Six ensures that the CIP demonstrates the full cost (principal and interest) of approved projects that require the issuance of debt. This analysis will help policymakers make decisions based on the total impact of a project on the community. This will help facilitate longer term planning as current decisions can be made based on their future implication on the City's debt service budget and overall financial capacity.

Capital Policy Seven requires that all proposed capital investments include a cost-benefit analysis. This analysis is required to include not only capital spending but also increased personnel and operating costs that result from the capital investment (new teachers and additional utility costs in an expanded school, for example). The City may choose to pursue a capital project that has an unfavorable cost-benefit analysis because significant, non-quantifiable benefits are provided to residents. This policy requires, however, that capital investments are made with full knowledge of the cost and benefits of projects.

Capital Policy Eight requires the identification of a funding source for each proposed capital investment. This policy helps make each proposal more "real" by ensuring that funding is tied to each capital item. The CIP is intended to be both an identification of needs and a working document that results in the actual funding of capital. To do so requires that each capital item be proposed with funding sources attached so individual investments can be undertaken after they are reviewed and approved.

Capital Policy Nine sets forth the requirement that 2% of the City's net operating revenue be used to finance capital investment on a pay-as-you-go basis. Using operating revenues to conduct capital improvements permits the City to reduce its overall borrowing costs by avoiding interest payments on debt that would otherwise be issued. Because this funding comes from the operating budget (that is, cash), it also allows the City to conduct smaller routine projects for which it would be less-than-optimal to issue debt. Using 2% of net operating revenues for capital investment also builds into the City's budget a type of a reserve because this money can be used for operating purposes - with a required reporting to the public for failure to comply with this Capital Policy - should severe budget difficulties arise.

"Net operating revenues" are gross City revenues less enterprise fund operations, debt exclusion funds, school building assistance revenue from the Commonwealth, fund transfers, non-appropriated charges, special revenue and grants and non-recurring revenues.

Capital Policy Ten: The Chief Financial Officer shall review the finances and status of all capital projects no less than annually. For a non-construction capital expenditure, the City shall conduct project close out within three months of project completion. For a construction-related capital expenditure, the City shall conduct project close out within six months of the end of construction. The City shall release unexpended bond proceeds within three months of project close out and may reuse said proceeds consistent with the provisions of Massachusetts General Law.

Capital Policy Ten requires that the City regularly review all capital projects and that it conduct close outs within a reasonable period of time after project completion. This will return available funding to productive use and prevent it from remaining in a project account where it may be used for ongoing maintenance of the project or for other purposes not directly related to the original intent of the appropriation.

Financial Reserve Policies

The City of Springfield has experienced a number of financial crises in its recent history. These financial reserve policies are designed to significantly reduce the impact of future crises on the City's taxpayers, its operations and on municipal finances. It should be noted, however, that the City is unlikely to comply with some of these policies in the immediate term because it continues to recover and rebuild its financial capacity. Temporary non-compliance with some of these policies is therefore expected. Reporting Policy One sets forth the City's reporting responsibilities associated with policy non-compliance.

- Reserve Policy 1:** The City shall maintain an undesignated fund balance of between 5% and 15% general fund revenues, less debt exclusions and Chapter 70 aid.
- Reserve Policy 2:** In the event that the City's undesignated fund balance falls below 5% of general fund revenues, less debt exclusions and Chapter 70 aid, (the "Fund Balance Floor"), a plan for specific expenditure reductions and/or revenue increases that will bring the City into compliance with the minimum fund balance requirement shall be submitted to the City Council during the next budget cycle.
- Reserve Policy 3:** The City shall maintain a reserve for extraordinary expenses of at least 1% and not greater than 3% of the prior year's tax levy. No direct drafts shall be permitted from this fund, but transfers may be made from it in the same manner as required for other budgetary transfers.
- Reserve Policy 4:** The amount of money to be held in 'Free Cash' shall not be less than 3% or more than 6% of the approved General Fund operating revenue, less debt exclusions and Chapter 70 (school) aid.

Reserve Policy 5: The City shall maintain a stabilization reserve fund equal to between 5% and 10% of operating revenues, less debt exclusions and Chapter 70 (school) aid. As prescribed by Massachusetts General Law, however, at no time may an appropriation into this fund exceed 10% of the previous year's real property tax levy, nor can the fund exceed 10% of the equalized value of the City.

Reserve Policy 6: The City shall annually fund a capital reserve of at least 1.5% of the committed property taxes from the prior fiscal year. Said fund may be expended for capital purposes for which the City may borrow for 10 years or longer as provided for in Chapter 44 of the Massachusetts General Laws.

Reserve Policy 7: Whenever the City is self insured for the purposes of property, liability and workers' compensation insurance, it shall maintain a Self Insurance Reserve Fund that may be expended to pay for the loss of or damage to municipal property, whose loss or damage would be covered by property and liability insurance had the City purchased it. Said Reserve may also be used to pay justified damage, liability and workers' compensation claims against the City. This Fund shall be in an amount not less than 5% of the assessed valuation of the City Hall/Symphony Hall/Campanile Complex, with said value to be established every three years by an appraiser licensed to conduct work in Massachusetts.

Financial reserves protect the City from unforeseen increases in expenditures, reductions in revenues, unforeseen downturns in the economy, or other extraordinary events. Reserves are also a source of funding for capital construction and replacement projects. Springfield – because of its revenue characteristics, expenditure needs and history of financial difficulty – should maintain reserves between 10% and 15% of its General Fund operating revenue, less debt exclusions and Chapter 70 (school) aid.

The maintenance of adequate operating reserves is essential to the financial strength and flexibility of the City as a whole. Adequate operating reserves are an integral part of the financial structure of the City and allow it to mitigate current and future financial risks associated with revenue shortfalls, unanticipated expenditures and natural disasters.

Reserve Policy One requires the maintenance of an undesignated fund balance of between 5% and 15% of General Fund operating revenues. This will ensure sufficient cash flow to finance ongoing operations and permit the City to absorb unpredictable revenue shortfalls. Sufficient cash flow is also required to avoid cash flow borrowing, something that cost the City of Springfield \$400,000 per year in recent years.

Reserve Policy Two requires that specific action be taken if the City's undesignated fund balance falls below 5%. Fund balances below this level result in a risk that the City may not be able to finance ongoing cash needs. This policy mandates that corrective action be taken during the next budget cycle to restore adequate undesignated fund balance levels.

Reserve Policy Three requires that the City retain a reserve for extraordinary expenditures in an amount of 1% to 3% of the prior fiscal year's tax levy. The tax levy is only a portion of the City's revenue stream. As such, this policy provides the City with a moderately sized reserve that can be used to supplement existing budget items when the original appropriation is not sufficient to meet actual expenditure needs. This reserve would not be available to support new spending but rather could be used to prevent deficits in volatile expenditure areas such as snow plowing and snow removal.

The reserve for extraordinary expenditures established under Reserve Policy Three is consistent with the requirements of Section 7 of Chapter 656 of the Acts of 1989; the existence of this reserve shall satisfy the requirements of this Act. It should be noted, however, that the reserve fund established pursuant to Reserve Policy Three can be larger than the minimum fund required by Chapter 656 of the Acts of 1989 if the City chooses to reserve more than the minimum required funding.

Reserve Policy Four requires that between 3% and 6% of General Fund operating revenues be held as Free Cash. Free Cash is the portion of undesignated fund balance certified by the Department of Revenue, Division of Local Services, as available for appropriation during the current fiscal year, or which may be used as revenue during the next budget cycle. Free Cash provides for the temporary financing of unforeseen opportunities or needs of an emergency nature and is the most flexible of all general reserves.

Reserve Policy Five requires that between 5% and 10% of the City's General Fund operating revenue be held in the Stabilization Reserve Fund. The purpose of this reserve is to provide long term financial stability for the City while improving our financial flexibility and credit worthiness. The legal structure for stabilization reserve funds is detailed in Chapter 40 section 5B of Massachusetts General Law.

Money in the stabilization reserve fund may be appropriated for any purpose for which the City would be authorized to borrow money under sections seven and eight of Chapter 44 of the General Laws, or for any other lawful purpose. Appropriations from the Fund require a recommendation from the Mayor and a 2/3 affirmative vote of the City Council.

Consistent with the requirements of Section 8 of Chapter 169 of the Acts of 2004, Reserve Policy Six requires the City to fund a capital reserve of no less than 1.5% of the prior fiscal year's amount of committed property taxes. This account can remain as a static reserve, or its proceeds can be expended for any capital purpose for which the City can issue debt for a term of 10 years or longer as defined by Chapter 44 of the Massachusetts General Laws. Expenditures from the capital reserve may be used to fund debt service payments or pay-as-you-go capital investment. Expenditures from this fund can count toward the City's requirement under Capital Policy Nine if they are used to pay for pay-as-you-go (non-debt related) capital investment.

Reserve Policy Seven addresses the fact that the City of Springfield is "self insured", meaning it does not purchase property or liability insurance. The City pays all damage claims awarded against it, and pays for the loss or damage to its property without the benefit of payments from insurance companies. While the City is able to avoid paying large insurance premiums by being self insured, it is accepting financial risk by not having the benefit of property and liability insurance.

The Self Insurance Reserve Fund is designed to provide the City a financial cushion should a disaster occur, should the City be forced to pay a large award of damages or should damage occur to municipal property. The City may be impacted by river flooding, may be forced to pay a claim of civil rights violations or may lose a large number of vehicles due to accidental or malicious activity. This reserve fund will assist the City in paying these costs without impacting its overall financial condition, or draining reserve that should be used in a disaster to ensure the continued provision of critical municipal services.

Debt Policies

Debt policies are intended to sustain or enhance a government's financial stability, to evaluate a government's long-term capability to issue and repay debt, and to control debt issuances. Strong debt policies that are adhered to by a community can also improve credit worthiness by establishing controls on the amount of debt that can be issued while at the same time improving debt practices and structures in such a way that costs are reduced. Effective debt practices also can improve bond ratings, resulting in lower interest rates and reduced costs for taxpayers.

Debt Policy 1: The City shall comply with debt limitations as detailed in Massachusetts General Law.

Debt Policy One requires that the City limit the total amount of debt it issues pursuant to Massachusetts General Law. In brief, the City may issue bonds without approval of the Commonwealth if the proposed bond issuance, combined with the aggregate value of outstanding bonds, is less than 5% of the equalized valuation of taxable property in Springfield. If the proposed issuance, combined with the aggregate outstanding debt, is greater than 5% of the equalized valuation, the City may only issue the proposed debt with prior approval from the Commonwealth. Even with the approval of the Commonwealth, the value of the City's debt portfolio may not exceed 10% of its equalized valuation.

Debt Policy 2: The City shall manage the issuance of debt in line with the following debt ratios:

- General Fund debt service as a percentage of net general fund revenues (as defined in 'Capital Planning' section) – not to exceed 5%.
- Enterprise Fund debt service as a percentage of enterprise operating revenue – not to exceed 15%.
- Percentage of Total Debt that will be retired at the end of ten years - 65% (minimum).

Debt Policy Two sets forth the total amount of debt the City of Springfield will have outstanding at any one time. Debt Policy Two provides stricter standards for debt issuance than State law and requires that outstanding debt conform to various ratios deemed appropriate for the City and for debt issuers in general. This provides a finer level of control than the overall debt ceiling authorized by Massachusetts General Law and can help ensure that the City's debt does not negatively impact its taxpayers.

It should be noted that the City's overall debt burden will change over time as infrastructure and equipment ages and becomes worn or damaged. Reporting Policy One provides guidance should the City fail to comply with one or more of the requirements of Debt Policy Two.

- Debt Policy 3: Short-term debt, such as bond anticipation notes, tax anticipation notes, or grant anticipation notes, may be used when it provides immediate financing and an interest rate advantage, or if there is an advantage to delaying long-term debt until market conditions are more favorable.
- Debt Policy 4: Any bond anticipation debt will be retired within six months after completion of the project it financed.
- Debt Policy 5: Short-term debt will not be rolled over beyond two years without a principal pay down or as prescribed by state law.
- Debt Policy 6: The City may use inter-fund and inter-account operating loans rather than outside debt instruments to meet short-term cash flow needs. Such loans may only occur if the affected fund or account has excess funding available and the use of these funds will not impact the fund's or account's current operations. All such loans must be repaid by June 30th of each year.

Debt Policy Three permits the City to issue short-term debt to meet immediate capital financing needs. The primary reason for issuing short-term debt is to provide "bridge financing" for capital projects. This financing may be necessary to conduct bond-funded capital projects, and it allows the City to avoid the expense of issuing bonds multiple times, which may be required if short-term borrowing was not permitted. This policy also permits borrowing in anticipation of the receipt of awarded grants, borrowing for cash flow purposes in anticipation of revenue and the temporary use of short-term debt when it is preferable to the issuance of long-term debt.

Debt Policy Four requires that all bond anticipation notes (BAN's) issued to finance a capital project be extinguished within six months of the completion of the project they financed. This policy prevents the City from carrying BAN's beyond the period in which they are necessary. This will reduce the interest rate risk the City will face and ensures the timely close out of capital projects.

Debt Policy Five requires that principal pay down occur on short-term debt carried for more than two years. Short-term debt generally only places an interest cost on a community (that is, no principal pay down is required). This may provide an incentive to carry short-term debt for as long as possible, though the result is a debt balance that never gets smaller. This policy is consistent with Internal Revenue Service rules regarding short-term debt and will help the City reduce the long-term cost of capital projects by paying down principal before long-term bonds are issued.

Debt Policy Six permits the City to issue internal loans from one fund or account to another to temporarily finance specific needs. This allows the City to borrow from itself instead of banks and therefore will save taxpayers the interest costs on the short-term debt that would otherwise be issued. An example of this policy is the use of inter-fund borrowing to avoid the issuance of Grant Anticipation Notes. Massachusetts General Law authorizes inter-fund borrowing so long as the fund or account that borrows the money repays it by the end of the fiscal year.

Debt Policy 7: Revenue used to finance debt shall be projected in a conservative manner.

Debt Policy Seven requires that revenue dedicated to debt payments be estimated in a conservative manner. This is the same requirement placed on the estimation of general City revenues in Revenue Policy Two.

Debt Policy 8: The term of debt issued to finance capital improvements or procurements may not exceed the useful life of the asset or improvement so financed.

Debt Policy Eight ensures that debt will not be outstanding beyond the useful life of the asset it purchased or improved. This is consistent with best practices in municipal finance and prevents future taxpayers from paying for capital investments from which they are not benefiting.

Debt Policy 9: The City shall conduct debt financing on a competitive basis unless for reasons of market volatility, unusual financing structure or a complex security structure the City would be better served through a negotiated financing.

Debt Policy Nine requires that the sale of City debt be conducted in a competitive manner (that is, sold on the open market) unless there is an advantage to negotiating the sale with large investors. This policy provides flexibility to conduct negotiated sales in instances when it is preferable to do so (in complicated bond issuances and when unique circumstances surround a community and its credit quality).

Debt Policy 10: The Chief Financial Officer shall annually conduct and release to the public a report on the amount and affordability of debt issued by the City, using established and generally accepted benchmarks as a basis for comparison.

Debt Policy Ten requires the City to issue each year an analysis of its outstanding debt, the affordability of the debt and the City's future debt capacity. This report will provide the public and policymakers with information to support decisions regarding capital investments and proposed bond issuances. It will also allow the public and policymakers to evaluate the City's debt burden against established benchmarks to better analyze existing debt and future capital bond issuances.

Debt Policy 11: The City shall establish and maintain a debt schedule that avoids large increases in debt service on a year-to-year basis, and shall seek to use an "equal principal" repayment structure rather than level debt service structure.

Debt Policy 12: The City may issue refunding bonds if the savings associated with the refunding are at least twice the cost of issuing the refunding bonds, there are positive savings in each year of the refunding bonds so issued; the present value of the savings is at least 3% of the par amount of the refinancing issuance, and the refunding bonds do not extend the term of the debt to be refinanced.

Debt Policy Eleven requires newly issued bonds to be efficiently structured and coordinated with the City's existing debt portfolio. The City's current debt service schedule is the product of its uniform use of level debt service bond structures, which are significantly more expensive than equal principal bond structures.

The City's debt schedule also includes a significant "debt spike" in which net debt service increases from \$9.4 million in 2017 to \$16.2 million in 2019. This creates a large future demand for funding that is likely to cause a financial crisis in 2019. The City and Control Board are planning to minimize the impact of this debt spike by prudently structuring the debt issuances scheduled for Fiscal Year 2007.

Debt Policy Eleven requires the City to consider its existing debt portfolio when issuing new debt and establishes a strong preference for the most efficient bond structure during these future issuances. This policy will help prevent "debt spikes" in future years and can save the taxpayers millions of dollars in interest costs when compared to the City's traditional practice in issuing debt.

Debt Policy Twelve establishes minimum policies for the issuance of refunding bonds. Municipal debt issuers are limited to one advanced refunding of each bond issuance. The result is that the City of Springfield will have only one advanced opportunity to lock in savings associated with a particular bond issuance. The City must chose carefully in deciding to issue refunding bonds, as it does not wish to lock in marginal savings when greater savings may have been possible had it waited for better market conditions.

Debt Policy Twelve authorizes the City to issue refunding bonds when there is a minimum threshold of financial savings. Further, it requires that the refunding bonds have positive financial savings in each year of the refunding issuance and that the overall bond issuance achieves a minimum of 3% present value savings. This helps reduce the potential to "front load" refunding bonds. "Front loading" can create large financial savings in one year but negative savings in others, effectively increasing the cost of the bonds for future taxpayers. Debt Policy Twelve seeks to prevent this by requiring that a refunding bond provide positive savings in every year in which the refunding bonds are outstanding. This policy also prevents the City from using refunding bonds to extend the term of the debt to be refinanced. Extending the term of refunding bonds can increase interest costs with little long-term financial benefit to the City.

Debt Policy 13: The City may not use bond proceeds to finance operating expenses. The City may not use bond accounts or bond proceeds as a source of inter-fund or inter-account operating loans.

Debt Policy Thirteen prevents the City from using capital bond funds to support the operating budget and also prevents the City from using these funds as a source for inter-fund and inter-account operating loans. It is important for the City to properly account for and control bond funds to prevent them from being used in a manner that is illegal or contrary to the public interest. Bond funds are intended for use only for capital purposes; this policy prevents bond funds from supporting the operating budget or from being used as a source of loans to support the operating budget. It should be noted that this policy does not prevent the City from using bond funds as a source of inter-fund and inter-account transfers for capital purposes.

Policies Regarding Cash Management

CM Policy 1: The City shall manage its cash resources in a prudent and diligent manner with an emphasis first on safety of principal, second on liquidity and third on financial return on invested cash. The City shall ensure investment managers who invest municipal funds operate in a manner consistent with these requirements.

Cash Management Policy One requires the City and any organization investing cash on its behalf to invest the City's cash in a conservative manner, as required by Massachusetts General Law.

The City should pursue maximum return on invested proceeds, but must do so in a way that balances other important considerations. Money in the accounts of the City is taxpayers' money, and it is prudent for this money to be invested in a manner that does not inappropriately risk principal. It is also important that the City retain sufficient cash liquidity to meet its ongoing financial obligations. Doing otherwise can force the City to borrow money to fund cash flow. This causes additional costs to the City's taxpayers that could be avoided with appropriate cash management procedures. Cash Management Policy One seeks to minimize the risk of losing principal while preventing cash investments that would negatively impact cash flow and force unnecessary borrowing costs onto taxpayers. With these considerations in mind, the City may pursue maximum investment return subject to investment limitations established by the Commonwealth of Massachusetts through the so-called "legal list" of investments.

CM Policy 2:

All fees, fines and other revenue shall be collected by the Office of the City Collector. The Chief Financial Officer may permit individual departments to collect fees, fines and other revenue if, in his/her judgment, said department has established proper policies, procedures and controls and that said controls are followed at all times. All receipts collected by any department shall be forwarded to the City Collector on a daily basis.

Cash Management Policy Two requires that all revenue be collected by the City Collector. Employees in the Office of the City Collector are trained to properly collect and manage revenue receipts and are bonded to insure the City in event of a loss. This policy does allow the Chief Financial Officer to authorize other departments to collect revenue and forward it to the City Collector in the event that sufficient policies and controls are in place to do so, and the Chief Financial Officer believes it is in the City's best interest to allow collection by these departments. The City should periodically audit the compliance of all departments with established revenue collection and accounting policies and procedures.

Policies Regarding Financial Reporting and Reconciliation

Reporting Policy 1: All department heads shall notify the Chief Financial Officer in writing within one day of becoming aware of a violation of any financial policy of the City of Springfield. The Chief Financial Officer shall provide a written report to the City Council when the City fails to comply with any financial policy of the City of Springfield. Said report shall occur within three weeks of the failure to comply, and shall be updated no less than annually.

Reporting Policy One requires that department heads notify the Chief Financial Officer, and that the Chief Financial Officer reports to the City Council, any time the City has not complied with a financial policy. It should be expected that the City will, from time to time, fail to comply with one or more of these financial policies. This is especially the case as the City of Springfield continues its recovery from its most recent financial difficulties. Municipal finance is extremely complicated and must balance multiple levels of regulation, changing economic conditions and growing service needs. These growing and changing requirements may force the City to violate a financial policy for a short period of time; Reporting Policy One requires that notification be given of any non-compliance so potential problems can be identified, discussed by policymakers and solutions developed.

Reporting Policy 2: The City Auditor shall produce a statement of monthly revenues and monthly expenditures, both of which shall be compared to budget estimates and historical trends.

Reporting Policy Two requires that the City regularly review expenditures and revenues during a fiscal year and that they be compared to budgeted amounts. This will assist the City in identifying potential problems sooner than would occur if the City did not conduct these regular reviews. Early identification of potential problems will provide the City the maximum time to develop and implement solutions; absent this policy, the City may become aware of problems late in the fiscal year. This would require larger budgetary reductions to address problems that could more easily have been addressed had they been identified earlier.

Reporting Policy 3: The City shall reconcile its revenues on a monthly basis, within fifteen business days of the close of each month.

Reporting Policy 4: The City shall reconcile revenues and expenditures for each fiscal year within two months of the end of the fiscal year.

Reporting Policy Three requires the City to regularly reconcile revenues to ensure the records of the City Collector and the City Auditor agree, and that bank account records accurately reflect the City's cash deposits and investment returns. This policy will also support the monthly comparison of actual revenue to budgetary estimates.

Reporting Policy Four requires the City to promptly reconcile revenues at the conclusion of each fiscal year as part of its year-end closing procedure.

Policies Regarding Financial Responsibilities of Departments

Department Policy 1: All departments authorized to collect receipts by the Chief Financial Officer shall remit them to the City Collector on a daily basis, or on another schedule approved by the Chief Financial Officer on a case by case basis.

Department Policy One requires that all departments authorized to collect receipts send these receipts to the City Collector each day, or on a different schedule if determined prudent and appropriate by the Chief Financial Officer. This facilitates rapid deposit of revenue and improves cash investment returns for the City. It also helps improve internal control by reducing the time revenue is un-deposited, and therefore the likelihood that checks or cash may become lost.

Department Policy 2: All departments shall utilize the City's central accounting system and shall post all financial transactions thereto in a timely manner.

Department Policy Two requires that all financial transactions be posted to the City's central accounting system. This policy will help ensure that the City's accounting system provides an accurate representation of the City's financial condition. By creating a single record of the City's financial transactions, this policy will also prevent "shadow" computer systems from negatively impacting the City's ability to track and manage its finances.

Department Policy 3: No department shall open an account in any financial institution or maintain a checkbook or other means of receiving or making payments without the prior expressed approval of the Chief Financial Officer and may not make any payment outside of the City's central financial system.

Department Policy Three prevents departments from opening their own bank accounts and checkbooks to receive or disburse money. Some cities and towns that have not prevented this practice have experienced significant thefts. The existence of separate bank accounts and checkbooks also prevents the City from fully understanding its revenues and expenditure needs. The policy also reinforces the requirements under Massachusetts General Law that all revenue is General Fund revenue (unless it is associated with an enterprise fund) and helps ensure that all expenditures are properly budgeted for and appropriated.

Department Policy 4: No department shall be permitted to over-expend a line item in its budget unless authorized to do so by Massachusetts General Law, and then only after following the procedures established in said Laws. Pursuant to Chapter 656 of the Acts of 1989, any department head who over-expends their budget may be required to make payment to the City in the amount of the over-expenditure.

Except for very limited instances in which deficit spending can be authorized, Massachusetts General Law forbids departments from exceeding budgetary appropriations. Department Policy Four reminds departments of this requirement as well as the possible financial risk that exists to department heads if authorized appropriations are exceeded. It is important that all departments remain within their approved funding levels to ensure the City's budget remains balanced and that future taxpayers are not burdened by overspending from prior years.

Policies Regarding Grants

Grant Policy 1: The Chief Financial Officer shall manage and oversee all grants for the City of Springfield and the Springfield Public School Department. He/She shall establish policies and procedures regarding the management and administration of grants, including the submission of grant applications for funding.

Grant Policy One centralizes grants management under the Chief Financial Officer. Coordination in grant submission and management is critical to ensure the City does not compete with itself in pursuit of grant opportunities, that grant applications are of a consistently high quality and that financial management of grants is transparent and consistent with Massachusetts General Law. At times, grant funding can exist outside of the close regulation of Massachusetts General Law and can provide the opportunity for funding carry-over from one fiscal year to the next. Grant Policy One will assist the City in managing this important area of financial support, and will help ensure compliance with grant terms and conditions as well as City policies and applicable State statute.



The Commonwealth of Massachusetts

Springfield Finance Control Board

436 Dwight St.
Springfield, MA 01103

ALAN LEBOVIDGE
CHAIRMAN

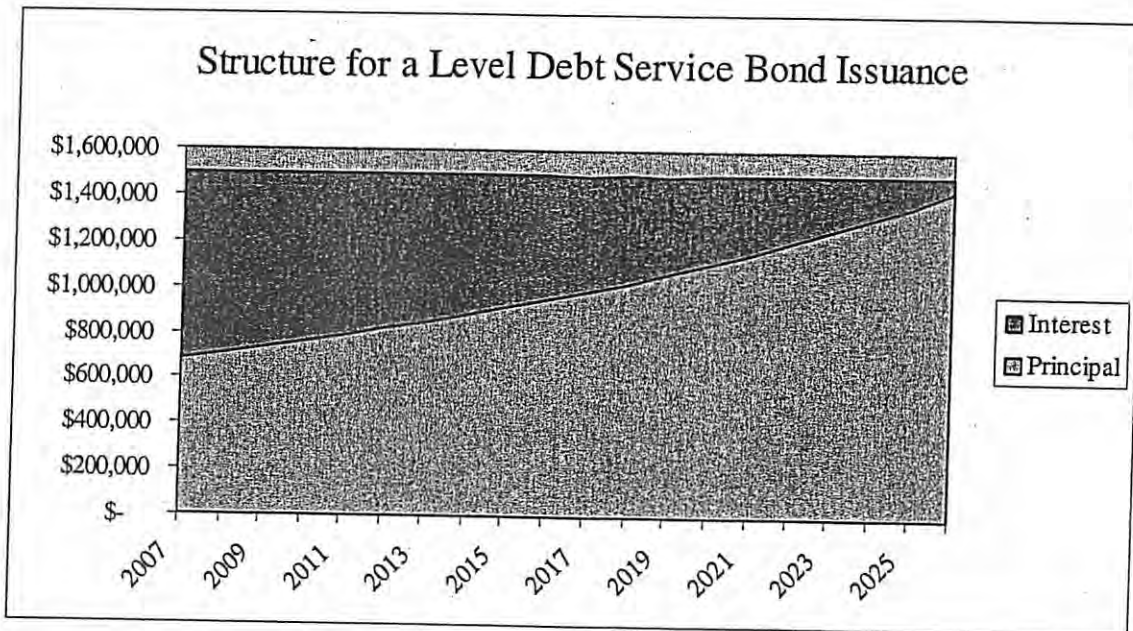
Memorandum

To: Honorable Members of the Springfield Finance Control Board
From: Stephen P. Lisauskas, Deputy Executive Director (SPL)
Date: January 19, 2007
Re: Structure of Debt for \$38.5 Million Bond Issuance

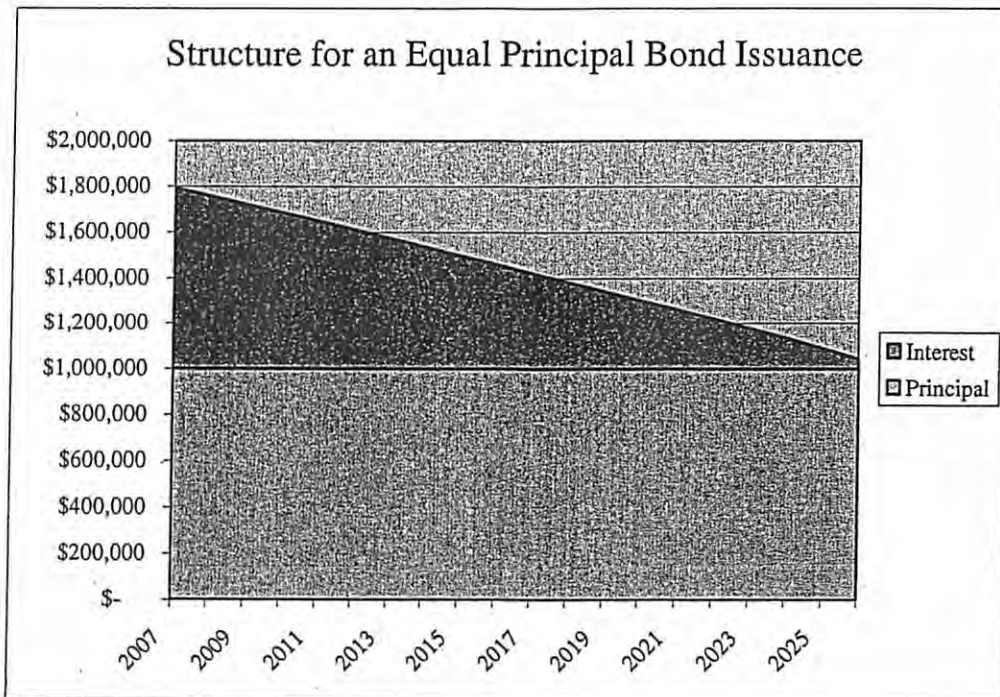
This memorandum is written to provide you information regarding the recommended structure for the City's upcoming \$38.5 million bond issuance. The structure of the issuance is important, as it dictates a significant portion of the cost of the project; the final decision regarding structure could change the overall cost of the bond issuance by more than \$8 million.

Bond Structures Generally

There are two primary bond structures used in municipal bond finance. The first structure, known as "level debt service" is relatively inefficient, but is more affordable for cities and towns in the years immediately following the issuance of the bonds. A level debt service bond structure provides for near-equal debt service payments each year, with relatively little principal being repaid in the early years of the bonds. The result is a higher overall interest cost to a community because more principal is outstanding longer, which results in higher interest payments for a longer period of time. The following graph charts debt service for a twenty-year, \$20 million level debt service bond:



An equal principal debt structure is more efficient than a level debt service structure but is more expensive in the early years of the bonds. This structure is typically less expensive in the long run, but, at times, cities and towns cannot afford to use this structure because of financial limitations. The following graph presents the debt service requirements of a twenty-year, \$20 million equal principal bond structure:



A \$20 million bond with an equal principal debt structure is, overall, \$1.2 million less expensive than the equivalent bond issued with a level debt service structure. The debt service cost for the level debt structure is \$1,492,040 in the first year, and \$1,793,500 for the equal principal structure. The level debt service structure remains less expensive for the first nine years, though it is more expensive overall.

A similar dynamic exists with regard to the term of the debt (the number of years the debt will be outstanding). All things being equal, a debt issuance with a shorter term has a lower interest cost than does a bond with a longer term, because a community is paying interest costs for a shorter period of time.

Bond Structures in Specific

We have considered at least sixteen different bond structures with regard to the proposed \$38.5 million bond issuance. There are seven structures remaining under consideration, one of which is recommended. The six bond structures which remain under consideration – but which are not recommended – are:

Twenty-year term with an equal principal structure:	\$16.0 million interest cost
Twenty-year term with a level debt service structure:	\$18.4 million interest cost
Twenty five-year term with an equal principal structure:	\$19.3 million interest cost
Twenty five-year term with a level debt service structure:	\$23 million interest cost
Thirty-year term with an equal principal structure:	\$20.7 million interest cost
Thirty-year term with a level debt service structure:	\$24.9 million interest cost

The recommended bond structure is known as a hybrid, adjusted 20-year level debt service structure. This is a unique structure developed for the City’s bond issuance. It reflects months of work by the City; the Control Board and their financial advisors. This structure is designed to address a number of the City’s unique financial difficulties while minimizing the long-term cost of the bond issuance to the taxpayer.

Hybrid, adjusted 20-year level debt service structure:	\$16.3 million interest cost
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Hybrid, Adjusted 20 Year Level Debt Service Structure

The recommended bond structure balances a number of factors to produce the second least expensive bond structure for the City while also resolving significant structural problems in the City’s debt portfolio. It also does this in a way that is more affordable on a year-to-year basis than the most efficient structures presented above.

Structure

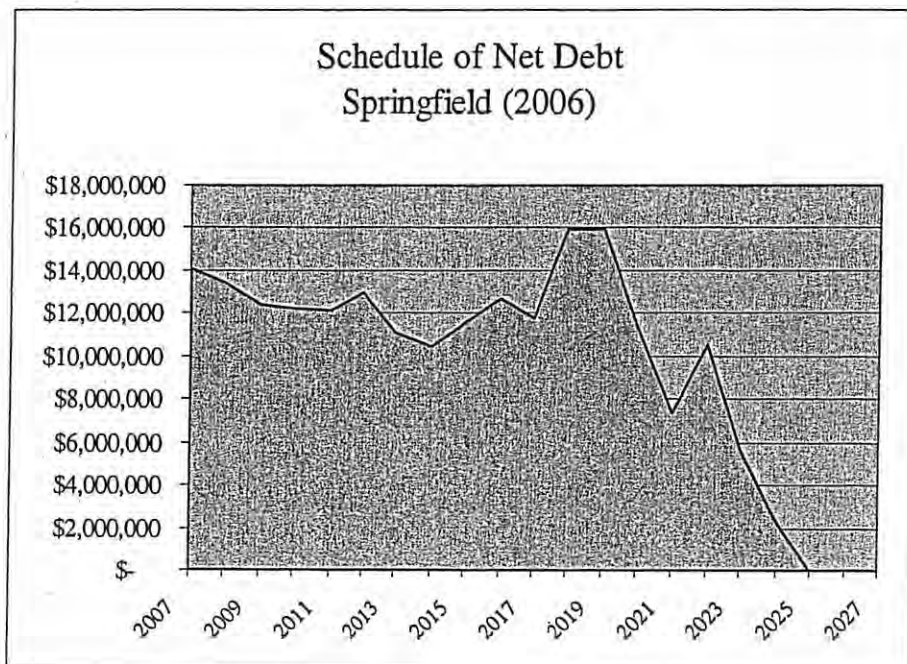
On November 30, 2006, the City and Control Board appeared before the Municipal Finance Oversight Board to seek State Qualified Bond status for the proposed bond issuance. The Municipal Finance Oversight Board granted the City and Control Board's request for Qualified Bond status. This allows the City to pay for its bonds through a State Aid intercept, which will give the City a significantly higher bond rating than it would otherwise receive. It also allows the City to issue debt with a thirty-year term, regardless of the purpose for which the debt is issued and the underlying maximum term provided for under Massachusetts General Law.

The hybrid, adjusted 20-year level debt service structure began as a 20-year level debt service bond. The Control Board and its financial advisors "hybridized" the debt by examining each purpose for which the City is issuing debt. Massachusetts General Law stipulates various term limitations for debt issued for various purposes – ten years for road construction, 30 years for sewer line construction, etc. The Board and its advisors then applied these term limitations to the individual projects. This created a "hybrid" structure. Due to the State Qualified Bond status granted to these bonds, the City is not required to limit the term of its debt as proposed, but doing so reduces the overall cost of the bond to the taxpayer. This will also help ensure that bonds are not issued for a term longer than the estimated useful life of the assets they finance. This is one of the fundamental principals of public debt financing.

The "hybrid" structure was then "adjusted" in order to address two significant debt spikes in the City's debt structure. Addressing these spikes will allow the City to avoid the financial difficulties that will occur in 2018 and 2022 when the City's debt service budgets increase by 36% (\$4.2 million) and 42% (\$3.1 million) respectively.

"Adjusting" the hybrid debt structure allows the Control Board to concentrate principal costs in the early years of the debt issuance. This helps "smooth" the debt spikes by "frontloading" the principal, significantly reducing the interest cost of the debt. This is similar to the way in which an equal principal debt structure frontloads principal repayment, thereby reducing overall interest costs.

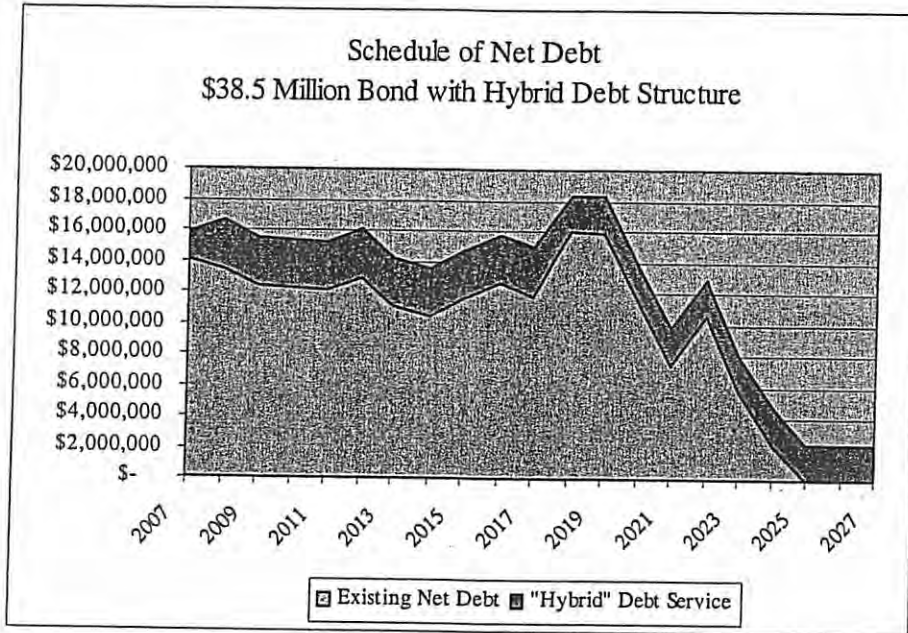
To examine this graphically, the following chart depicts the City's debt schedule prior to issuing the \$38.5 million in bonds.



As shown in this graph, there are multiple areas of inclining debt service. These will place additional limitations on the City's financial flexibility, likely requiring layoffs or other budgetary reductions in the future. What is most notable, however, are the large spikes in debt service payments in 2018 and 2022. The 2018 spike represents an increase of 36% (\$4.2 million) in one year, which is sustained for two years, and the 2022 spike represents a 42% increase (\$3.1 million) over the prior year's debt service budget.

These spikes are atypical among municipal debt schedules and should be addressed to ensure that future taxpayers are not presented with financial crises because poor debt structure decisions were made in the past. The recommended debt structure is designed to address this.

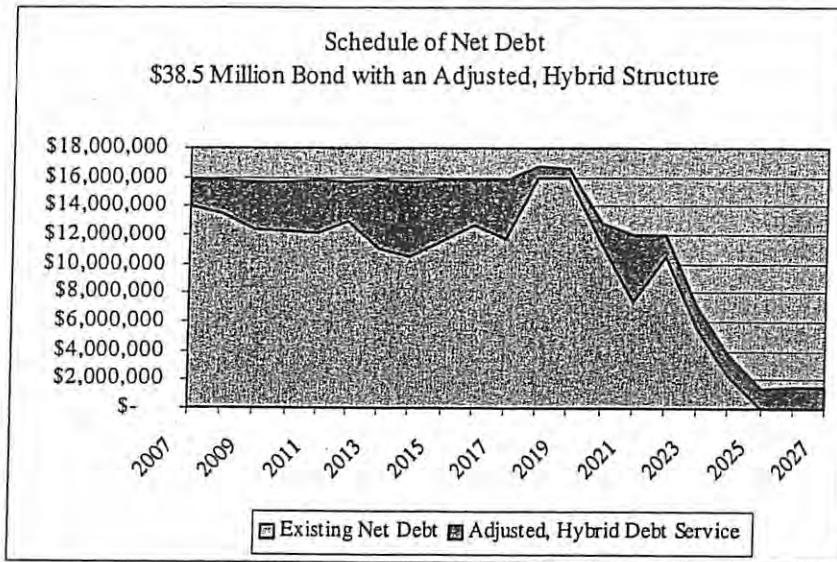
The following chart represents the City's debt schedule assuming the "hybrid" debt structure is used.



The "hybrid" debt structure essentially layers additional debt on top of the City's existing debt structure. The "hybridization" reduces the interest cost for this bond structure by approximately \$1.4 million relative to a normal 20-year level debt service structure, but fails to address the significant debt spikes in the City's debt schedule. The "adjusted" debt structure addresses these debt spikes and, in doing so, provides an additional \$2.1 million in interest savings.

The recommended debt structure – hybrid and adjusted – provides interest savings due to shortened debt terms while also addressing the debt spikes. The hybrid, adjusted structure not only finances needed capital investment, it also re-forms the City's debt schedule, making it both stable and predictable.

The chart below shows the hybrid, adjusted debt structure and its interaction with the City's existing debt schedule. As can be seen, the proposed structure eliminates one debt spike entirely and significantly reduces the other.



Benefits of the Adjusted, Hybrid Debt Structure

The City’s past practice has been to issue bonds with a level debt service structure for the maximum term permitted by law. This has resulted in significantly higher interest costs for the taxpayers of Springfield, and has essentially back-loaded the City’s debt, making it more difficult to conduct capital projects in the future. The latter issue is especially problematic. The City’s prior history of deferring maintenance and under-funding capital makes “the future” the time of greatest need, but also the time of lowest ability to finance improvements.

The proposed debt structure eliminates one major debt spike and two smaller periods of inclining debt service. The second debt spike is significantly reduced. This will help prevent future problems in the City’s budget, providing long-term stability in an area of the budget that currently represents a significant risk. While the proposed debt structure does not decline over time, it is predictable; the City will internalize the cost of the debt in its budget in the first year and need only maintain this appropriation in future years.

It should also be noted that the proposed debt structure is estimated to save \$8.52 million over the debt structure typically used by the City, and \$6.58 million over the debt service structure the Control Board has used in its affordability analysis of this debt issuance.

Drawbacks of the Adjusted, Hybrid Debt Structure

The primary drawback of the recommended debt structure is the absence of annually declining debt service. Annual declining debt services costs can provide the City flexibility to respond to budgetary difficulty, make annual “pay as you go” capital investment or finance the issuance of additional debt. The proposed debt structure will reduce the City’s ability to achieve budgetary savings through declining debt payments and will make it marginally more difficult for the City to undertake annual capital investments.

While these drawbacks are real, they can be addressed through prudent financial management. A declining debt structure is desirable, but the City can achieve financial flexibility and afford ongoing capital improvements though continued efficiency improvements and cost reductions. Other financing tools also exist that can assist in funding annual capital investment. These can be discussed at your convenience.

Please do not hesitate to contact me if you have any questions or if I can assist you with this or any other matter.

**Finance Control Board
Springfield, Massachusetts
February 12, 2007**

The **twentieth-seventh meeting** of the Finance Control Board (ST.2004, C.169) was held on **Monday, February 12, 2007** at 11:00 A.M. in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Alan LeBovidge and Members Michael J. Jacobson and Thomas F. Gloster III.

I. The meeting was open by Chairman LeBovidge and he welcomes the new member to the Board City Council President Kateri B. Walsh as she was elected president of the City Council on January 1, 2007.

II. Mayor Ryan presented a plaque to former City Council President Jose F. Tosado for his service to the Board for 2006. Tosado expressed thanks to the Mayor and the Board members for their work for the City.

III. The Board voted to approve the minutes of the December 18, 2006 meeting. On motion by Member Jacobson and seconded by Member Gloster minutes were approved by a unanimous voice vote. Board Chairperson LeBovidge announced that the Board would be going Executive Session at the end of the meeting and would not be returning to open session.

IV. Executive Director Philip Puccia introduced Deputy Director Brian Connelly of Planning and Economic Development and Laurie Volk of Zimmerman & Volk Associates of Clinton, NJ whom made a verbal and written report to the Board relative to the an analysis of downtown housing. Ms. Volk said that downtown Springfield has a lot of potential to become a place were more and more people could call home. She further stated that the City has tremendous assets, like historic buildings and cultural facilities right downtown and others assets like Riverfront, Park, and other parks, restaurants, a theatre and the Mass Mutual Center all within waking distance. She added that the City also needed to solve it perception of a safety problem, the homeless, neglects vacant properties, developer presumption of high development costs in order to attract new residents. Ms. Volk further stated that the City has a potential "market rate housing" development for 150 new units of housing over the next 5 years if the safety challenges can be brought under control.

Mayor Ryan asked, "How does the City stack-up against other cities with a population between 100,000 and 250,000"? Ms. Volk stated that the City is well position to take advantages of its assets and to develop a strong downtown housing market. Member Gloster asked "If the homeless problem was any greater in Springfield than she seen in other urban setting"? Ms. Volk said "no". The Board took no action but received the report.

V. Chief Development Officer David Panagore and Maureen Hayes of Hayes and Associates of Springfield, MA made a presentation to the Board relative to the "State Street Corridor Project". Mr. Panagore stated that the project was moving forward with no major problems. Ms. Hayes outlined how the project would affect the State Street Corridor and the businesses location along the 3.2 miles corridor and what steps had been taken to make the businesses aware of the work been done along the corridor from lower State Street to upper State Street past Mass Mutual. Ms. Hayes further stated that the project would be looking at housing strategies,

retail/commercial development, and an alliance with businesses located along the corridor, as well as the Springfield Business Improvement District and the City.

Council President Walsh asked "If the City was involved in the alliance?" Ms. Hayes stated that the City was not part of the alliance but was a contributor to the project and the alliance was made up of private businesses.

VI. Chief Development Officer David Panagore and Shawn Callahan made a presentation to the Board relative to Executive Order #02-12-01, (Authorizing the Chief Development Officer to file a District Improvement Financing Application) authorizing the Chief Development Officer to develop the proposed development districts, invested revenue districts, development programs and invested revenue development programs and seek local approved on behalf of the Control Board under M.G.L. c. 40Q for the 85+/- acre Memorial Industrial Park II Development District, Invested Revenue District, Development Program and Invested Revenue District Development program as described in the application for a period of 10 years. The Executive authorizes up to 40%, (but in no case more than \$150,000 annually) for the programs. The Board on a motion by Gloster and seconded by Jacobson, approved Executive Order #02-12-01 (Authorizing the Chief Development Officer to file a District Improvement Financing Application), 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 #02-12-04 for appropriating the amount of \$175,000.00 for the taking of 2 parcels of land on Worthington Street, referred to as SS Worthington Street (Street 12535, Parcel 0249) consisting of approximately 0.291 acres and SS Worthington Street (Street 12535, Parcel 0250) consisting of approximately 1.962 for municipal purposes. City Council President rescued herself because she serves on a Board with the Pastor of the Church being taking. The Board on a motion by Mayor Ryan and seconded by Jacobson, approved Executive Order #02-12-04 (Appropriating Funds for Eminent Domain Taking), by the following roll call vote; Yes, (4) Ryan, LeBovidge, Jacobson and Gloster with City Council President Walsh abstaining.

VIII. Executive Director Philip Puccia and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #02-12-05 for the taking orders of 2 parcels of land on Worthington Street, referred to as SS Worthington Street (Street 12535, Parcel 0249) consisting of approximately 0.291 acres and SS Worthington Street (Street 12535, Parcel 0250) consisting of approximately 1.962 for municipal purposes. City Council President rescued herself because she serves on a Board with the Pastor of the Church. The Board on a motion by Mayor Ryan and seconded by Jacobson, approved Executive Order #02-12-04 (Order of Takings), by the following roll call vote; Yes, (4) Ryan, LeBovidge, Jacobson and Gloster with City Council President Walsh abstaining.

IX. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas asked the Board to "Lay on the table" Executive Order #02-12-02 (Authorizing a Miscellaneous Donation Account for Springfield Park and Recreation Department) and Executive Order #02-12-03 (Authorizing a Peoples Bank's Account for Springfield Park and Recreation Department) both pursuant to M.G.L. c. 44, section 53A. The Board on a motion by Gloster and seconded by Mayor Ryan, tabled Executive Order #02-12-02 and Executive Order #02-12-03, by a unanimous voice vote.

X. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a verbal and written presentation to the Board relative to a "Proposed Financial Polices" setting forth guidelines for the City to use in making financial decisions for the short and long term and not for a single year or while the Board is in the City. The Polices include the following: (1) One (1) Compliance with Finance Laws policy; (2) Eight (8) Budget polices; (3) Seven (7) Revenue polices; (4) Three (3) Self Supporting Operations polices; (5) Ten (10) Capital Planning polices; (6) Seven (7) Financial reserve polices; (7) Thirteen (13) Debt polices; (8) Two (2) Cash Management polices; (9) Four (4) Financial Reporting and Reconciliation policies; (10) Four (4) Financial Responsibilities of Department policies; (11) One (1) Grant Policy. Member Gloster asked if the trash fee would be included in the formal budget numbers. Mr. Lisauskas stated that the trash fee would be included in the formal budget. Mayor Ryan asked whether the City had written finance polices in the past. Mr. Lisauskas stated "no". Chairman LeBovidge stated that the new polices should be used a guideline and not a strict point of polices. The Board took no action but received the report.

XI. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative a memorandum regarding the Structure of Debt for the \$38.5 Million Bond Issuance. The memorandum explains the different between "level debt service", "equal debit service" and "hybrid/adjusted debit service" and how the City could save money by using one of the debit service models. The memorandum concluded that the hybrid/adjusted debit service would save the City approximately 6.58 millions to 8.52 millions over the life of the debit service. The Board took no action but received the report.

New Business:

XII. Member Jacobson made a motion to correct a clerical error in the paper work for the setting of the tax rate for FY 08 by changing Executive Order #12-18-01 ("Approving the Residential Factor for Fiscal Year 2008" to "Approving the Residential Factor for Fiscal Year 2007." The Board on a motion by Walsh and seconded by Gloster and approved by a unanimous voice vote to change the clerical error in Executive Order #12-18-01.

XIII. City Council President Walsh spoke on the need for a public speak-out so that the average citizen could provide input to the Board. Walsh made a motion to add public speak-out prior to the Board meeting so that average citizen could express its opinion to the Board, seconded by Gloster and approved by a unanimous voice vote.

XIV. The Board voted to go into Executive Session on Motion by Gloster and seconded by Walsh for the purpose of discussing strategy for non-collective bargaining personnel, Pending Litigation and Litigation Strategy by the following roll call vote: Yes, Five (5); Members Jacobson, Mayor Ryan, City Council President Walsh, Gloster, Chairman LeBovidge; No, None (0). The Chairperson stated that the Board would be going into Executive Session and would not be reconvening in open session.

Respectfully submitted,

/s/

Wayman Lee
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
March 30, 2007**

The **twentieth-eighth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Friday, March 30, 2007 at 10:00 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Alan LeBovidge and Members Michael J. Jacobson and Thomas F. Gloster III.

I. Prior to the business meeting the Board held thirty (30) minutes of public speak-out with the following speakers and topics:

- A. Ms. Lois Smith spoke about public schools and the need for an exercise program and her concerns regarding the School Superintendent.
- B. Mr. Edward Geier spoke about the lack of a police supervisor contract with the City and the Board.
- C. Mr. Timothy T. Collins spoke about City insurance, teacher's contract and the need for the City to have the ability to generate revenue on its own.
- D. Mr. Alex Nickett spoke about the need for City Libraries to be open later.
- E. Mr. Frank H. Buntin spoke about ward representation issues and lack of racial equality.

II. The Board voted to approve the minutes of the February 12, 2007 meeting. On motion by Member Gloster and seconded by Member Jacobson minutes were approved by a unanimous voice vote. Board Chairperson LeBovidge announced that the Board would be going Executive Session at the end of the meeting and would not be returning to open session.

III. Executive Director Philip Puccia and Police Commissioner Edward A. Flynn made a verbal and written report to the Board relative to crime statistics in the City. Commissioner Flynn reported some positive trends regarding crime in Springfield, but assured the Board that he is far from satisfied. Commissioner Flynn provided statistics showing that violent crime (murder, rape, robbery and aggravated assault) dropped by 16 percent in 2006, compared to the prior year. The 2006 rate for violent crime was at its lowest point in seven (7) years, compared to 2005, murders declined by 17 percent, robbery declined by 12 percent, gun robbery down 26 percent, gun assaults down 16 percent and aggravated assaults dropped by 19 percent for 2006. However, rape increased by 4 percent, burglary and motor vehicle theft both increased 2 percent comparing to 2005. But crime in all categories declined by 3 percent in 2006, compared to 2005. Commissioner Flynn stated that the City continues to have too much crime, regardless of statistics showing declines including a significant drop in violent crime. Commissioner Flynn said that the department will continue its assessments and adjust its strategies, as needed, to combat crime. Commissioner Flynn further stated that while the department is proceeding in the right direction, it has not achieved a huge victory over crime

Commissioner Flynn said that violent crime continues to show a decline in 2007, except for murder. There have been seven (7) homicides thus far, compared to one (1) homicide last year at this time but, at least six (6) of the seven (7) homicides were either domestic related or the victim and attacker were known to each other. Commissioner Flynn also stated that one of the

challenges facing the City is getting people to believe in the good news, it will take work and resources and he thanks the Board for providing new cruisers and technology for the department.

Member Jacobson asked "how violent crimes in Springfield compare to Boston, Worcester and Hartford violent crimes?" Commissioner Flynn said that murder is in the middle, assaults are higher but more other crimes are lower. Mayor Ryan asked "is the trend going up or down?" Commissioner Flynn stated that the trend is down, but any spike could reverse the trend. Chairman LeBovidge asked "are citizens more or less cooperative with the investigation of violent crimes the City?" Commissioner Flynn stated that in all categories except murder most citizens do cooperate. City Council President Walsh asked "have we changed the way we report crime to the FBI?" Commissioner Flynn stated that the City has adjusted the way City reports assaults but has not made any significant changes in the way crime is reported to the FBI. Mayor took a moment to thank Christine Cole for her service with the Police department for the last year and wished her well on her new position with Kennedy School of Government. The Board took no action but received the report.

IV. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a verbal and written presentation to the Board relative to the City's insurance programs. Mr. Lisauskas stated that the change from Blue Cross Blue Shield to the State Health Insurance Plans has saved the City approximately \$10-12 million dollars. The change also has resulted in a saving to the employees of \$107 per month for a single plan and \$270 per month for a family plan and about \$18 million dollars in Medicare B savings. Mr. Lisauskas also stated that without the changes made by the Board the City would be paying additional \$90-\$100 million in health insurance costs. Member Jacobson asked "What would have been the impact without the changes? Mr. Lisauskas stated that there would have been more than 400 layoffs without the changes. The Board took no action but received the report.

V. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #03-30-01 (Authorizing the City to Lay out and Construct/Reconstruct Sidewalks) for various locations in the City including Bradley Road; Plumtree Road; Parker Street; Grayson Drive; Berkshire Avenue; Oak Street, Indian Orchard; Harvey Street; and Roosevelt Avenue all in accordance with city ordinances and state rules and regulations. The sidewalks were needed because many children now walk to school as required by the school department. The Board stated that there would be a public hearing on the Plumtree Road sidewalk construction plan because some neighbors did not want their trees and front lawns to be disturbed. Mr. Jacobson asked "How do other cities handle construction of sidewalks?" Mr. Lisauskas stated that various cities and towns handle the matter differently and that the construction of sidewalks in Springfield is a 50/50 plan, where the city pays 50% and homeowner pays 50%. Mr. Jacobson said the homeowners were getting a bargain. The Board on a motion by Gloster and seconded by Jacobson passed Executive Order #03-30-01, by a unanimous voice vote.

VII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas asked Mayor Ryan to make a presentation to the Board relative to Executive Order #03-30-02 (Approving Certain Agreements with the Springfield Library and Museums Association) including the following: Memorandum of Understanding, City Contract No. 0474; Museum Services Agreement, City Contract No. 0743; Central Library Lease, City Contract No. 0471; Branch Libraries Lease, City Contract No. 0472 and draft Special Act exempting the City and

the Springfield Library and Museums Association from certain provisions of the General Laws. Mayor Ryan further stated that the agreements would settle the issues around the endowments, provide for the sale of the library branches to City for a \$1 dollar; payment of 50% of the sale of all "rare books"; free admission to museums for citizens of Springfield; and a \$1.3 million dollars payment from the Springfield Library and Museums Association to the City for the construction of a Mason Square Library. The Mayor stated that the City Council would have to approve the draft special act before it could be sent to General Court. The Board on a motion by Mayor Ryan and seconded by City Council President Walsh passed Executive Order #03-30-02, by a unanimous voice vote.

VIII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to a settlement with Department of the Treasury, Internal Revenue Service regarding the treatment of retirees' health insurance premium payments as pre-tax payments. The IRS closed their file on the matter with the payment of \$250,000 by the City and would not require City retirees to file amended Federal tax returns for the years 2004 and 2005. The Board thanks Senators John F. Kerry and Edward M. Kennedy for their assistance in resolving the matter. The settlement agreement was sign by Mayor Charles V. Ryan, Executive Director Philip Puccia and Jayne E. Maxwell for Sumita Lough, Director, Federal, State, and Local Governments for the IRS. The Board took no action but received the settlement agreement dated March 15, 2007.

New Business:

IX. Executive Director Philip Puccia made a presentation to the Board relative to a pay increase for the Board's Executive Assistant Ann Marie Mahnken to set her rate of pay inline with other state union-eligible DOR employees. Mr. Puccia asked for an increase of \$6,245 bringing Ms. Mahnken's annual compensation to \$47,350.00, in recognition of her significantly increased job responsibilities and outstanding performance. The Board on a motion by Jacobson and seconded by Gloster granted the increase by a unanimous voice vote.

X. Member Jacobson talked about the lack of a settlement in the Police supervisor's contract negotiations and asked if the Board would consider going to the Joint Labor Management Commission if the new negotiations did not prove fruitful. Mr. Puccia stated that the City only has a certain amount of money but he would be willing to go before the Commission if the new negotiations proved not to be fruitful.

XI. The Board voted to go into Executive Session on Motion by Jacobson and seconded by Gloster for the purpose of discussing strategy for non-collective bargaining personnel, Pending Litigation and Litigation Strategy by the following roll call vote: Yes, Five (5); Members Jacobson, Mayor Ryan, City Council President Walsh, Gloster, Chairman LeBovidge; No, None (0). The Chairperson stated that the Board would be going into Executive Session and would not be reconvening in open session.

Respectfully submitted,

Wayman Lee
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
May 11, 2007**

The **twentieth-ninth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Friday, May 11, 2007 at 10:30 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Alan LeBovidge and Members Michael J. Jacobson and Thomas F. Gloster III.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about public schools and that the contract for Superintendent of Schools Dr. Joseph Burke should not be renewed.
- B. School Committee member Antonette E. Pepe spoke about not extending the contract for Superintendent of Schools Dr. Joseph Burke.
- C. City Councilor Timothy J. Rooke spoke to offer his thanks to the Board for services they have provided to the City of Springfield.
- D. Ms. Shelia McElwaine spoke to offer her thanks to the Board and for the high standards that Board has developed for the Police, Fire and School departments.
- E. Mr. Leon Moultrie spoke about lack of leadership skills from Superintendent of Schools Dr. Joseph Burke and that his contract should not be renewed.
- F. Mr. Allen Agnitti spoke about Superintendent of Schools Dr. Joseph Burke not doing his job for children of Springfield at the Sumner Avenue School because of the lack of air quality, parking and that his contract should not be renewed.

II. The Board voted to approve the minutes of the March 30, 2007 meeting. On motion by Member Gloster and seconded by Mayor Ryan minutes were approved by a unanimous voice vote.

III. Executive Director Philip Puccia made a presentation to the Board relative to Executive Order #5-11-03 authorizing the accepting of Chapter 157 of the Acts of 2005, entitled "An Act Relative to Disability Retirement Benefits for Veterans" which provided in section 1 for an additional retirement allowance of \$15 for each year of creditable service (up to a maximum of \$300) for veterans who retired due to an accidental disability and was approved by the Springfield Retirement Board on January 20, 2006, however, section 2 was not approved by the Springfield Retirement Board which provided for making the allowance retroactive to the retiree's date of retirement. The Board on a motion by Jacobson and seconded by Walsh, approved Executive Order #5-11-03 (Accepting Chapter 157 of the Acts of 2005), by a majority voice vote with Member Gloster abstaining.

IV. Executive Director Philip Puccia and Chief Development Officer Dave Panagore made a verbal and written presentation to the Board relative to Executive Order #5-11-04 (Adopting Rules of the Road for the State Street Corridor Project). Mr. Panagore stated that the project was moving forward with no major problems and had developed "rules of the road" covering stop signs, right lane turns, left lane turns, keep right, no right turns, no left turns, no turns, no U turns, do not enter, one ways, no parking anytime, no parking loading zone, reserved parking, handicapped parking, no turns on red, left turn yield on green, and traffic control signals and

“waiver” along the project that would affect the State Street Corridor and the businesses location along the 3.2 miles corridor and the steps had been taken to make the businesses aware of the work been done along the corridor from lower State Street to upper State Street past Mass Mutual. Mr. Panagore further stated that the project would be looking at housing strategies, retail/commercial development, and would make a working alliance with businesses located along the corridor, as well as the Springfield Business Improvement District and the City. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #5-11-04 (Adopting Rules of the Road for the State Street Corridor Project), by a unanimous voice vote.

V. Executive Director Philip Puccia, Chief Development Officer Dave Panagore and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #5-11-05A (Appropriating Funds for Eminent Domain Taking of Temporary Construction Easements and Permanent Easements for the Roosevelt Avenue Traffic Improvement Project) appropriating the amount of \$122,100.00 as damage for the anticipated eminent domain taking temporary construction easements and permanent easements for the Roosevelt Avenue Traffic Improvement Project. The Board on a motion by Gloster and seconded by Mayor Ryan, approved Executive Order #5-11-05A (Appropriating Funds for Eminent Domain Taking of Temporary Construction Easements and Permanent Easements for the Roosevelt Avenue Traffic Improvement Project), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Executive Director Philip Puccia, Chief Development Officer Dave Panagore and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #5-11-05B (Authorizing the Eminent Domain Taking of Temporary Construction Easements and Permanent Easements for the Roosevelt Avenue Traffic Improvement Project) for the eminent domain takings of temporary construction easements and permanent easements for the Roosevelt Avenue Traffic Improvement Project. The Board on a motion by Mayor Ryan and seconded by Gloster approved Executive Order #5-11-05B (Authorizing the Eminent Domain Taking of Temporary Construction Easements and Permanent Easements for the Roosevelt Avenue Traffic Improvement Project), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Executive Director Philip Puccia, Chief Development Officer Dave Panagore and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #5-11-05C (Appropriating Funds for Eminent Domain Taking of Land for Municipal Purposes) appropriating the amount of \$16,900.00 as damage for the anticipated eminent domain taking of three construction easements and permanent easements in four parcels of land on the WS of Roosevelt Avenue for Highway Project, known as Performance Boulevard. The Board on a motion by Gloster and seconded by Walsh, approved Executive Order #5-11-05C (Appropriating Funds for Eminent Domain Taking of Land for Municipal Purposes), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Executive Director Philip Puccia, Chief Development Officer Dave Panagore and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #5-11-05D (Authorizing the Eminent Domain Taking of Permanent Easements for Highway Project, known as Performance Boulevard) for the eminent domain takings of construction easements and permanent easements for Highway Project, known as Performance Boulevard. The Board on a motion by Mayor Ryan and seconded by Gloster approved Executive Order #5-11-05D

(Authorizing the Eminent Domain Taking of Permanent Easements for Highway Project, known as Performance Boulevard), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Executive Director Philip Puccia, Chief Development Officer Dave Panagore and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #5-11-05E (Authorizing the Eminent Domain Taking of Permanent Easements for Highway Project, known as Performance Boulevard) for the eminent domain takings of construction easements and permanent easements for Highway Project, known as Performance Boulevard. The Board on a motion by Mayor Ryan and seconded by Gloster approved Executive Order #5-11-05E (Authorizing the Eminent Domain Taking of Permanent Easements for Highway Project, known as Performance Boulevard), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

VI. Deputy Executive Director Stephen Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #5-11-06 (Appropriation Order) transferring from 2007 Bond Premium the amount of \$135,000.00 to Economic Development Plans and Analyses, to be expended at the direction of the Chief Development Officer. Mr. Panagore anticipates using some of the money for work on a South End redevelopment plan, Chapman Valve re-use study, Urban Land Institute payment and to re-write the City zoning ordinances. The Board on a motion by Mayor Ryan and seconded by Walsh approved Executive Order #5-11-06 (Appropriation Order), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

VII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative Executive Order #05-11-07A (Authorizing the Borrowing of \$22,287,416 Million from the Fiscal Recovery Trust Fund) for future economic development in Springfield. Mr. Puccia indicated that the money had to be appropriated before June30, 2007 or the funds would revert back to the Commonwealth. Councilor President Walsh asked "If there had been any discussions with the local delegation regarding the use of the fund balance? Mr. Puccia stated that he has not had any discussions with the local delegation but had spoke with the Secretary of Administration and Finance and she would have to approve any use of the fund balance. Mayor Ryan stated Governor Patrick is aware of the Springfield plans to use the funds for economic development and the delegation made the funds available to the Springfield in 2004. The Board on a motion by Jacobson and seconded by Mayor Ryan, approved Executive Order #5-11-07A (Authorizing the Borrowing of \$22,287,416 Million from the Fiscal Recovery Trust Fund), by the following vote; Yes, (4) Ryan, LeBovidge, Jacobson and Gloster; No, One (1) Walsh.

Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative Executive Order #05-11-07B (Authorizing the Borrowing of \$2,486,000 Million from the Fiscal Recovery Trust Fund) for future economic development in Springfield. The Board on a motion by Mayor Ryan and seconded by Gloster, approved Executive Order #5-11-07B (Authorizing the Borrowing of \$2,486,000 Million from the Fiscal Recovery Trust Fund), by the following vote; Yes, (4) Ryan, LeBovidge, Jacobson and Gloster; No, One (1) Walsh.

VIII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #5-11-08 (Appropriation Order)

transferring from Springfield Fiscal Recovery Trust Fund the amount of \$22,287,416 to Stabilization Reserve Fund (Economic Development). The Board on a motion by Mayor Ryan and seconded by Gloster approved Executive Order #5-11-08 (Appropriation Order), by the following roll call vote; Yes, (4) Ryan, LeBovidge, Jacobson and Gloster; No, One (1) Walsh.

Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #5-11-08A (Appropriation Order) transferring from Springfield Fiscal Recovery Trust Fund the amount of \$2,486,000 to Stabilization Reserve Fund (Economic Development) and provided furthermore that in the event that the state funds are otherwise provided or appropriated such funds or remaining portion thereof shall be transferred to Stabilization Reserve Fund (Economic Development). The Board on a motion by Mayor Ryan and seconded by Jacobson approved Executive Order #5-11-08A (Appropriation Order), by the following roll call vote; Yes, (4) Ryan, LeBovidge, Jacobson and Gloster; No, One (1) Walsh.

IX. Chief Development Officer Dave Panagore made a presentation to the Board relative to the Urban Land Institute overview and recommendations which included an assessment based on a cross-sector of leadership individuals hoping to capitalize on City's strengths, (parks, museums, river, parking, 350-year history, regional access and the Hall of Fame), development of the downtown to its potential, preserve the neighborhoods, foster civic pride, develop a regional cooperative approach, extend the term of the Finance Control Board, work cooperative to increase state appropriation to the city, create and promote principles of good government, celebrate diversity and seek inclusiveness, develop housing in the downtown and expand downtown retail development. Develop short and long term strategies for the redevelopment of 31 Elm Street project, old federal building on Main Street, York Street Jail, Main Street and State Street Corridor project, improve downtown parking, improve the Apremont Triangle area and the re-use of the Union Station facility in the future. The Board took no action but received the report.

X. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #5-11-10A (Relative to the Redevelopment of the York Street Jail). The Board on a motion by Gloster and seconded by Mayor Ryan approved Executive Order #5-11-10A (Relative to the Redevelopment of the York Street Jail), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #5-11-10B (Relative to the Redevelopment of the "31 Elm Street Project"). The Board on a motion by Jacobson and seconded by Gloster approved Executive Order #5-11-10B (Relative to the Redevelopment of the "31 Elm Street Project"), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

New Business:

XI. Executive Director Philip Puccia made a presentation to the Board relative to Executive Order #5-11-12 (Altering a Decision of the School Committee and Approving an Employment Contract With Joseph P. Burke, as Superintendent of Schools) as approved by the Springfield School Committee on May 9, 2007 and suggested that certain terms and conditions be amended

reserve polices; (7) Thirteen (13) Debt polices; (8) Two (2) Cash Management polices; (9) Four (4) Financial Reporting and Reconciliation policies; (10) Four (4) Financial Responsibilities of Department policies; (11) One (1) Grant Policy. Mr. Lisauskas also stated that the "policies have been reviewed by Moody's and Standard and Poor's investment rating agencies." Member Gloster stated that the new polices should be flexible and not be used a strict point of polices. Mayor Ryan stated that the new policies were needed and said thanks to the Board and the City's staff for their hard work. City Council President Walsh stated that the policies should be used as a guide for all future financial decisions when the Board is gone. The Board on a motion by Gloster and seconded by Mayor Ryan, approved the "Financial Polices of the City of Springfield" by a unanimous voice vote.

IV. Executive Director Philip Puccia and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #06-19-06 (Rescinding and Reauthorizing the Eminent Domain Taking of Easements at 1130 Bay Street for the Roosevelt Avenue Traffic Improvement Project). Deputy Solicitor Breck stated that the owner was in Bankruptcy Court and the Judge would not grant relief until the "Taking" had been rescinded. The Board on a motion by Gloster and seconded by Mayor Ryan, voted to rescind the Taking at 1130 Bay Street by approving Executive Order #06-19-06 (Rescinding and Reauthorizing the Eminent Domain Taking of Easements at 1130 Bay Street for the Roosevelt Avenue Traffic Improvement Project), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Executive Director Philip Puccia and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #06-19-06 (Rescinding and Reauthorizing the Eminent Domain Taking of Easements at 1130 Bay Street for the Roosevelt Avenue Traffic Improvement Project). Deputy Solicitor Breck stated that the owner was in Bankruptcy Court and the Judge would not grant relief until the "Taking" had been rescinded. The Board on a motion by Mayor Ryan and seconded by Council President Walsh, voted to reauthorize the Taking at 1130 Bay Street by approving Executive Order #06-19-06 (Rescinding and Reauthorizing the Eminent Domain Taking of Easements at 1130 Bay Street for the Roosevelt Avenue Traffic Improvement Project), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

V. Executive Director Philip Puccia and Dr. Joseph Burke gave a verbal overview and a written presentation of FY 08 budget to the Board relative to Executive Order #06-19-04A (Budget Appropriation Order) (FY 08 July1, 2007-June 30, 2008 Budget), Executive Order #06-19-04B (Budget Appropriation Order) (Revolving Funds), Executive Order #06-19-04C (Budget Appropriation Order) (Trash Revolving Fund) outlining the total cost of \$510,701,996 in expenses for the City of Springfield including the School Department for fiscal year beginning July1, 2007 and ending June 30, 2008. Mr. Puccia stated that the FY08 Budget has grown over 5% from last year but the City has saved money by joining the Commonwealth insurance program with a 4 year savings of about \$90 million. The Board has put in place the MUNIS financial system for the City and School Department that will "go live" on July 1, 2007 that will better track income and expenses. Mr. Puccia also stated that the City has some outstanding issues with Massachusetts School Building Assistance Authority (MSBAA) that has a potential for \$9 million to \$20 million hits but he thinks a number around the \$9 million is more likely. Chairman LeBovidge asked "what can we do about the dog pound issue". Mr. Puccia stated that he was working on a long term solution. Dr. Burke made a verbal presentation on the School Department side of the budget stating that 21% of the students in the City are in some form of

special education which drives up the costs. School Department needs to increase the number of counselor to comply with DOE's regulations. Member Jacobson asked "what could be done about the movement of principal as discussed in the public comment session of the meeting?" Dr. Burke stated that he needs the best principals to go to "under performing" schools and that why "good" principals get transferred. Council President Walsh asked "whether there is enough time for physical education classes?" Dr. Burke stated the district has increased physical education time by 45 minutes in elementary schools but he needed to keep teacher focus on the basic. Member Jacobson stated that district needs to improve attendance because that how revenue is increased. Member Gloster asked "are we making a dent in deferred maintenance or losing ground". Dr. Burke states that the district is making progress but there is much more that can be done. Mr. Puccia added that the City could use another \$1 or \$2 million to keep up with maintenance items but given budget priorities it not possible in the fiscal year. Mr. Puccia also stated that the new energy management system could save about \$10 million dollars and hopefully some of that saving could use for general maintenance. The City is also exploring a new program from MSBAA where there is an 80% to 20% split, but the City would be hard pressed to come up with its 20%. The Board on a motion by Gloster and seconded by Mayor Ryan approved Executive Order #06-19-04A (Budget Appropriation Order) (FY 08 July1, 2007-June 30, 2008 Budget), by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

The Board on a motion by Gloster and seconded by Mayor Ryan approved Executive Order #06-19-04B (Budget Appropriation Order) (Revolving Funds) annual appropriation to Handicapped Parking, Mattoon Street Parking, Blight Removal Park - Banquet Facilities and Treasurer/Collector – Tax Title Custodial Account by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

The Board on a motion by Gloster and seconded by Mayor Ryan approved Executive Order #06-19-04C (Budget Appropriation Order) (Trash Revolving Fund) pursuant to the requirements of section 53F½ of Chapter 44 of the General Laws by the following roll call vote; Yes, (5) Ryan, Walsh, LeBovidge, Jacobson and Gloster; No, None (0).

Council President Walsh express thanks to Mary Tzambazakis , TJ Plante, Patrick Burns and finance department staff for their outstanding assistance in the budget process and for answering all the City Councilors questions in a timely and professional manner.

Mayor Ryan also expressed thanks to finance department staff and stated that it had been an honor to serve with members of the current Board and former member Thomas Trimarco who was in the audience. Mayor Ryan further stated that these men have done a great service to the City by giving their time, talents and dedication to bring the City back from the brinks of fiscal disaster and for putting the City on the road for a historical turn-a-round. Mayor Ryan further stated that City is on the right track and now citizens and businesses are starting to believe that the City can be successful.

Member Gloster stated that working with the City has been a great experience and one that he has enjoyed and wish the City well in the future.

Chairman LeBovidge stated that it was great working with the City and the individuals of the City and also thanks Executive Director Puccia for his efforts on behalf of the Board and citizens of the City. That the citizens should get behind the efforts of Governor Patrick to help pass the

“Municipal Partnership Act” so that cities like Springfield would be able to generate additional revenues and he wishes the City well in the future.

Member Jacobson stated that he wanted to thank former A& F Secretary Eric Kriss for giving him an opportunity to get involved in public services and now he has a better appreciation of public service. He further stated that the work has been rewarding and gratifying and also thanks Dr. Burke for giving him a crash course in school budgeting to assist the Board in understanding the School Department income and expenses.

Being no further business the meeting was adjourned at 12:32 P.M.

Respectfully submitted,

DRAFT

Wayman Lee
Clerk of the Board

VIII. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #06-28-05C (Requesting the Secretary for Administration and Finance to Draw Down the Balance of the Springfield Fiscal Recovery Trust Fund) authorizing the Secretary for Administration and Finance to draw down the balance remaining in the Springfield Fiscal Recovery Trust Fund and place the same in an expendable trust at Administration and Finance for the purpose of paying the operating expenses of the Board, and to request that such draw down be made on or before the fund expires on June 30, 2007. The Board on a motion by Nunes and seconded by Mayor Ryan passed Executive Order #06-28-05C, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

IX. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #06-28-06A (Budget Appropriation Order) establishing a Stabilization Reserve Fund - Financial Reserve for the purpose to establish a reserve in accordance with the City of Springfield Fiscal Policies. The Board on a motion by Nunes and seconded by Mayor Ryan passed Executive Order #06-28-06A, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

X. Executive Director Philip Puccia and Deputy Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #06-28-06B (Budget Appropriation Order) authorizing the Board to transfer FY 2007 Certified Free Cash (\$17,317,051.00) into the Stabilization Reserve - Financial Reserve in accordance with the City of Springfield Fiscal Policies pursuant to Massachusetts General Laws Chapter 59, Section 23 and Chapter 40, Section 5B. Mayor Ryan stated that the Free Cash was great news because when he became Mayor the Free Cash account had a negative balance of \$37 million and that the City has not had a positive balance in the Free Cash account since 1989. The Board on a motion by Nunes and seconded by Mayor Ryan passed Executive Order #06-28-06B, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

Executive Order #06-28-06C (Budget Appropriation Order) allocating a certain amount from Certified Free Cash to Stabilization Reserve Fund (Capital) was not acted upon due to passage of Executive Order #06-28-06B.

XI. Executive Director Philip Puccia and Chief Development Officer David Panagore made a presentation to the Board relative Executive Order #06-28-07 (Authorizing the Transfer of Property) granting authority to Mayor to "take all steps necessary to execute a Land Disposition Agreement with Miramar Real Estate Management, Inc. for the land and property known as the Chestnut Street School located at 495 Chestnut Street, Springfield, MA and to request the approval of this Executive Order by the Secretary for Administration and Finance and upon the satisfaction of the terms and condition set forth therein execute a deed to Miramar Real Estate Management, Inc." Mr. Panagore stated that he had made a trip to Puerto Rico to personally inspect Miramar Real Estate Management development of a \$200 million project that included retail and housing and that Miramar Real Estate Management specialized in rehab conversion which is similar to the Chestnut Street project. The Board on a motion by Mayor Ryan and seconded by Nunes passed Executive Order #06-28-07, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XII. Executive Director Philip Puccia, Patrick Sullivan, Director of Parks, Building and Facilities Management and Dr. Joseph P. Burke, Superintendent of Schools made a presentation to the Board relative Executive Order #06-28-08 (Authorizing the Superintendent of Schools to Submit

Statements of Interest to the Massachusetts School Building Authority for Future School Project Funding) granting authority to Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority describing and detailing the deficiencies and priority categories for which the Springfield School Department for future school project funding. Dr. Burke explained how the new system would work and how to apply. Mr. Sullivan explained that his team had inventory all City and school buildings but no money had been set aside to do the work and this program would assist the City in making repairs to school buildings. Mr. Nunes asked "What the total cost?" Mr. Sullivan stated that a total cost for all school buildings was over \$100 million. Council President Walsh asked "Is there a time line for submission for funding." Dr. Burke stated no but he would like to submit every thing by July 29, 2007. Mr. Nunes asked about Putnam Vocational School and Mr. Sullivan stated that the project is 90% reimbursable and that architect would be selected the by the School Building Commission within the next 30 days and would go out to bid in the Fall or Winter. Mr. Morton asked about SAGE School and while it was not of the list. Mr. Sullivan stated that the school could be added. Mr. Morton made a motion to add SAGE School on Eastern Avenue and was seconded by Walsh and passed by a unanimous voice vote. The Board on a motion by Nunes and seconded by Walsh passed Executive Order #06-28-08, by a unanimous voice vote.

Arthur Talmadge School, 1395 Allen St, Springfield, MA 01118	Priority 1 & 5
SPS Berkshire Campus School, 90 Berkshire Ave, Springfield, MA 01151	Priority 1
Mary O. Pottenger Elementary School, 1435 Carew St, Springfield, MA 01104	Priority 1
Mary Lynch Elementary School, 315 North Branch Pky, Springfield, MA 01119	Priority 1 & 5
Lincoln School, 732 Chestnut St, Springfield, MA 01107	Priority 1
Liberty Elementary School, 962 Carew St, Springfield, MA 01104	Priority 1 & 5
Marcus Kiley Middle School, 180 Cooley St, Springfield, MA 01128	Priority 1
Kensington Avenue School, 31 Kensington Ave, Springfield, MA 01108	Priority 1 & 5
John F. Kennedy Middle School, 1385 Berkshire Ave, Springfield, MA 01151	Priority 1 & 5
Homer Street Elementary School, 43 Homer St, Springfield, MA 01109	Priority 1 & 5
Alfred Glickman Elementary School, 120 Ashland Ave, Springfield, MA 01119	Priority 1
Glenwood School, 50 Morrison Terr, Springfield, MA 01104	Priority 1 & 5
Frank L. Freedman School, 90 Cherokee Dr, Springfield, MA 01109	Priority 1 & 5
Margaret Ells Elementary School, 319 Cortland St, Springfield, MA 01109	Priority 1
John J. Duggan Middle School, 1015 Wilbraham Rd, Springfield, MA 01109	Priority 1
Mary A. Dryden Memorial School, 190 Surrey Rd, Springfield, MA 01118	Priority 1 & 5
Hiram Dorman Elementary School, 20 Lydia St, Springfield, MA 01109	Priority 1
Central High School, 1840 Roosevelt Ave, Springfield, MA 01109	Priority 1 & 5
Daniel Brunton School, 1801 Parker St, Springfield, MA 01128	Priority 1 & 5
Brightwood Elementary School, 471 Plainfield St, Springfield, MA 01107	Priority 1
Alice B. Beal Elementary School, 285 Tiffany St, Springfield, MA 01108	Priority 1
Thomas Balliet School, 111 Seymour St, Springfield, MA 01109	Priority 1 & 5
Alfred Zanetti School, 59 Howard St, Springfield, MA 01105	Priority 1
William Deberry Elementary School, 670 Union St, Springfield, MA 01109	Priority 1
Elias Brookings K-8 School, 367 Hancock St, Springfield, MA 01105	Priority 1
Mary M. Walsh Elementary School, 50 Empress Ct, Springfield, MA 01129	Priority 1
Warner Elementary School, 493 Parker St, Springfield, MA 01129	Priority 1
Washington Elementary School, 141 Washington St, Springfield, MA 01108	Priority 1
White Street Elementary School, 300 White St, Springfield, MA 01108	Priority 1
Chestnut Middle School, 355 Plainfield St, Springfield, MA 01107	Priority 1 & 5
High School of Commerce, 415 State St, Springfield, MA 01105	Priority 1 & 5

Van Sickle Jr. High School, 1170 Carew St, Springfield, MA 01104	Priority 1 & 5
German Gerena School, 200 Birnie Ave, Springfield, MA 01107	Priority 1 & 5
Indian Orchard Elementary School, 95 Milton St, Springfield, MA 01151	Priority 1 & 5
Milton Bradley Elementary School, 22 Mulberry St, Springfield, MA 01105	Priority 1 & 5
Rebecca Johnson Elementary School, 55 Catharine St, Springfield, MA 01109	Priority 1 & 5
Sage School Eastern Avenue Campus, 118 Alden St, Springfield, MA 01105	Priority 1

New Business:

The Board of a Motion by Mayor Ryan and seconded by Nunes voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and to consider purchase of Real Property by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 1:56 P.M.

Respectfully submitted,

Wayman Lee
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
July 19, 2007**

The **thirty-second meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, July 19, 2007 at 12:30 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes and James O'S Morton.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the lack of recess and physical education classes in schools and about making public schools a priority, school spending, school performance, lack of leadership at superintendent level and need for a nationwide search for a new Superintendent of Schools.
- B. Ms. Ann Poliak spoke about an Orange Street property that was in violation of a special permit granted by the Springfield City Council and quality of life issues around Orange Street.
- C. Mr. Domenic J Sarno, City Council member spoke about it was time to end the street sweeping contract after 2 years of poor performances.
- D. Ms. Ann Levenworth spoke about a program where the City or someone would pay to have bottles, shopping carts and other trash pick-up in the City.
- E. Mr. Kevin Noonan spoke about the need to keep the "warming place" open because peoples do not want to go to the Worthington Street shelter and the City was blocking a grant to Open Pantry and need for vouchers for the homeless.
- F. Ms. Dianna Maguire spoke about living at the "warming place" versus the Worthington Street shelter and that conditions were better at warming place then the shelter.
- G. Mr. Kevin Ryl spoke about living at the "warming place" versus the Worthington Street shelter and that conditions were better at warming place then the shelter.
- H. Mr. Ruben Lagares, Jr. spoke about being homeless and being kicked out of the Worthington Street shelter and his complaints about his treatment at the shelter.
- I. Mr. Robert Wilson an IBW worker spoke about the need for a "labor project agreements" with the City and he would like to present a 20 minutes video on labor issues to the City.
- J. Ms. Elinor Hartshorn a retired teacher spoke about teachers leaving the City for surrounding communities, class size and that it would be useful for someone from the outside to look at the school system.
- K. Ms. Mary Tzambazakis, Springfield Chief Financial Officer spoke about the departure of Control Board Executive Director Philip Puccia and praise Mr. Puccia efforts to get the City back on track. She further stated that working with Mr. Puccia was the "best and worse of times" but he had help reduce a 41 million dollars deficit with true professional and business management tools and she appreciates his efforts on behalf of the City and its citizens and wish him well in his future endeavors.

II. Chairman Christopher F. Gabrieli introduced Suzanne M. Bump, Secretary of Labor and Workforce Development for the Commonwealth of Massachusetts who spoke of Gov. Deval Patrick's commitment to partner with local agencies to improve training and employment

opportunities for residents of the region. Ms. Bump told members of the Board that the State will rely on agencies such as the Hampden County Regional Employment Board (REB) to assess job training, business needs and produce strategies for work-force development. Ms. Bump outlined a 12 point program to assist in developing workforce goals as follows:

1. Match jobs with skills;
2. Align resources and provides coordination of resources;
3. Make youth work ready;
4. Stream line strategies for problem solving;
5. A need to focus on Springfield and surrounding communities;
6. Help stakeholder in the City and surrounding communities improve REB;
7. Determine the needs for assistance in Springfield and surrounding communities;
8. Determine the types of investments that needs to made in Springfield and surrounding communities;
9. Determine what the research and resources can be used in education and training;
10. Determine how to use the 21 millions in workforce grants to get the "biggest bang for the buck" in Springfield and surrounding communities;
11. Provide adult education and English as a second language classes for Springfield and surrounding communities citizens
12. Cut the school drop-out rate, provide summer jobs and get student career ready for the jobs of today.

III. The Board voted to approve the minutes of the June 29, 2007 meeting on a motion by Nunes, seconded by Mayor Ryan, approved by a unanimous voice vote. The Board accepted the resignation of Executive Director Philip Puccia, by a unanimous voice vote.

IV. The Board on a motion by Chairman Gabrieli and seconded by Mayor Ryan appointed Stephen P. Lisauskas as Executive Director by a unanimous voice vote. Mayor Ryan states that Mr. Lisauskas was a fine choice and look forward to working with him as the new Executive Director. Council President Walsh stated that she too was looking forward to working with Mr. Lisauskas as the new Executive Director. Chairman Gabrieli made a recommendation for a salary of \$120,000.00 for the new Executive Director Stephen P. Lisauskas and was seconded by Mayor Ryan and passed by a unanimous voice vote.

V. Executive Director Stephen Lisauskas made a presentation to the Board relative to accepting Chapter 90 Funding Executive Order #07-19-04 (Accepting Funding for the City of Springfield) which accepted \$2,697,328.00 for the purposes of maintaining and upgrading the City roadways systems as follows: (1) Public Roadway Repaving; (2) State Street Land Acquisition; (3) Roadway Maintenance (Chip Seal/Crack Sealing); and (4) Design of Construction Projects. The Board on a motion by Mayor Ryan and seconded by Walsh passed Executive Order #07-19-04, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VI. Executive Director Stephen Lisauskas, Chief Development Officer David Panagore and John J. Bechard of Vanasse Hangen Brustlin, Inc. made a verbal and power point presentation to the Board relative to State Street Corridor Project Executive Order 7-19-05 (Appropriation Transfer Order) which authorized a transfer of \$880,000.00 from Special Revenue (Arbitrage Review and Settlement) #2994-10-135-0000-0010-000000-0000000-59000 to Capital Project – State Street #3411-40-400-0000-0000-0090-000000-0000000-580800 . Mr. Panagore and Mr. Bechard stated that the project had received final design approval from Mass Highway as well as a final approved

budget. The Project includes but limited to the following traffic design "rules of the road" covering stop signs, right lane turns, left lane turns, keep right, no right turns, no left turns, no turns, no U turns, do not enter, one ways, no parking anytime, no parking loading zone, reserved parking, handicapped parking, no turns on red, left turn yield on green, and traffic control signals and "waiver" along the project that would affect the State Street Corridor and the businesses location along the 3.2 miles corridor and the steps had been taken to make the businesses aware of the work been done along the corridor from lower State Street to upper State Street past Mass Mutual. Mr. Nunes asked when the Project was set to begin. Mr. Panagore stated that ground breaking was set for sometime in November, 2007 with a completion date of March 2008. The Board on a motion by Mayor Ryan and seconded by Councilor President Walsh passed Executive Order #07-19-05, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

New Business:

VI. The Board of a motion by Mayor Ryan and seconded by Morton voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 2:06 P.M.

Respectfully submitted,

Wayman Lee
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
September 20, 2007**

The **thirty-third meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, September 20, 2007 at 12:30 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes and James O'S Morton.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about lower vote turn-out and about how to make Springfield a safe city and that good ideas come from the citizens and the need for new peoples from out-of-state and need for a nationwide search for a new Superintendent of Schools.
- B. Mr. Robert Brown spoke about the need for the Board to "solute the flag & say pray" prior to starting the meeting and that the Board needs to accept Section 2 of Chapter 157 of the Acts of 2005 to aid veterans with their accidental disability pensions.
- C. Mr. Domenic J Sarno, City Council member spoke about the need for 50 additional police officers and not a one-time \$1 million dollars in overtime for the police department and the need for youth development programs to keep kids of the streets.
- D. Ms. Susan Maki spoke about the new Renaissance School located in the Van Sickle School and the need for space and the need to the keep the students together (unified school setting) but she was afraid that because of lack of space the school would have to be broken up and that people were moving out of the City because of crime and schools.
- E. Ms. Vera O'Connor spoke about preliminary election and lack of participation, the failure of the General Court to cancel the preliminary election and that the Control Board should have step-in and canceled the preliminary election and the need for ward representation and to support a casino to come to Western Massachusetts.
- F. Mr. David Gaby spoke about living in the McKnight Historic district and the need to move from a "demolition strategy" to a "renovation strategy" to save the housing stock in the City.
- G. Mr. Stephen P. Gray spoke about his daughter moving out of the city after her house was broken into and said until crime is brought under control people will continue to leave the City and the City needs more local jobs.

II. The Board voted to approve the minutes of the July 19, 2007 meeting on a motion by Councilor Walsh and seconded by Mayor Ryan, approved by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas and Patrick Sullivan, Director of Parks, Building and Facilities Management made a presentation to the Board relative to Executive Order #09-20-03 (Authorizing the Selection of a Designer for the Roger L. Putnam Vocational Technical High School) approving the selection of Drummey Rosane Anderson, Inc. of Newton Centre, MA based on recommendations by Massachusetts School Building Authority Design Selection Committee and the Springfield School Building Commission. The Board on a motion by Nunes and seconded by Mayor Ryan passed Executive Order #09-20-03, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

Executive Director Stephen Lisauskas asked Pat Sullivan to introduce Rita Copolla as the new Director of the Office of Capital Construction Management which was started to over see \$300 million in construction projects for the City and School Department.

IV. Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #09-20-04 (Accepting Grant Funds) authorizing the Department of Parks, Building and Facilities Management to accept and expend grant funds for the park renovations at the following parks: Treetop Park, (\$500,000); Marshall Roy Park (\$441,000); Blunt Park (\$120,000) and to accept and expend *anticipated grant* funds for the following parks: DeBerry Playground (\$252,000) and Johnny Appleseed Park (\$210,000) from the Commonwealth Urban Self-Help Program. The Board on a motion by Morton and seconded by Mayor Ryan passed Executive Order #09-20-04, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

V. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #09-20-05 (Accepting Authorizing Payment of Bills from Fiscal Year 2007) which approved the payment of unpaid bills from the previous fiscal year with a transfer from Fiscal Year 2008 funds. The Board on a motion by Mayor Ryan and seconded by Nunes passed Executive Order #09-20-05, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VI. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #09-20-06 (Modifying the Funding Schedules for the City of Springfield Retirement System) which changed the funding schedule from a monthly release of 1/12th appropriation to a single release of 100% of all appropriated fund on July 1 of each fiscal year beginning with Fiscal Year 2009 and release the balance for FY 08 on November 1, 2007 or sooner if permitted. Mayor Ryan asked what the change would mean to the City. Mr. Lisauskas stated that change would result in saving of over \$11 million over a 20 year period. The Board on a motion by Mayor Ryan and seconded by Morton passed Executive Order #09-20-06, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VII. Executive Director Stephen Lisauskas and Commissioner of Police Edward Flynn made presentation to the Board relative to Executive Order #09-20-07 (Appropriation Transfer Order) which provides for the transfer of \$1 million dollars from Special Revenue (Arbitrage Review and Settlement #2994-10-135-0000-0000-0010-000000-0000000-5900) to Police Overtime (#0100-20-210-2130-2131-9990-000000-0000000-506022). Mayor Ryan made brief statement outlining the loss 105 police department personnel in 2003 (70 police officer and 35 civilians) due to cut back at the State level and the lack of any "free cash" to carry the City through the "hard times." Mayor Ryan also stated that he along with Chairman Gabrieli and Commissioner Flynn had met with Gov. Patrick regarding additional funding for public safety in Springfield and the Gov. Patrick states he would have an answer to the City's request for additional public safety funds in the near future. Commissioner Flynn also stated that the City needs to have a plan for crime, fear and disorder and if the City was funded the same as Boston the City would have an additional 165 police officers. Commissioner Flynn further stated that the additional \$1 million dollars would be used "to target hot spots". Member Morton asked how much would be used for the "street" vs. "in station" and Commissioner Flynn answered "all" would be use for the street. Member Morton also asked how much was budgeted for FY 08 overtime and how much had been spent? Commissioner Flynn stated that the FY 08 budget had \$1.6 million dollars and approximately \$475 thousand dollars had been spent to date which included court-time. Members Nunes asked the Commissioner to provide a monthly report on overtime spending to the Board. Councilor President Walsh asked would overtime be used for all shifts and Commissioner Flynn answered yes. Member Nunes asked what are the minimum numbers of patrol officers on the street on any shift? Commissioner Flynn stated that there are minimum of 30 officers per shift, plus special duties officers and 3 supervisors. Member Morton asked should we wait on the Commonwealth before approving the overtime money? Mayor Ryan stated that City's overtime money was not contingent on the Commonwealth

giving the City additional funds and the overtime money should be approved without delay. Member Nunes asked how much grant money the City received from the Shannon grant? Commissioner Flynn stated \$1.4 million dollars with \$500,000 dollars going to the police and \$900,000 dollars going to social services agencies. Member Nunes made a motion that \$1 million in overtime be used only for additional police patrol and was seconded by Morton and passed by a unanimous voice vote. The Board on a motion by Mayor Ryan and seconded by Morton passed Executive Order #09-20-07, as amended, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen Lisauskas and Fire Commissioner Gary Cassenelli made presentation to the Board relative to Executive Order #09-20-08A (Order Appropriating Funds for the Eminent Domain Taking of Land for Municipal Purposes) which provides for the taking of two parcels of land at 382-384 White Street (Street 12220, Parcel 0075) and SS White Street (Street 12220, Parcel 0078) totaling approximately 0.42 acres in the amount of \$280,000 for a fire station in the Forest Park area. Commissioner Cassenelli introduced members of his staff that worked on the Fire Department's annual and financial reports which includes Dennis Ledger, Kerry Collins and Lisa Willis. Mayor Ryan stated that the new fire station would replace 2 old fire stations in the Forest Park area. Deputy Chief John O'Shea stated that the new station would be a 2 bay station with the best available technology for fire fighting as well as first responder equipment. The Board on a motion by Mayor Ryan and seconded by Morton passed Executive Order #09-20-08A, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

Executive Director Stephen Lisauskas and Fire Commissioner Gary Cassenelli made presentation to the Board relative to Executive Order #09-20-08B (Order Authorizing the Eminent Domain Taking of Land for Municipal Purposes) the taking of two parcels of land at 382-384 White Street (Street 12220, Parcel 0075) and SS White Street (Street 12220, Parcel 0078) totaling approximately 0.42 acres in the amount of \$280,000 for a fire station in the Forest Park area. Page 2 of Executive #09-20-08B the order was replaced due clerical errors. The Board on a motion by Mayor Ryan and seconded by Nunes passed Executive Order #09-20-08B, as amended by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

IX. Executive Director Stephen Lisauskas made presentation to the Board relative to authorizing a study of Springfield Retirement System operations and to report back to the Board at a later date. The Board by a unanimous voice vote authorized a report on the Springfield Retirement System.

New Business:

X. The Board on a motion by Nunes and seconded by Morton voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 2:15 P.M.

Respectfully submitted,

Wayman Lee
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
October 16, 2007**

The **thirty-fourth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Tuesday, October 16, 2007 at 12:30 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes and James O'S Morton.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about KIPP School model for the Springfield Public Schools where 90% of the students go on to college and stated she had brought the idea to Dr. Burke 3 years ago with no results; she further spoke about school testing, using local produced vegetables in schools and the need for a fitness program in schools and need for a nationwide search for a new Superintendent of Schools.
- B. Mr. Domenic J Sarno, City Council member spoke about Police Commissioner Edward Flynn job hunting less than 18 months into his job in Springfield showed a lack of commitment to Springfield and that the Police supervisor contract issues needs to be resolved.
- C. Mr. Russell Seelig of Concerned Citizens of Springfield spoke about the need to look a policy around boarded up houses, reducing blighted housing and how long the City allow single family homes to stay in tax title process; and if the City needs help it could use students from the local law school as interns for some of the tax tile process; and the City needs an economic development strategy for "burned out" housing and better use of the Code Enforcement department in the City.
- D. Ms. Vera O'Connor spoke about \$69 million owned to the City for busing be offset against the payments due the State for money used by the Control Board.
- E. Mr. Timothy Collins, President of the Springfield Teacher Association spoke about reopening the teacher's contract; the need to have the "value added system" to go to arbitration; he is against the high stakes teacher assessment system; lack of bidders for the teacher assessment system (only one bidder); the need to return the EAP program back to the one City employee and not to a "1-800" number that turned out to be a "porno chat line" and that the Police supervisor contract issues needed to be resolved.
- F. Mr. Marshall Moriarty, Esq., attorney for the Police Supervisors Union spoke about the need for the Police supervisors' contract issues to be resolved and that the Police Supervisors' wage freeze had lasted for 4 years which is "illegal and immoral" and the supervisor staff has been reduced from 80 to 66 due to the illegal wage freeze.

II. Chairman Gabrieli opened the regular meeting and made a motion to go into executive session for the purposes of discussing collective bargaining strategy regarding a nonunion personnel, seconded by Councilor Walsh and passed by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would be reconvening in open session.

After the executive session City Solicitor Edward M. Pikula advised the Board what would happen if the Police Commissioner was terminated for anything except "good cause" in the first 3 years of

the contract. Pikula stated that Flynn would be entitled to a year of severance pay or \$155,000.00, if he was forced to resign by the City. Mayor Ryan asked if he resigned "voluntarily" would he be entitled to severance pay. Pikula answered no. Councilor Walsh asked how much notice must be given. Pikula answered 30 days notice by the Police Commissioner or the City for good cause or a resignation. Member Morton suggested that if the Police Commissioner leaves that the Board needs to empower someone to appoint an acting police commissioner. Chairman Gabrieli made a motion to empower the Executive Director for the Board and the Mayor to appoint an acting Police Commissioner if the Police Commissioner leaves, seconded by member Nunes and passed by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

III. The Board voted to approve the minutes of the September 20, 2007 meeting on a motion by Member Nunes and seconded by Member Morton, approved by a unanimous voice vote.

IV. Executive Director Stephen P. Lisauskas and Chief Development Officer David Panagore made a presentation to the Board relative to Executive Order #10-16-03 (Approving the Transfer of Certain Land) authorizes and approved the transfer of 31 Elm Street, upon such terms and conditions as set forth in the Order for the three (3) tax title properties, known as 3-7 Elm Street, 13-31 Elm Street/92-96 State Street and NS State Street to the Springfield Redevelopment Authority ("SRA") for the purpose of aiding the Court Square Urban Renewal Project, Plan Amendment #9 and delegated to the Mayor the authority to negotiate and execute such agreement(s) as the Mayor deems in the public interest subject to the approval of the Secretary of Administration and Finance. Councilor Walsh asked have there been any discussions with the Old First Church regarding re-use. Panagore stated that the City is having ongoing discussions with the Church. The Board on a motion by Mayor Ryan and seconded by Morton passed Executive Order #10-16-03, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas and Chief Development Officer David Panagore made a presentation to the Board relative to Executive Order #10-16-04 (Authorizing the Mayor to Engage in the Land Transfer with Springfield Foodservice Corporation, Without Competitive Bidding and for the Executive Director to File a Report with the House and Senate Ways and Means Committee) authorizing the City to exchange four (4) parcels of land known as SS Taylor Street (11430-0137); SS Taylor Street (11430-0138); SS Taylor Street (11430-0139); and SS Taylor Street (11430-0140) for Springfield Foodservice Corporation two (2) parcel of land known as NS Worthington Street (12535-0081) and 734 Worthington Street (12535-0073) for the consideration of \$1.00 on behalf of the City and for \$1.00 on behalf of the Springfield Foodservice Corporation. Councilor Walsh asked whether there was any interest in the Springfield Foodservice Corporation building. Panagore answered yes and the City would explore all possibilities. Member Morton asked what was the City's intentions for the Worthington Street parcels. Panagore answered possibly use for the homeless programs or police station needs. The Board on a motion by Mayor Ryan and seconded by Walsh passed Executive Order #16-16-04, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VI. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #10-16-05 (Appropriations Order) which provides for the transfer of \$1,056,780 million dollars from Fund Balance Reserved for Capital #0100-00-000-0000-0000-000000-0000000-328600) to Levy/Dike Repair #3412-40-400-0000-0000-0090-000000-0000000-580800. The Board on a motion by Member Morton and seconded by Walsh passed Executive Order #10-16-05, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

New Business:

X. The Board of a motion by Mayor Ryan and seconded by Morton voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 2:15 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
November 29, 2007**

The **thirty-fifth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, November 29, 2007 at 10:00 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, City Council President Kateri B. Walsh, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes and James O'S Morton.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke thanking Mayor Ryan for his stewardship of the City during the past 4 years and about the KIPP and Sabis Schools as being successful model for the Springfield Public Schools and about 49% of Springfield Public School students do not take the MCAS test. She further stated that she would volunteer to serve on the search committee for a new Superintendent of Schools and that students need more than 15 minutes of exercise per day because of a national rate of 42% of the school age students are overweight and the need to get away from giving students ADH drugs.
- B. Mr. Domenic J. Sarno, Mayor-Elect and City Council member spoke thanking Mayor Ryan for his stewardship of the City during the past years and the Control Board al well, but stated that the call center and additional positions in the Personnel office were a waste of money. He also stated that Police Commissioner Edward Flynn needs to go before January 1, 2008 and that Deputy Chief William J. Fitchet should be appointed to the job without a national search that the department needs leadership and continuity, and the City has "talent from within" in Deputy Chief William J. Fitchet. Mr. Sarno also stated that the City Ordinance, Chapter 2.58 gives the power to appoint the Police Commissioner to the Mayor of the City and not the Control Board.
- C. Ms. Antonette Pepe, School Committee member spoke thanking Mayor Ryan for his stewardship of the City during the past 4 years and about the move to go "green" in the City and that the schools are not clean and it was time to get rid of the "private" cleaning company because a tour of Milton Bradley and Glickman schools showed that they are not getting the job done. She also spoke stating that no school committee members should be allowed to vote on the new Superintendent of Schools if they have family members working for the School Department and that Ms. Lois Smith should be put on the search committee for a new Superintendent of Schools.
- D. Rev. Talbot W. Swan, II, Pastor of the Solid Rock Church spoke about the appointment of that Deputy Chief William J. Fitchet to the position of Police Commissioner without a national search and that Deputy Chief Fitchet has the support of members of the community and that for "those who know me" my support for Deputy Chief Fitchet speaks volume about the kind man he believes Deputy Chief Fitchet would be as the Police Commissioner.
- E. Robert P. Sakowski, a retired Police officer spoke about the appointment of that Deputy Chief William J. Fitchet to the position of Police Commissioner without a national search and that Deputy Chief Fitchet has the respect of the men in blue and if you do not appointed Deputy Chief Fitchet it would be a shame.
- F. Mr. Russell Seelig of Concerned Citizens of Springfield spoke about the need to look at the policy around boarded up houses; having property owner shovel their sidewalks in the winter; using the Code Enforcement Department to deter criminal activities in

apartment buildings and review the Assessors office to make sure they are not over-assessing properties.

- G. Mr. Carlos Gonzalez, president of the Massachusetts Latino Chamber of Commerce spoke about City allotment of \$12.9 million dollars earmarked for economic development which should be going to support small business and development for Hispanic, African-American and other members of the micro and small businesses communities. Small and Micro-businesses are the economic heart of Springfield. That over the last 3 years the Latino Chamber of Commerce has help over 300 businesses to stay or grow there businesses in the City without any help from the City, state or federal government. That small and micro businesses need access to capital, technical and mentoring programs but money is the "life blood" of small business and he hopes the City would include Latino and African-American businesses in small loan programs in the future. Mr. Gonzales concluded his remarks by stating that he supported Deputy Chief Fitchet for the Police Commissioner job.

II. The Board voted to approve the minutes of the October 16, 2007 meeting on a motion by Mayor Ryan and seconded by Council President Walsh, approved by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #11-29-03A (Appropriating Funds for the Eminent Domain Taking of Temporary Construction/Slope Easements for Municipal Purposes) which provides for the "taking" of 137 parcels of land in Springfield as part of the Parker Street Traffic Improvement Project in the amount of \$7,665.00 from (Account # 23284000-576100-32808). The Board on a motion by Member Nunes and seconded by Council Walsh passed Executive Order #11-29-03A, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #11-29-03B (Authorizing the Eminent Domain Taking of Temporary Construction/Slope Easements for the Parker Street Traffic Improvement Project) authorizing the City to take by an "Order of Taking" 137 parcels of land in Springfield as part of the Parker Street Traffic Improvement Project for Temporary Construction/Slope Easements. The Board on a motion by Member Morton and seconded by Member Nunes passed Executive Order #11-29-03B, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

V. Executive Director Stephen Lisauskas and Deputy City Solicitor Kathleen T. Breck made presentation to the Board relative to Executive Order #11-29-04 (Granting a Permanent Utility Easement to Western Massachusetts Electric Company) which would provide electricity to the former Our Lady of Hope Convent now used as the new SAFE Elementary School from an electrical conduit in Armory Streets to 3 parcel at the SAFE School. Council Walsh asked when the school would be open? Mr. Lisauskas stated in January of 2008. The Board on a motion by Member Morton and seconded by Member Nunes passed Executive Order #11-29-04, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VI. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #11-29-05A (Accepting Grant Funds) which authorized the Department of Capital Asset Construction to accept grant funds from the Massachusetts Cultural Council (\$478,000.00) for windows and stage lighting improvements to Symphony Hall and Massachusetts Highway Department (\$300,000.00) for exterior improvement to Symphony Hall which includes lighting,

restoration, masonry repairs to the plaza and limestone stairs and sidewalk. The Board on a motion by Member Morton and seconded by Member Nunes passed Executive Order #11-29-05A, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VII. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #11-29-05B (Accepting Grant Funds) which authorized the Fire Department to accept funds from the 2007 Fire Act Program (\$600,000.00) for a ladder truck to replace ladder truck #3. The Board on a motion by Member Nunes and seconded by Council Walsh passed Executive Order #11-29-05B, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #11-29-05C (Accepting Grant Funds) which authorized the Police Department to accept funds from Federal Grants: FY 2007 Edward Byrne Memorial Fund (\$540,938.00) for "take back our street" initiative CFDA #16.580; Federal FY 2007 Edward Byrne Memorial Fund (\$330,000.00) for "targeting violent crime" initiative CFDA #16.5; Federal FY 2007 Justice Assistance Grant (\$336,543.00) for "technology improvement program" initiative CFDA #16.73; State Grants: FY 2008 Shannon Anti-Gang Grant (\$1,400,000.00); Repair, Renovation and Construction of Municipal Police Station Grant (\$200,000.00); 2008 Community Policing Grant (\$619,152.00); and 2008 Violence Against Women Act (\$35,682.00). The Board on a motion by Mayor Ryan and seconded by Member Morton passed Executive Order #11-29-05C, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

IX. Executive Director Stephen Lisauskas and Thomas B. Collins, Chief Information Officer made a presentation to the Board relative to Executive Order #11-29-06 (Authoring the Executive Director to File a Report with the House and Senate Ways and Means Committee and Enter into a Contract with Verizon New England, Inc.) for a no-bid contract to provide Centrex telephone services for 3 years period beginning on or about January 1, 2008. The no-bid contract would result in a saving of about \$250,000.00 over the State Contract (Verizon (Contract ITT18) for the same services and time frame. Council Walsh asked if the City rate would be paying less than the State rate? Mr. Collins answered yes. Mr. Lisauskas stated that since the City rate would be less than the State rate, the State would also be entitled to a reduction because of language in the State Contract that the State must get the "most favorable" rate. The Board on a motion by Mayor Ryan and seconded by Council Walsh passed Executive Order #11-29-06, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

X. Executive Director Stephen Lisauskas made presentation to the Board relative to Executive Order #11-29-07 (Springfield Fiscal Recovery Trust Fund) which delegated to the Executive Director the power to negotiate and present to the Finance Control Board for its approval, a loan repayment agreement with the Commonwealth of Massachusetts Secretary for Administration and Finance for money borrowed from the Springfield Fiscal Recovery Trust Fund. Council Walsh asked if the local delegation has been notified of the actions. Mr. Lisauskas stated that his action were not in conflict with any action by local delegation. The Board on a motion by Member Nunes and seconded by Council Walsh passed Executive Order #11-29-07, by a unanimous voice vote.

XI. Executive Director Stephen Lisauskas made presentation to the Board relative to Memorandum on a Process for Hiring the next Police Commissioner the written recommendations were as follows: (1) authorize a search for candidates for the position of Police Commissioner; (2) the search should be completed by February 28, 2008; (3) appoint a 5 member panel to review all applications; (4) the Board staff shall provide support to the selection panel and will assist in the

selection of any consultant determined necessary to assist in the selection of a candidate by recruitment and evaluation. The selection panel appointees should have the following characteristics: (1) One member of the Finance Control Board; (2) One person who is a member of the Springfield Community and is involved in the business community; (3) One person who has significant public safety experience and is current or retired police chief/superintendent/commissioner; (4) One person who has significant public safety experience as civilian or in a sworn but non-municipal policing capacity; and (5) One person appointed by the incoming Mayor.

Chairman Gabriel opened his remarks by stating that Chapter 169 of the Acts of 2004 gives the Board complete control over personnel issues while the Board is in existence. He also recommended that Deputy Chief Fitchet becomes an automatic finalist for the Police Commissioner position.

Mayor Ryan opened his remarks by stating that Deputy Chief William J. Fitchet should get the Police Commissioner's job and there is no need for a national search. He also stated that 18 months ago a national search produced Commissioner Flynn and he is now leaving for another job. That Deputy Chief Fitchet was the #2 person in the last search and he would make a fine Police Commissioner. He further stated that Deputy Chief Fitchet has the integrity, leadership skills and goals, knowledge of the conditions on the ground, and he would live up to his commitment to the City. That Deputy Chief Fitchet was effective before Commissioner Flynn arrived on the job and that members of the community and the City Council have recommended that Deputy Chief Fitchet get the job. That if he has any "chips" or "good will" to call in with the Board that his recommendation is that Deputy Chief William J. Fitchet gets the job. Mayor Ryan made a motion "that effective upon the resignation of Commissioner Flynn that Deputy Chief William J. Fitchet be appointed new Commissioner and that a contract be worked out by the Control Board" which was seconded by Council Walsh.

Council Walsh opened her remarks by stating that the failure of the Control Board to appoint Deputy Chief Fitchet would be a disservice to the Police Department and to the peoples of Springfield. That Deputy Chief Fitchet could hit the ground running and have the respect of the department personnel, where a new Police Commissioner would have to learn the streets and police staff before he or she could move the City forward. That another national search would be waste of money and time when you have the best qualified candidate in Deputy Chief Fitchet and she supported the comments of the Mayor regarding Deputy Chief Fitchet.

Member Morton opened his remarks by stating that he believed in a "process" and that it was nothing against the Mayor or Deputy Chief Fitchet that the only way to know if Deputy Chief Fitchet was the best qualified candidate was to judge him against someone else. That the best way to pick someone for such an important position was to use a "process" and the citizens needs to have confidence in the person chosen and a "process" is the only way a candidate would emerge without wondering if he was the best. Member Morton stated that his vote for a "process" was so he could compare Deputy Chief Fitchet against some other candidates.

Member Nunes remarked that he agreed with every thing Member Morton had said and he had nothing too add.

Chairman Gabriel remarked that he had spoken out for Deputy Chief Fitchet and that he "will be a finalist" but because the last search did not work out is not a reason not to use another search. That the Board needs information regarding vision, background and goals, and that the disappointment

about Commissioner Flynn leaving does not mean that you do not keep checking with the experts to find the best qualified candidate. Chairman Gabriel stated that he did not interview Deputy Chief Fitchet and he would like the opportunity to interview Deputy Chief Fitchet and compare him against other candidates.

On Mayor Ryan motion that effective upon the resignation of Commissioner Flynn that Deputy Chief William J. Fitchet be appointed new Commissioner and that a contract be worked out by the Control Board which was seconded by Council Walsh failed by the following roll call vote, Yes; Two (2) Mayor Ryan and Walsh; No; Three (3) Gabrieli, Morton and Nunes.

Chairman Gabriel then made a motion that the Board, appoint a five-member panel to review all applications and that Deputy Chief Fitchet be made a finalist and the panel would recommend one finalist to the full Board and was seconded by Member Morton passed by the following roll call vote, Yes; Three (3) Gabrieli, Morton and Nunes; No, Two (2) Mayor Ryan and Walsh.

New Business:

NONE

XII. The Board of a Motion by Chairman Gabriel and seconded by Nunes voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and to consider purchase of Real Property by the following roll call vote: Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:15 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
December 20, 2007**

The **thirty-sixth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, December 20, 2007 at 11:00 A.M.** in Room 220, City Hall. Present were Mayor Charles V. Ryan, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes, James O'S Morton and City Council President Kateri B. Walsh, Absent.

I. The Board met in open session and on motion by Chairman Gabrieli and seconded by Member Morton the Board voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and to consider purchase of Real Property by the following roll call vote: Yes, Four (4) Ryan, Gabrieli, Morton and Nunes; No, None (0); Absent, One (1) City Council President Walsh. The Chairperson stated that the Board would not be reconvening in open session at 12:30 P.M. City Council President Walsh joined the Executive Session while in progress.

II. Prior to the 1:00 P.M. business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke stating that Mayor Ryan would be missed and she further stated that she would volunteer to serve on the search committee for a new Superintendent of Schools and that school department was "top heavy" with administrators and that a 51% drop out rate was unacceptable and that students need more than 15 minutes of exercise per day and that the ADH drugs were worse than "street drugs".
- B. Mr. Russell Denver, Esq., President of the Affiliated Chamber of Commerce of Greater Springfield spoke asking the Board to reject Mayor Ryan's recommended tax rate for FY 08 because Springfield has the third highest tax rate in the Commonwealth for "commercial" properties and that Springfield should go to a "single rate" as some of the surrounding cities and towns.
- C. Mr. Timothy J. Rooke, City Councilor spoke thanking Mayor Ryan for his leadership during the fiscal crisis and for the difficult decisions the Mayor made during his 4 years as Mayor.
- D. Ms. Antonette Pepe, School Committee member spoke to advise the Board that she did not signed a letter sent by some members of the School Committee to Gov. Patrick regarding the Superintendent of Schools and that the Superintendent of Schools record on MCAS and the dropout rate does not warrant a continuation of his job as Superintendent of Schools and that tax rate and trash fee have taken a toll on the citizens of the City. She also spoke stating that no school committee members should be allowed to vote on the new Superintendent of Schools if they have family members working for the School Department and that Ms. Lois Smith should be put on the search committee for a new Superintendent of Schools.
- E. Mr. Timothy T. Collins, President of the Springfield Education Association spoke about Superintendent of Schools contract; the Board of Education and teachers' evaluation; and that the Springfield teachers have fallen behind in pay with the surrounding communities and that teachers salaries in Springfield needs to be revisited because we losing too many teacher to other districts.
- F. Mr. Victor Davila spoke stating that the Board has been good for the City but it was time for a change in the Superintendent of Schools although some progress had been made it was not enough.

- G. Mr. Russell Seelig of Concerned Citizens of Springfield spoke about the need to look at the policy around boarded up houses; using some of the City's Block grants money for to reduce blight and crime in the neighborhoods and that boarded up housing is the first thing people see when that come into the City and we need to use the Code Enforcement Department to deter criminal activities in apartment buildings.
- H. Mr. Matt Szafranski spoke thanking the Mayor for his service to the City in a time of crisis and about the State reducing money to the City and need to preserve the great assets and land marks of the City.

III. The Board voted to approve the minutes of the November 29, 2007 meeting on a motion by Council President Walsh and seconded by Member Morton, approved by a unanimous voice vote.

IV. Executive Director Stephen P. Lisauskas made a presentation to Mayor Ryan of a 1891 profile of the City in the "Harper Weekly" magazine for his contributions the Board over the past 4 years and for his leadership, vision and rebuilding the future of the City and his inspiration to Board and the citizens of the City. Executive Director Stephen P. Lisauskas also made a presentation of a plaque to Council President Walsh for her contributions to the Board over the past year.

Member Nunes remarked that as a former Mayor of the City of Taunton he wanted to express his heartfelt thanks to the Mayor for a job well done and for leaving the City in better shape then when he became Mayor and for the \$50 million in free cash. He further stated that the Mayor had made a "wonderful journey" that has left a City in far better finance conditions than when he became Mayor.

Mayor responded that he has enjoyed the 4 years and he appreciates the words of affection and there is a lesson in there some where, that if you bring in professional people a lot can be accomplished and the Mayor thanked the former Presidents of the City Council Sarno, Rooke, Tosado and Walsh for their contributions on the Board and for their help making the City a better place for the citizens of the Springfield.

Chairman Gabrieli stated that he agreed with every things said by Executive Lisauskas and Member Nunes.

Member Morton stated that history will tell that the City was lucky to have Charles Ryan as the Mayor of the City during these hard times and that his leadership and stewardship was a credit to his hard work and dedication and that the City is in a better place then when he took the reigns of the Mayor's office. He further sated that we are where we are today because of the hard work of Mayor Ryan and "one man to another" it has been a pleasure to serve his in administration and with him on the Board.

Council President Walsh stated that Mayor Ryan offered the City inspiration, leadership, integrity and family values and that he had help the City in a time of need and she now respects the Mayor more "since he is agreeing more with her" in the last two meeting.

V. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding an update on the Police Commissioner search and stated that search committee would be as follows: (1) Mayor Sarno, (2) Dr. Lucy Lewis, (3) James Morton of the Board would be Chairman, (4) Alan R. DeNaro, Chief of Police Haverhill, MA and (5) Thomas G. Robbins, retired State Police Superintendent. Mr. Lisauskas stated that they had started to received application for the Police Commissioner position and that the February 28, 2008 date is still the goal for having a new Police

Commissioner in place. City Council Walsh stated that she was opposed to the search committee. The Board took no action but received the report.

VI. Executive Director Stephen P. Lisauskas and Chief Development Officer David Panagore made a presentation to the Board relative Executive Order 12-20-04 (Authorizing the Executive Director to File a Report with the House and Senate and Means Committee and to Amend a Consultant Contract with Ms. Caroline Kluchman, dba Eaton Planning) to award an amended contract (\$38,500) for consultant services, to review and develop an updated comprehensive zoning ordinances for the City of Springfield, without competitive biddings and to file a report with the House and Senate Committees on Ways and Means. Mr. Panagore stated that the additional \$38,500 would come from the Planning and Economic Development budget. Council Walsh asked "what impact would the changes have on the duties and responsibilities of the City Council regarding land use issues?" Mr. Panagore stated that the changes would affect "site plan review" and some minor land use issues. Mayor Ryan asked "how long had it been since the last update"? Mr. Panagore stated that the last major update occurred in 1972 and a minor update in 1980. The Board on a motion by Member Nunes and seconded by Council Morton passed Executive Order #12-20-04, by a majority voice vote; Yes, Four (4) Ryan, Gabrieli, Morton and Nunes; No, One (1) Walsh.

VII. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding a review of the contract with Comcast for cable services. Mr. Lisauskas stated that Comcast was not in compliance with certain provisions of the contract and has "overcharged" the City in an amount of \$10.8 million dollars and that the City would be seeking "triple damages" in the amount of over \$30 million dollars. The Mayor responded that Comcast had refused to make a settlement offer and that litigation should be commenced to recover the "overcharged" monies. The contract called for certain charges not to be passed along to the rate payers and Comcast has overcharged the City and rate payers. The Board took no action but received the report.

VIII. Executive Director Stephen P. Lisauskas and Chief Development Officer David Panagore made a presentation to the Board relative to Executive Order #12-20-06 (Transferring Appropriated Funds to Cooperate in the Development of a Homeless Resource Center) authorizing the City to transfer \$2,000,000.00 from Fund Balance Reserved for Capital (8216-00-0000-0000-000000-00000000-35900 to Homeless Resource Center (3413-10-180-0000-0000-000000-00000000-580200) to be administered by the Chief Development Officer to be used to cooperate in the Development of a Homeless Resource Center as a local match to HIF funding (\$2,000,000) received from the Commonwealth for the Project and a \$1,000,000 pledge from Friend of the Homeless, Inc. for the development of City-owned land on Worthington Street. Mr. Panagore stated that the Homeless Center would be a full service center with day services, job placement and social services and that he expected the Center to opening in February or March 2009. The Board on a motion by Mayor Ryan and seconded by Member Morton passed Executive Order #12-20-06, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

IX. Executive Director Stephen Lisauskas and City Solicitor Edward M. Pikula made a presentation to the Board relative to Executive Order #12-20-07 (Appropriation Transfer Order) which agreed to pay out furlough obligation to City employees when the fund became available and the City's CFO and Auditor have deemed these funds available for appropriation and therefore funds (\$169,092.22) were transferred from Reserve for Contingencies (0100-10-135-0000-0000-0010-000000-00000000-578700 to Various Accounts. The Board on a motion by Member Mayor

Ryan and seconded by Member Morton passed Executive Order #12-20-07, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

X. Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-20-08 (Putnam Vocational Technical High School Project Bond) which authorized the use of \$12,100,000 million dollars of a \$38,500,000 million dollars Bond approved by Executive Order 11-27-04 on December 18, 2006 for the construction of a new Putnam Vocational Technical High School for architectural and engineering services and other related costs. The Board on a motion by Mayor Ryan and seconded by Member Morton passed Executive Order #12-20-8, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XI. Executive Director Stephen Lisauskas, Rita Coppola, Director of Department of Capital Asset Construction and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board relative to Executive Order #12-20-09 (Authorizing the Construction Management at Risk Delivery Method for new Putnam Vocational Technical High School Project under Mass. Gen. Laws ch. 149A) which authorized the City to submit plans to the Office of the Inspector General to use Construction Manager at Risk Delivery Method for the Project and a contract with a construction management at risk firm to complete the Project in a cost effective method while holding down cost overruns but not necessarily using the lowest bidder . The Board on a motion by Mayor Ryan and seconded by Council President Walsh passed Executive Order #12-20-09, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XII. Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-20-10 (Accepting Grant Funds) which authorized the Police Department to accept funds from the Municipal Police Hiring Initiative Edward Byrne Memorial Task Forces Governor's Highway Safety Grant in the amounts of (\$560,000.00; \$110,000.00; and \$112,000.00) for drug enforcement and to pay overtime special drug deployments. The Board on a motion by Mayor Ryan and seconded by Council President Walsh passed Executive Order #12-20-10, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XIII. Executive Director Stephen Lisauskas and Stephen O'Malley, Chairman of the Board of Assessors made a verbal and Power-Point presentation to the Board relative to Executive Order #12-20-11 (Approving a Residential Factor for Fiscal Year 2008) Board Member Robert Nunes rescued himself because he is the Deputy 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 \$7,955,317.00 including \$4,016,102.00 in new growth and \$3,939,215.00 in 2½ levy increase. Mr. O'Malley stated that the Levy amount for FY 2007 was \$145,550,685.00 and in FY 2008 the limit is \$153,506,032.00. The average single family value went from \$146,300.00 to \$151,500.00 with the average tax bill going from \$2,347.00 to \$2,429.00 or approximately \$82.00 increase. The Board voted to adopt a residential factor of 0.815382 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 2008 and a previous vote of the Springfield City Council setting the residential factor at 0.815382 on December 19, 2007. The Board on a motion by Chairman Gabrieli and seconded by Mayor Ryan passed Executive Order #12-20-11, by the following roll call vote; Yes, Four (4) Ryan, Walsh, Gabrieli, Morton; No, None (0); Abstaining, One (1), Member Nunes abstaining.

XIV. Executive Director Stephen Lisauskas made a presentation to the Board relative to Board staffing and compensation requesting the Board to approve a new position of Project Manager in the

Planning and Economic Development Department at salary range of \$60,000.00 to \$70,000.00 and granting an increase in salary for Chief Development Office David Panagore of \$10,000.00 which would increase his salary to \$115,000.00. Mayor Ryan expressed support for the increase stating that because of Panagore efforts the City was able to save Springfield Food Services Corp. in the City and he is the day-to-day architect economic development strategies. Members Morton and Chairman Gabrieli stated they also support the increase. Council President Walsh stated that it was not the time to increase staff and costs of the Board as the money was coming from the City's loan. The Board on a motion by Member Nunes and seconded by Chairman Gabrieli granted an increase to David Panagore and established the position of Project Manager in the Planning and Economic Development Department by a majority voice vote; Yes, Four (4) Ryan, Gabrieli, Morton and Nunes; No, One (1) Walsh.

XV. Executive Director Stephen Lisauskas made a presentation and a written Memorandum to the Board relative to the delegation of authority of the Board to the new Mayor Domenic J. Sarno and concluded that all delegated power to former Mayor Charles V. Ryan would be granted to Mayor Domenic J. Sarno. The Executive Director provided a "memorandum" outlining the powers which include the followings: (1) Contracts authority; (2) Budget Transfers; (3) Expenditure of Grant Funds; (4) Development Activities; (5) Personnel; (6) Personal – Negotiations and Reorganizations; and (7) Boards and Commissions; said delegation by the Board was approved by a unanimous voice vote.

XVI. Executive Director Stephen Lisauskas made a presentation to the Board relative to "free cash" and stated that the City has a positive free cash balance \$6.08 million for FY 05; \$17.3 million for FY 06; and \$30.4 million for FY 07. However, Mr. Lisauskas stated that he expected a \$1 million shortfall in "Lottery" aide for FY 08 from the State and there is about \$450 million due to funds pension expenses; \$400 million for capital projects; and State loan is owed \$32 million minus the \$20 million set aside for economic development. He further stated that although the City has about \$30 million in "free cash" it is not the time to spend money unwisely. The Board took no action but received the report.

XVII. Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-20-15 (Appropriation Order) which authorized the transfer of \$13,925,000.00 from FY 07 Certified Free Cash to a newly established fund entitled Stabilization Reserve Fund – 2007 Free Cash Allotment (8218-00-000-0000-0000-000000-0000000-104000. Mr. Lisauskas stated that the transfer was needed because of a \$13.9 million short-term investment with Merrill Lynch had been reduces in value from the \$13.9 million to about \$1.9 million due to an investment in the "sub-prime" mortgage field in violation of Massachusetts laws. Mayor Ryan stated that he had learned from the City Auditor and City Solicitor that Merrill Lynch had invested the City money in the "sub-prime" market and it value had been reduced to \$1.9 million. The Mayor also stated that he believes that the actions of Merrill Lynch violated Massachusetts laws and he asked the AG's office and DOR to join in an action against Merrill Lynch and that the City and Board have hired the Boston law firm of Goulston & Storrs to pursue reimbursement from Merrill Lynch. Chairman Gabrieli stated that Merrill Lynch actions maybe in violation of Massachusetts laws and that he also would like the AG's office and other state authorities to become involved. The Board on a motion by Member Nunes and seconded by Member Morton passed Executive Order #12-20-15, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XVIII. Executive Director Stephen Lisauskas made a presentation to the Board relative to a letter to Leslie A. Kirwan, Secretary of Administration and Finance outlining a repayment of Trust Fund

Loan. The plan called for the payment of \$6.4 million per year starting June 30, 2008 thru June 30, 2011 and a final payment of \$26.4 million on June 30, 2012. Mayor Ryan asked about the 20 year re-payment plan that Councilor Walsh and the Springfield Legislative delegation was working on to give the City more time to repayment the loan. Mr. Lisauskas stated that it was his understanding that the City had to forward a "repayment plan" to the Secretary of Administration and Finance in December. Mayor Ryan asked City Solicitor Pikula if the Act requires the City to file a repayment schedule in December. City Solicitor Pikula after reviewing the Act stated that in his opinion no repayment schedule had to be filed in December. After discussion among Board members it was agreed that Repayment Plan would be postponed until the Board's February, 2008 meeting in order to give the General Court enough time to pass a 20 year repayment plan. The Board took no action but received the report.

XIX. Executive Director Stephen Lisauskas made a presentation to the Board relative to Executive Order #12-20-17 (Authoring the Sale of Surplus Property) which authorized the City to sale a parcel of land known as East Side Elliot Street (Street #04550, Parcel #0040) also known as the "Technical High School" site to the Commonwealth of Massachusetts for \$1.00 for possible use as the DOR back-up date center. The transfer is conditioned upon the ability of the Commonwealth to obtain authorization and funding sufficient to develop and construct the date center by June 30, 2008, unless otherwise agreed upon by the City in writing for an extension. If the Commonwealth fails to meet the conditions the parcel shall revert back to the City. The Board on a motion by Mayor Ryan and seconded by Member Nunes passed Executive Order #12-20-17, by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XX. Executive Director Stephen Lisauskas made presentation to the Board relative to a Process for Hiring of a new Superintendent of Schools and his recommendations were as follows: (1) authorize a search for candidates for the position of Superintendent of Schools; (2) appoint a 5 member panel to review all applications; (3) the Board staff shall provide support to the selection panel and will assist in the selection of any consultant determined necessary to assist in the selection of a candidate by recruitment and evaluation. The selection panel appointees should have the following characteristics: (1) One member from the Finance Control Board; (2) One person who is a member of the Springfield Community and is involved in the business community; (3) One person who has significant public school experience and is current or retired superintendent of schools; (4) One person who has significant public school experience as civilian or in a non-municipal school capacity; and (5) One person appointed by the Mayor. Mr. Lisauskas stated that given the MCAS scores and dropout rate it may be time for a change but it was up to the Board.

Chairman Gabrieli stated that he would recommend a search like the Board approved for the Police Commissioner. Council President Walsh said there need to be a change in the Superintendent of Schools and that this is different from the search for a new Police Commissioner. Mayor Ryan said he did not think the School Department has achieved its full potential and that Dr. Burke can re-apply for the job but its time to begin a new search. Member Morton said he believes in a "process" the same as he believed in a "process" when the Police Commissioner job became vacant.

Chairman Gabrieli made a motion to authorize Chairman Gabriel to conduct a search for a new Superintendent of Schools including the hiring of a consultant and appointment of a five-member panel to review all applications and the panel would recommend one finalist to the full Board and that all hiring and firing at the School Department shall be subject to review and approval by the Chairman or as delegated to the Executive Director and it was seconded by Mayor Ryan and passed by the following roll call vote; Yes, Five (5) Ryan, Walsh, Gabrieli, Morton and Nunes; No, None (0).

XXI. Executive Director Stephen Lisauskas made presentation to the Board relative to a process for hiring of a City Councilor for a new administrative position in the School Department. Mr. Lisauskas said he had received a recommendation for Dr. Burke Superintendent of Schools to hire City Councilor Rosemarie Mazza-Moriarty for an administrative position for the International Baccalaureate Organization middle school program and he was concerned about the "appearance" of insider edge. Council President Walsh stated is if Councilor Mazza-Moriarty is qualified, the fact that she is a City Council should be held against her. Mayor Ryan stated that he was never told by Dr. Burke about the position and after a review of the resumes of the three finalists, he believes that Mazza-Moriarty was the least qualified of the three finalists. Chairman Gabrieli made a motion that the Executive Director is authorized to review all administrative positions in the School Department except teachers, paraprofessionals, assistant principal and principals and all other administrative positions may be altered or rescinded within fourteen (14) days after receipt of notice of such action or decision and it was seconded by Mayor Ryan and passed by majority vote with Council President Walsh voting No.

New Business:

XXII. Mayor Ryan expressed his concerns that the new Mayor was reducing the position of a full-time Coordinator for the new Community Complaint Review Board to a part-time position. He stated that the Consultant had stated that the position should be full-time and the City has had a long history with MCAD and that the trust between the minority community and the Police Department was not good and the full-time position was created to reduce the tension between the minority community and the Police. He further stated that newly hired Coordinator was being treated "shabbily" and in his opinion the job required a full-time person. That the new Mayor combining the positions of Chief of Staff and Coordinator would not work. Member Morton stated that he believed that the position should be full-time. Council President Walsh stated that although she agrees that the position should be full-time, she also believes that the new Mayor should be able to pick his staff and make appointments as he sees fit. The Board took no action of the Mayor's concerns.

Being no further business the meeting was adjourned at 4:53 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
January 17, 2008**

The **thirty-seventh meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, January 17, 2008 at 10:00 A.M.** in Room 220, City Hall. Present were Mayor Domenic J. Sarno, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. The Board met in open session and on motion by City Council President Bud L. Williams and seconded by Member Morton the Board voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation by the following roll call vote: Yes, Five (5) Sarno, Gabrieli, Morton, Nunes, Williams; No, None (0). The Chairperson stated that the Board would not be reconvening in open session but would return to open session at 12:30 P.M.

II. Prior to the 1:00 P.M. business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke asking that she be made a member of the search team for the new Superintendent of Schools and that the City needed to get the "real" dropout rate for students in public schools but until then she would continue to use the 52% dropout rate; that MCAS testing success rate is "misleading" because of the dropout rate and that high ranking City officials are sending their children to Catholic schools..
- B. Ms. Patricia Stefanowicz spoke regarding the fact that crossing guards have not received a pay increase in six (6) years but there have been an increase in their duties and responsibilities without a pay increase.
- C. Mr. George Blake spoke about keeping the students together at the Springfield Renaissance School and that the parents are concerned that Dr. Burke would be splitting the campus and the parents wanted a "unified campus" because MCAS test scores and attendance is up and older students are helping young students and he asked that the unified campus model be maintained.
- D. Mr. Patrick J. Markey, Esq., City Councilor member spoke thanking the Control Board for its services to the City and about two other issues (1) Mason Square Library stating that the City needs to find a solution the problem and make it a priority; and (2) he spoke in favor of keeping the Springfield Renaissance School as a unified campus.
- E. Mr. Allen Agnitti spoke stating that he had two children in the Springfield school system and he supports keeping the Springfield Renaissance School as a unified campus and that as a parent of students in the Springfield school system he supports the search for a new Superintendent of Schools and he hopes we get someone that not afraid to "shake things up" and make the changes that the system needs to get better.
- F. Mr. Jesse Lenderman, a student at the Springfield Renaissance School (7th grade) spoke about keeping the students together at the Springfield Renaissance School and that they wanted the 6-12 campus to remain together and that students oppose the splitting of the campus and the students and teachers had met with Dr. Burke and he had made no commitment to keeping a unified campus concept.
- G. Ms. Vera O'Connor spoke asking the Board to repeal the "unfair and unjust" trash fee and the \$90 fee is the straw that could "break the camel back" for the citizens of the City and the City needs to look at a different way of taxing "condo" and as Library Board

member she support the "taking" of the 756 State Street property for use a full service library.

III. The Board voted to approve the minutes of the December 20, 2007 meeting on a motion by Member Nunes and seconded by Member Morton, approved by a unanimous voice vote.

IV. Chairperson Christopher F. Gabrieli made a presentation to Board and viewing audience regarding Merrill Lynch litigation stating that the law firm hired by the believes that the City would be able to recover the money lost by Merrill Lynch because Merrill Lynch had violated Massachusetts General Laws. Gabrieli said he is optimistic the City will prevail in its pursuit of full reimbursement. He said the Board is deferring to the Attorney General's efforts while not giving up its right to pursue actions against Merrill Lynch on behalf of the City. The Control Board has hired the Boston law firm Goulston & Storrs to pursue reimbursement. He further stated that the Massachusetts Attorney General and Secretary of the Commonwealth has also joined the City in the investigation of Merrill Lynch investment activities and because of the powers of the AG, Chairperson Gabrieli suggested that the AG should take the "lead" in the investigation and the AG's services are "free". Chairperson Gabrieli also stated that the Board was in the process of reviewing the policies and procedures to ensure that this does not happen in the future. Mayor Sarno thanks Chairperson Gabrieli for his efforts and stated that he had also contact the State Auditor's office for assistance to review policies and procedures. Chairperson Gabrieli also took the opportunity to welcome Mayor Sarno and City Council President to their fist regular meeting..

Executive Director Stephen P. Lisauskas made a presentation to the Board regarding the investment of municipal funds not needed for immediate operational costs to the Massachusetts Municipal Depository Trust (MMDT) overseen by the State Treasurer. He said the amount to be invested will fluctuate. Member Morton made a motion to invest municipal funds not needed for immediate operational costs to the Massachusetts Municipal Depository Trust overseen by the State Treasurer and was seconded by Member Nunes as passed by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative Executive Order #1-17-04-2008 (Accepting Grant Funds) which authorized the Department of Parks, Buildings and Recreation Management to accept funds from Irene E. and George A. Davis Foundation in the amount of (\$25,000.00) for additional enrichment activities under the Massachusetts Department of Education's 21st Century Community Learning Center Grant and from the Massachusetts Department of Education in the amount of (\$50,000.00) for the operation of an after-school program at Pottenger Elementary School. The Board on a motion by Member Morton and seconded by Mayor Sarno passed Executive Order #1-17-04-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

VI. Executive Director Stephen P. Lisauskas and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board regarding Executive Order #1-17-05-2008 (Accepting M.G.L. Ch.90 § 20A½) pertaining to coordination and processing pf parking violation notices in the City as further set forth in said law. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #1-17-05-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

VII. Executive Director Stephen P. Lisauskas and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board regarding Executive Order #1-17-06-2008 (Authorizing the Appointment of a Parking Clerk and Authorizing the Parking Clerk to Contract with the Springfield Parking Authority) which authorized the Executive Director to designate or appoint a City Parking Clerk pursuant to M.G.L. Ch.90 § 20A½ and to enter into a contract with the Springfield Parking Authority (SPA) for a term of 5 years under such terms and conditions as the Executive Director and the SPA may agree to manage on-street and off-street parking. Mayor Sarno asked what was going to happen to the 6 employees that are now so-called "Meter Maids". Lisauskas stated that there are only 4 employees and they would be eligible to apply for the positions but there was no requirement that they be hired. Mayor Sarno also asked if City or SPA hired the lowest bidder. Deputy City Solicitor Breck stated that the bidding process was a "RFP" and not an "IFB" and therefore it's not based on lowest bid. Mayor Sarno asked if the matter could be put over to the February meeting for clarification on bid process, nature of the job hiring and Member Nunes wanted to have an analysis of the contract and bids. The Board on a motion by Member Nunes and seconded by Council President Williams voted to continue Executive Order #1-17-06-2008 until the February, 2008 meeting and was passed by a unanimous voice vote.

VII. Executive Director Stephen Lisauskas and Chief Development Officer David Panagore made a presentation to the Board relative to Executive Order #1-17-07-2008 (Related to the Construction of the new Putnam Vocational Technical High School) to waive the building permit fee payable to the Building Department however, the fees may be paid at the end of construction if available upon vote by the City Council and approval of the Mayor. A Bond approved on December 20, 2007 authorized the use of \$12,100,000 million dollars of a \$38,500,000 million dollars Bond approved by Executive Order 11-27-04 on December 18, 2006 for the construction of a new Putnam Vocational Technical High School for architectural and engineering services and other related costs. The Board on a motion by Member Nunes and seconded Council President Williams passed Executive Order #1-17-07-2008, by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen Lisauskas and Chief Development Officer David Panagore made a presentation to the Board relative to Executive Order #1-17-08-2008 (Related to and Authorizing certain Bond Issuance) which ordered that the sum of Eleven Million dollars (\$11,000,000.00) be appropriated to finance various capital projects including street paving, sidewalk replacement, the construction of a new fire station, the demolition of various buildings within the City, the acquisition of buildings for general municipal purposes by purchase, eminent domain or otherwise, remodeling and constructing additions to City facilities, the purchase and installation of information technology systems for various City departments, stormwater pumping stations and the construction or reconstruction of walls and dikes at the Van Horn Dam and any costs incidental and related thereto; that to meet this appropriation the City, with the approval of the Executive Director of the Control Board is authorized to borrow Eleven Million dollars (\$11,000,000.00) under Chapter 44 of the General Laws and to take such other steps as may be necessary to carry out these projects. Mayor Sarno asked Lisauskas about the First Church purchase and the re-use and stated that he was not informed as the Mayor-elect of the purchase of the building. Panagore explained that the City was looking to package the Church with the sale of the 31 Elm property for private development. Panagore further stated that the building could be used office space or meeting space and the City did not want the building to become another boarded-up property in the downtown area. The Board on a motion by Council President Williams and seconded by Mayor Sarno passed Executive Order #1-17-08-2008, by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

IX. Chairperson Gabrieli asked the Board to continue the presentations on CitiStat by Paul Foster and Inspectional Services by Matrix Consulting to the February meeting because of time constraints regarding a City Council meeting and executive session on the Merrill Lynch litigation. The Board on a motion by Council President Williams and seconded by Member Nunes to continue CitiStat and Inspectional Services presentations until the February, 2008 meeting was passed by a unanimous voice vote.

New Business:

X. Chairperson Gabrieli asked the Board to amend the search committee for the Superintendent of Schools from 5 member to 7 members. The Board on a motion by Council President Williams and seconded by Member Morton voted to amend the Superintendent of Schools search from 5 to 7 members and it was passed by a unanimous voice vote.

Member Morton and Chairman of the Search Committee for a new Police Commissioner gave a brief update of the search for a new Police Commissioner stating that about a dozen (12) applications had been received to date for the vacancy and the search committee will formally begin reviewing candidates for police commissioner position in late January. The names of applicants will be kept confidential, but the finalists will be interviewed in public, probably in the second week of March, and a single recommendation will be sent to the Board, possibly in late March. Acting Police Commissioner Bill Fitchet is an automatic finalist per the Board vote in November, 2007.

Being no further business the meeting was adjourned at 2:20 P.M.

Respectfully submitted,

/s/Wayman Lee
Wayman Lee, Esq.
Clerk of the Board

**Control Board
Springfield, Massachusetts
February 21, 2008**

The **thirty-eighth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, February 21, 2008 at 11:00 A.M.** in Room 220, City Hall. Present were Mayor Domenic J. Sarno, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. The Board met in open session and on motion by City Council President Bud L. Williams and seconded by Mayor Sarno the Board voted to go into Executive Session for the purpose to consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual by the following roll call vote: Yes, Five (5) Sarno, Gabrieli, Morton, Nunes, Williams; No, None (0). Executive Director Stephen P. Lisauskas requested that the meeting be held in executive session. The Chairperson stated that the Board would not be reconvening in open session but would return to open session at the regular meeting at 12:30 P.M.

II. Prior to the Public Comments session Executive Director Stephen P. Lisauskas states that due to the length of the Executive Session the Board would not be considering agenda items #6 (CitiStat presentation by Paul Foster); #7 (Inspectional Services presentation by Matrix Consulting); #8 (311 Presentation); and the #9 (Presentation regarding Payroll and Time, Labor, Management Systems) until the March Board meeting. At 2:45 P.M. the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about politicians who take allegations to the media and about a conflict of interest by members of the Springfield School Committee because they have "immediate family" members working for the school department, with the exception of Antonette Pepe and Mayor Sarno. She further stated that because of this conflict of interest had rendered the School Committee as a "rubber stamp" for the Superintendent.
- B. Mr. Orlando Santiago spoke stating that it was time for the Superintendent to go because of the drop out rate, dismantling of the parent-teachers groups and the relationship with Latino and Black parents and the achievement gap.
- C. Ms. Antonette Pepe, a School Committee person spoke stating that she was applauded by the actions School Committee members Shea, Ashe, Rodgers and Collins in voting to extend Superintendent Dr. Burke contract and that she and the Mayor was not notified of the meeting and that "enough is enough" and Dr. Burke should go.
- D. Mr. Robert Brown, a retired Police Officer spoke chastising the Board for not coming out executive session until 2:45 P.M. and keeping the public waiting and that police and fire retirees need to have a increase in their pensions because many have not had an increase in 30 years except for "COLA" and although the Retirement System is making money, the interest is used only to pay "unfunded liabilities" and not given the retirees.
- E. Mr. Von Morris, a Parent Facilitator at Rebecca M. Johnson Magnet School spoke about the appointment of that Deputy Chief William J. Fitchet to the position of Police Commissioner without a national search and that he called Deputy Chief Fitchet because Rebecca Johnson school was having problems on Marion Street and Deputy Chief Fitchet met with school and solved the problems and that the kind of man we need in Springfield
- F. Mr. Timothy Collins, President of the Springfield Teacher Association spoke about the need of the Board to respect the time of citizens by starting their meetings on time and about the MUNIS implementation, timelines and training. Mr. Collins stated that the

school department has over 125,000 accounts and that too many account numbers and vendors had not been paid because of the MUNIS system and when this happens in the past the cost of doing business for City with vendors went up. Mr. Collins further stated that as one of the largest union in the City, it would be nice if the Board had contact the Union regarding implementation, timelines and training and the Board needs to negotiate changes in working conditions as well as changes regarding payroll, and time, labor management systems.

III. The Board voted to approve the minutes of the January 17, 2008 meeting on a motion by Member Nunes and seconded by Council President Williams, approved by a unanimous voice vote.

Chairperson Christopher F. Gabrieli made remarks to public and viewing audience apologizing for the long Executive Session and that that the Board had retained the services of Executive Director Stephen P. Lisauskas after meeting with him in Executive Session.

IV. A. Executive Director Stephen P. Lisauskas made a presentation to the Board relative Executive Order #2-21-03A-2008 (An Appropriation Order) which authorized the Board to transfer unexpended bond funds in the amount of \$380,000.00 from DPW-Landfill Account #3562-40-400-0000-0000-0090-000000-0000000-580800 to Our Lady of Hope Convent Renovations Account #3143-10-190-0000-0000-0000-000000-0000000-580200. The Board on a motion by Council President Williams and seconded by Mayor Sarno passed Executive Order #2-21-03A-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

B. Executive Director Stephen P. Lisauskas made a presentation to the Board relative Executive Order #2-21-03B-2008 (An Appropriation Order) which authorized the Board to transfer unexpended bond funds in the amount of \$67,632.00 from DPW-Landfill Account #3562-40-400-0000-0000-0090-000000-0000000-580800 to Massreco Fire Station Account #3262-10-190-0000-0000-0000-000000-0000000-580200. The Board on a motion by Council President Williams and seconded by Mayor Sarno passed Executive Order #2-21-03B-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

C. Executive Director Stephen P. Lisauskas made a presentation to the Board relative Executive Order #2-21-03C-2008 (An Appropriation Order) which authorized the Board to transfer unexpended bond funds in the amount of \$101,000.00 from DPW-Landfill Account #3562-40-400-0000-0000-0090-000000-0000000-580800 to Emergency Campanile Repairs Account #268-10-190-0000-0000-0000-000000-0000000-580200. The Board on a motion by Council President Williams and seconded by Mayor Sarno passed Executive Order #2-21-03C-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding Executive Order #02-21-04-2008 (Delegating Certain Powers of the Finance Control Board to its Executive Director) authorizing the Executive Director the authority to amend the FY 2008 annual and supplemental budgets of the city and school committee, including the increase or decrease of any appropriations, and spending authority for all departments, board, committees, agencies or other units of the city and school committee, but, notwithstanding Section 34 of Chapter 71 of the General Laws, and to alter compensation within the approved FY08 budget and the Executive shall notified the Board of all such actions taken. The Board on a motion by Member Morton and seconded by Mayor Sarno passed Executive Order #02-21-04-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

VI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to a draft Human Resource Polices that would apply to non-bargaining employees, except for those under the

jurisdiction of the School Committee, the Springfield Retirement Board, elected positions and certain positions for which compensation is on a fee basis or incumbents render intermittent or causal services. Council President Williams asked why the policies would not apply to the School Department's non-bargaining employees. Mr. Lisauskas stated that he was working on a separate policy for School Department employees because they have different circumstances than regular city employees. The Board took no action but received the draft Human Resource Policies for non-bargaining City employees.

VII. Executive Director Stephen P. Lisauskas, Deputy Executive Director Patricia Vinchesi and Deputy City Solicitor Kathleen T. Breck made a presentation to the Board regarding Executive Order #02-21-10-2008 (Authorizing the Appointment of a Parking Clerk and Authorizing the Parking Clerk to Contract with the Springfield Parking Authority) which authorized the Executive Director to designate or appoint a City Parking Clerk pursuant to M.G.L. Ch.90 § 20A½ and to enter into a contract with the Springfield Parking Authority (SPA) for a term of 5 years under such terms and conditions as the Executive Director and the SPA may agree to manage on-street and off-street parking. Deputy Director Vinchesi stated that an agreement had been worked out with the Police Department where the 4 so-called "Meter Maids" would be hired in the records division of the Police Department and that all issues brought up at the last meeting had been answered to the satisfaction of the parties who asked the questions. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #02-21-10-2008, by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen P. Lisauskas and Chairman Christopher F. Gabrieli made a presentation to the Board relative to Executive Order #02-21-11-2008 (Authoring the Expedited Procurement of a Superintendent Search Committee Pursuant to Section 9(b) of the Chapter 169) to expand the members of the search committee to look for a new Superintendent of Schools. Chairman Gabrieli announced the Board will appoint an ad hoc committee of community members by late March to be part of the search process. The goal of the search process is to recruit an outstanding individual to lead the Springfield public schools and to do that with a process that brings the community together. The Board voted in December to conduct an open search for new Superintendent rather than extend the contract of current Superintendent Dr. Joseph P. Burke. Burke's contract is set to expire June 30, 2008. Chairman Gabrieli stated that he asked City Solicitor Edward Pikula if the vote of 4 members of the School Committee was valid. The Chairman stated that City Solicitor Pikula said the School Committee's vote is invalid and is superseded by the Board's powers under Chapter 169. Chairman Gabrieli said the search will proceed, but he intends to involve the School Committee. A small number of finalists, likely three, will be publicly interviewed by the Board, the ad hoc committee and the School Committee. The ad hoc committee will number 12 to 20 members, and will represent a cross-section of the city. The Chairman asked Board to vote to authorize the hiring of a consultant, not to exceed \$75,000, to aggressively recruit candidates for the job, screen candidates, evaluate resumes, conduct reference checks, and recommend candidates for interviews by the board, among other duties. The Board on a motion by Member Nunes and seconded by Member Morton, passed Executive Order #02-21-11-2008 amending the search process and for the hiring of consultant by a unanimous voice vote.

IX. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding Executive Order #02-21-12-2008 (Appropriations Order) transferring funds from Stabilization Reserve Fund – 2007 Free Cash Allotment in the amount of \$13,925,000.00 Account #8218-00-000-0000-000000-0000000-359000; from Stabilization Reserve Fund – Capital Stabilization in the amount of \$14,553.00 Account #8218-00-000-0000-000000-0000000-359000; from Stabilization Reserve Fund – FY 2006 Free Cash in the amount of \$16,317,051.00 Account #8217-00-000-0000-000000-0000000-359000 to Stabilization Reserve Fund – Special Revenue General in the amount of \$30,256,604.00 Account #8217-00-000-0000-000000-0000000-

359000. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #02-21-12-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding a Master Equipment Lease-Purchase Agreement authorizing the City to enter into a purchase or lease equipment pursuant to the Lease-Purchase Agreement for various departments at an interest rate 3.926%. The Board on a motion by Council President Williams and seconded by Member Morton passed the Master Equipment Lease-Purchase Agreement, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

XI. Executive Director Stephen P. Lisauskas and TJ Plante, Acting Chief Financial Officer made a verbal and written presentation of a Memorandum to the Board regarding the processes to be used for in development of the FY09 budget. Mr. Lisauskas stated that he proposed transferring the budgeting development back to the Mayor and City Council with the understanding that the FY09 budget must be balanced. The Memorandum outlined 15 budget parameters that must be followed in order for the Mayor and City Council budget to be approved. The Mayor said he welcomes the challenges of setting his own budget and would produce a balanced budget, but his prior was the adding of 50 new police officers and repealing the trash fee. The Mayor also stated that he needed the General Court to extend the "Loan" pay back period from 5 years to 20 years. The Mayor also asked for some authority in area of personnel hiring and after debated the Board agreed to bring up the personnel hiring issue at the Board next meeting in March. The Board on a motion by member Nunes and seconded by Council President Williams received the Memorandum by a unanimous voice vote.

New Business:

XII. Chairperson Gabrieli thanked the Attorney General's office, the Secretary of State and the private law firm for their efforts and getting the City back the total amount invested with Merrill Lynch. Mayor Sarno also thanks Chairman Gabrieli for his work and also thanks the Law Department for their assistance in this matter. Council President Williams said something you have a pay to get the best and that the hiring of the Boston law firm was money well spent. Member Nunes also thanks all the parties that were involved in getting the money back and this showed what the City can do when we all work together.

XIII. The Board of a motion by Member Nunes and seconded by Morton voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 4:45 P.M.

Respectfully submitted,

/s/ Wayman Lee

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
March 3, 2008**

The **thirty-ninth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Monday, March 3, 2008 at 11:00 A.M.** in Room 220, City Hall. Present were Mayor Domenic J. Sarno, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Mr. George D. Pappas spoke stating that he was new resident of the City and he started a new non-profit called "Springfield Forward" and he wanted to talk about the rehabilitation of the "Longhill Gardens" apartment complex stating that he disagreed with the "rubber stamp" of the Forest Park Civic Association in approving the plans for the Longhill Garden Apartment Complex because it would leave the complex with the same problems as were there before the complex was closed. He further stated that the City needs to look for better projects and stop using taxpayer money to fund projects. Council President Williams stated that he agreed and that the City should be looking for balance housing and not just low or moderate housing projects.
- B. Ms. Nicola Manion also from Springfield Forward spoke stating that the project as approved for the Longhill Garden Apartment Complex would return the complex to crime and prostitution and the City needed "nice" housing and not packing peoples in big apartment complex.
- C. Mr. Charlie Payne, Chairman of the Indian Orchard Mobile Home Park Association spoke urging the Board to select Deputy Chief William J. Fitchet to the position of Police Commissioner after the national search and that Deputy Chief Fitchet knows the City cares about the City and if appointed will stay in the City and would listen to the citizens of the City.
- D. Mr. Timothy T. Collins, President of the Springfield Teacher Association spoke about the need to do a study of the School Department and determine what the City needs in a new Superintendent of Schools and that the Board, the School Committee, teachers, parents and the community needs to get together and ask "What are looking for in a Superintendent of Schools? He also stated that the City should enter into a "project Labor Agreement" for the building of new schools and said if Baystate Medical Center can do it, the City can afford to do it. If the City enter into project labor agreement it could assist "minority" to get involved in the 14 apprenticeship trades that are offered by the trade unions.

II. The Board voted to approve the minutes of the February 21, 2008 meeting on a motion by Council President Williams and seconded by Member Nunes, approved by a unanimous voice vote.

III. Because the Board started the business meeting early Executive Order #03-03-03-2008 was passed and the Board asked Executive Director Stephen P. Lisauskas to make a presentation to the Board relative to Executive Order #3-03-04-2008 (Payment of Previous Fiscal Year Bills) which authorized the Board to transfer from department's current year operating budget to department's prior year carryover budget in amount of \$78,897.83 from Treasurer's Legal Tax Title work to

various contracts. The Board on a motion by Council President Williams and seconded by Member Morton passed Executive Order #03-03-04-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas and Al Chwalek made a presentation to the Board relative to Executive Order #3-03-05-2008 (An Appropriation Order) which authorized the City to spend funds for removal of snow and ice in excess of appropriations upon the approval of the Mayor, the City Council and the Board under the provision of Chapter 44, section 31D of the General Laws for fiscal year 2008 and all expenditures made under the authority of the law shall be certified to the Board of Assessors and included in the next annual tax rate. Mr. Chwalek was asked what an average storm cost and he stated that average storm of about 6" would costs approximately \$130,000 per storm. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #03-03-05-2008, following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas and Mary E. Wallachy, Executive Director of the Irene E. & George A. Davis Foundation made a presentation to the Board regarding Executive Order #03-03-03-2008 (An Appropriation Order) authorizing the transfer from General Funds to establish and award a grant agreement to the Irene E. & George A. Davis Foundation to research and develop a plan to establish a Local Education Fund (LEF) in the City. Ms. Wallachy stated that the private Foundation is proposing creation of a Local Education Fund, under a national grassroots program designed to improve public education for low-income and minority children living in urban areas. She further stated that the Foundation believe the development of a Local Education Fund will offer a structure involving community stakeholders who care about the education of Springfield children and through this organization can both advocate for and support our public schools while at the same time monitoring and holding the schools accountable for high quality and the local education fund organizations advocate for accountability, expecting measurable results, and encourage innovative practices and to help secure public and private investments in education and advocate for community involvement. City Council President Williams said he wanted additional details before voting and Control Board members praised the Foundation and asked questions but delayed a vote until its next meeting, at the request Council President Williams. The Board on a motion by Council President Williams and seconded by Member Morton tabled Executive Order #03-03-03-2008 until next meeting in March by a unanimous voice vote.

VI. Executive Director Stephen P. Lisauskas and Paul Foster, Director of CitiStat made a presentation to the Board relative to how the CitiStat program would work in the City. Mr. Foster stated that CitiStat would be used to track how well the City responses to services areas such as DPW with potholes, Police Department were police officers are deployed to best serve the public; track finance and performance data; the numbers of visits to the Libraries; number of outstanding Facilities work orders; percent of calls responded in less than 4 minutes by Fire Department; Housing Code Enforcement performance versus complaints; use of sick leave; and how Police and Fire Departments track workers compensation claims. He further stated that CitiStat is a process and not a software program. The Board took no action but received the CitiStat report.

VII. Executive Director Stephen P. Lisauskas and Chief Information Officer Thomas B. Collins made a presentation to the Board relative to how the 311 call center program would work in the City. Mr. Collins stated that the 311 is a new non-emergency telephone number aimed at giving residents an easier avenue to obtain answers and service from City departments and under the program, non-emergencies ranging from complaints about potholes to asking questions about the

trash collection schedule would be handled by citizen calls to 3-1-1. Any person needing service would have their request or complaint listed by number and tracked. The initial capital cost was estimated at \$80,000 to \$100,000 for the computer software and phone system, and the call center would be staffed by existing and new city employees. Mayor Sarno asked if the hours of operations would be flexible? Mr. Collins said the hours could be flexible but he would need to look at the system after some operation time period. Chairman Gabrieli voiced his support, saying it would lead to improved service to taxpayers and as a resident of Boston, he wished Boston had it and is looking forward to Springfield having it and maybe inspiring Boston to catch up. The Board said that a vote on the program may come at its next meeting. The Board took no action but received the 311 call center report.

VIII. Executive Director Stephen P. Lisauskas, Chief Information Officer Thomas B. Collins and Marilyn Montagna made a presentation to the Board relative to implementation of a Time & Labor Management (TLM) program to improve time reporting; consolidate all gross pay calculations in the ADP payroll system to improve internal controls; streamline payroll processing and administration; import detailed payroll data into the Munis system. Ms. Montagna also stated that TLM would benefit the City in the following ways: reduce time calculation errors, time adjustments, and improve accuracy and efficiency; ensure accurate and equitable pay and compliant with all union contracts; ensure federal and state law compliance; reduce the administrative burden on employees and managers by streamlining time collection; manage overtime; eliminate end-of-week crunch; identify and respond to unauthorized time, absence, tardiness, excessive overtime, etc. Ms. Montagna stated that the implementation cost would be approximately \$738,250; IT Project Manager cost \$80,000; annual operating cost \$345,600 for a total year 1 cost \$1,163,850 with an approximately savings on manual calculation of time \$503,980; lost time \$612,335; manual data entry errors \$1,990,532 for a total annual saving of \$3,106,847. Ms. Montagna gave the following schedule for implementation: March 2008 document time reporting rules; September 2008 implement gross pay calculations; July 2008 build time reporting rules in TLM system; August-September 2008 integrated system testing; September 2008 develop training and communication; September-December 2008 phased rollout. Ms. Montagna finally stated that the TLM system would be used by all departments including the School Department except for the Police and Fire Departments. The Board took no action but received the TLM report.

IX. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding Executive Order #03-03-09-2008 (Appropriations Order) transferring funds from Reserve for Contingencies in the amount of \$75,000 Account #0100-10-135-0000-0000-0010-000000-0000000-578700 to Finance Department – Professional Services Account #0100-10-133-0000-0000-0010-000000-0000000-531005. The transfer is needed to pay for a consultant to assist the Board in a search for a new Superintendent of Schools. The Board on a motion by Council President Williams and seconded by Member Morton passed Executive Order #03-03-09-2008 by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas and City Solicitor Edward M. Pikula made a presentation to the Board relative to Executive Order #03-03-09B-2008 (Concerning a Purported Contract of Employment for the Superintendent of Schools). City Solicitor Pikula stated that in his opinion the Executive Order was not necessary but to be doubly sure he was asking the Board to rescind the purported contract within 14 days of it being presented to the Board and that the contract was presented to the Board on February 28, 2008 and further the Executive Order required that any further action to select or enter into a contract with a Superintendent of Schools must have prior approval of the Board. The Board on a motion by Mayor Sarno and seconded by Council President

Williams passed Executive Order #03-03-09B-2008 by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

New Business:

XI. The Board of a motion by Mayor Sarno and seconded by Council President Williams voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:45 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
March 27, 2008**

The fortieth meeting of the Finance Control Board (ST.2004, C.169) was held on **Thursday, March 27, 2008 at 12:30 P.M.** in Room 220, City Hall. Present were Mayor Domenic J. Sarno, Chairperson Christopher F. Gabrieli and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke stating that the City was at a crossroad in picking a Police Commissioner and School Superintendent and the Board has settled the dispute between the School Committee action and the opinion of the City Solicitor regarding the School Superintendent and it's time to move on. She applauds City Councilors Markey and Stebbins for put forth a conflict of interest ordinance because the school department has several conflicts involving family members. She further stated that she missed the KIPP school tour in Lynn, MA but from all reports the tour was a success and the City should be looking to do the same in Springfield.
- B. Mr. Tony Taylor spoke stating that the AFL-CIO of the Pioneer Valley supports Deputy Chief William J. Fitchet for the position of Police Commissioner in as much as he is a life long resident of the City and he knows the end and out of the police department and has the respect of the men in blue and the citizens of the City and would not have to learn the streets or the peoples.
- C. Mr. Von Morris spoke urging the Board to select Deputy Chief William J. Fitchet to the position of Police Commissioner and if appointed he would stay in the City and would listen to the citizens of the City and that his son wants to be a police officer and he needs to believe that if he becomes a police officer and gets his degrees he could move through the ranks to someday have a chance to be Police Commissioner.
- D. Mr. David D'Alma, Business Manger and President of the Pioneer Valley Building Trade Association spoke supporting the selection of Deputy Chief William J. Fitchet to the position of Police Commissioner.
- E. Mr. Steven Villanueva the student representative to the School Committee spoke about the need for the City to have an action plan to combat school "teenage pregnancy" because about 81 out of every 1000 teens in Springfield are becoming pregnant. He further stated that schools are not teaching sex education and that pregnant prevention products should be available in schools to males and females.
- F. Ms. Donna Seymour spoke asking the Board when it was going to have another community meeting in the neighborhoods.

II. The Board voted to approve the minutes of the March 3, 2008 meeting on a motion by Mayor Sarno and seconded by Member Nunes by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to the approval of the 311 call center program and stated that the 311 is a new non-emergency telephone number aimed at giving residents an easier avenue to obtain answers and service from City departments and under the program, non-emergencies calls ranging from complaints about potholes

to asking questions about the trash collection schedule would be handled by citizen calls to 3-1-1. Any person needing service would have their request or complaint listed by number and tracked. The initial capital cost was estimated at \$80,000 to \$100,000 for the computer software and phone system, and the call center would be staffed by 4 existing DPW employees and new city employees would be added later, if needed. Mayor Sarno stated that he had spoken with the Mayor of City of Somerville and found that Somerville program had reduce the total numbers of call to the police department by about 40% and that he now supports the program. Chairman Gabrieli voiced his support saying it would lead to improved service to taxpayers and as a resident of Boston he wished Boston had it and is looking forward to Springfield having it ahead of Boston. The Board on a motion by Mayor Sarno and seconded by Council President Williams approved the 311 program by a unanimous voice vote.

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to the approval of time a Time & Labor Management (TLM) program to improve time reporting; gross pay calculations in the ADP payroll system by improving internal controls; streamline payroll processing and administration; import detailed payroll data into the Munis system. He further stated that TLM would benefits the City in the following ways: reduce time calculation errors, time adjustments, and improve accuracy and efficiency; ensure accurate and equitable pay and compliant with all union contracts; ensure federal and state law compliance; reduce the administrative burden on employees and managers by streamlining time collection; manage overtime; eliminate end-of-week crunch; identify and respond to unauthorized time, absence, tardiness, excessive overtime, etc. Mr. Lisauskas stated that the implementation cost would approximately \$738,250; IT Project Manager cost \$80,000; annual operating cost \$345,600 for a total year 1 cost \$1,163,850 with an approximately savings on manual calculation of time \$503,980; lost time \$612,335; manual data entry errors \$1,990,532 for a total annual saving of \$3,106,847. Mr. Lisauskas gave the following schedule for implementation: March 2008 document time reporting rules; September 2008 implement gross pay calculations; July 2008 build time reporting rules in TLM system; August-September 2008 integrated system testing; September 2008 develop training and communication; September-December 2008 phased rollout. Mr. Lisauskas finally stated that the TLM system would be used by all departments including the School Department except for the Police and Fire Departments. The Board on a motion by Member Nunes and seconded by Council President Williams approved the TLM system by a unanimous voice vote.

V. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding Executive Order #03-27-05-2008 (Appropriations Order) transferring funds from FY 2007 – Certified Free Cash in the amount of \$843,090.00 to Stabilization Reserve Fund – Self Insurance Reserve Account #8219-00-000-0000-000000-104000. The transfer is needed to continue the fiscal recovery and safeguard the financial stability of the City to pay claims and to meet the requirements of rating agencies such as Moody and Standard and Poor. The Board on a motion by Council President Williams and seconded by Member Morton passed Executive Order #03-27-05-2008 by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

VII. Executive Director Stephen P. Lisauskas, Chief Development Officer Dave Panagore and Susannah Leigh of Matrix Consulting Group gave an oral and power point Report to the Board regarding Inspectional Services. The Report reviewed and analyzed the Housing Code, Building, Fire Prevention and Environmental Services divisions of the City for recommendations to improve operations and services. The Report identified the following issues that needed to be addressed: (1) fee collections; (2) lack of referral process to involve other department; (3) need for geographical

assignment of inspectors; (4) use of manual information systems for data recording, tracking and monitoring; (5) lack of comprehensive review and periodic update of user fees; and (6) limited cross-departmental communication and coordination.

The Report also made the following recommendations: (1) create a plan review position; (2) increase inspectors' time in the field; (3) improved quality control and training programs; (4) add 1 zoning inspector; (5) review and change outdated job descriptions and review classifications; (6) reclassify 1 inspector to an Inspectional Services Analyst to analyze data; (7) improve response times for reactive workload; (8) expand resources for food establishments; (9) increase the frequency of inspections; (10) acquire an automated permitting information system; (11) create a proactive, multi-family residential inspection program and (12) merge Code Enforcement Housing inspectors into the Building Department. The Board took no action but received the Inspectional Services report.

VII. Executive Director Stephen P. Lisauskas and Marilyn Montagna, Director of Personnel made a presentation to the Board relative to policy updates for City's non-bargaining employees, except for those under the jurisdiction of the School Committee, the Springfield Retirement Board, elected positions and certain positions for which compensation is on a fee basis or incumbents render intermittent or causal services. Ms. Montagna stated that the new policies would make the City competitive with private employers; comply with state and federal laws; and make all workplace policies standard. Member Nunes asked if the policies had been presented the City's employee. Ms. Montagna said no, but meetings had been set-up to meet with non-bargaining employees. Member Nunes stated that the policies must be presented the employees before final approval by the Board. Ms. Montagna said she will meet with the employees and report back the board at the next meeting in April. Council President Williams stated that Personnel should work with the School Committee to implement the same policies at the school department. The Board took no action but received the new policy report for Non-Bargaining Employees.

VIII. Executive Director Stephen P. Lisauskas and Mary E. Wallachy, Executive Director of the Irene E. & George A. Davis Foundation made a presentation to the Board regarding Executive Order #03-27-08-2008 (An Appropriation Order) authorizing the transfer from City Auditor – Reserve for Contingences (Account # 0100-10-135-0000-0000-0010-000000-000000-578700) in the amount of \$25,000 to Finance Department – Professional Services (Account # 0100-10-133-0000-0000-0010-000000-000000-531005) to establish and award a grant agreement in the Finance Department to the Irene E. & George A. Davis Foundation to research and develop a plan to establish a Local Education Fund (LEF) in the City. This matter was tabled at the March 3, 2008 meeting at the request City Council President Williams. City Council President Williams stated that he had met with Ms. Wallachy and was now satisfied with the LEF fund and he will vote for the funding. The Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #03-27-08-2008 by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

IX. Executive Director Stephen P. Lisauskas and Acting Police Commissioner William J. Fitchet made a presentation to the Board regarding Executive Order #03-27-09-2008 (Appointing William J. Fitchet as Commissioner of the Springfield Police Department) for a term not to exceed three (3) years, subject to the completion of additional background checks and the negotiation of performance-based employment contract. The Search Committee Chairman Member Morton gave an overview of the selection process. Council President Williams asked about recruitment of minority both Blacks and Hispanic. Acting Commissioner Fitchet responded by stating that he

planned to hire a minority officer to a position that deals with recruitment and to conduct sensitivity and diversity training for all police department staff including command staff. All members of the Board praised the selection process and further stated that process had made Fitchet a better candidate. The Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #03-27-09-2008 appointing William J. Fitchet Police Commissioner by the following roll call vote; Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas and Chairperson Christopher F. Gabrieli gave an update of the search for a new Superintendent of Schools. Mr. Lisauskas stated that a consultant had been hired to assist in the search for the new Superintendent of Schools and that an advisory committee would set-up made up of about 15 to 20 members of the community to also assist in the selection of the new Superintendent of Schools. Chairperson Gabrieli stated that the time table for the final selection was June 30, 2008. The Board took no action but received the update on the search for a new Superintendent of Schools.

New Business:

XI. The Board of a motion by Mayor Sarno and seconded by Council President Williams voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 2:40 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

Finance Control Board
Springfield, Massachusetts
April 17, 2008

The forty-first meeting of the Finance Control Board (ST.2004, C.169) was held on **Thursday, April 17, 2008 at 11:00 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Sheila McElwaine spoke stating that the City needs citizen participation and the City needs to hire someone to improve minority participation because 60% of the citizens of the City are minorities. The City need to move away from the same old faces and same old organizations as the voice of Springfield, because 60% of the peoples are not heard from because they may be afraid of public speaking and good intentions are not a replacement for civic actions.
- B. Ms. Vera O'Conner spoke congratulating Member Morton on his chairing the committee that selected Bill Fitchet as Police Commissioner and that the Board should not make citizens wait for 2 hours while the Board is in executive session, the Board should take a break and inform the citizens and go back into executive session after the public speaks. She further stated that Dr. Burke needs to go because of low student performances and low MCAS tests. Some of the problems in the City have to do with children having children's and parents unable to cope because they are working 2 jobs and they need help too. Now we have parents confronting teacher instead of confronting their child for lack progress in school. The schools need to teach civic responsibility and motivate students to do better because they will be the future leaders of the City and finally keep the Libraries open and find a location for the Mason Square Library.
- C. Mr. Timothy Collins, President of the Springfield Teacher Association spoke stating that the Board needs to work with the School Committee to select the new Superintendent of Schools and the City needs to add more money under "Schedule 19" school funding. The state should not be reducing the state income tax because the income tax pays for local police, fire, schools, and hospital funding and finally the City needs to use a "PLA" when building schools in the City because of the apprenticeship programs offered by the trade union to help students get a leg up and provide a "living wage".

II. The Board voted to approve the minutes of the March 27, 2008 meeting on a motion by member Williams and seconded by Mayor Sarno by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative Executive Order #04-17-03-2008 (Authoring the Procurement of an Independent Study regarding the Use of a Project Labor Agreement and Appropriating Funds Therefore) to seek an independent study regarding the use of Project Labor Agreement (PLA) for the Putnam Vocational Technical High School and Forest Park Middle School construction projects. Mayor Sarno stated that he believes that a PLA would control cost, keep the projects on time and stay within the proposed budget. The Board on a motion by Council President Williams and seconded by Mayor Sarno passed Executive Order #04-17-03-2008 by a unanimous voice vote.

IV. Executive Director Stephen P. Lisauskas and Deputy Executive Director, Patricia Vinchesi made a presentation to the Board relative to the starting of an ongoing professional development training program for managerial, supervisory, and support staff positions called Springfield Management and Administrative Resources Training (SMART). The goal is to create an environment of high-quality staff who will manage the City's resources and assets in a transparent, uniform and professional manner. The first professional development training would be put out to bid and than be done in-house after proper training of City staff. The Board took no action but received the SMART training program report.

V. Executive Director Stephen P. Lisauskas and Deputy Executive Director, Patricia Vinchesi made a presentation to the Board relative to completion of a Capital Improvement Plan and stated that the City has about \$400 million worth capital improvements projects and this plan would allow the City to budget for the future costs as well as other expenses such as unfunded pension, health insurance and other big budget items in responsible manner. The Board took no action but received the updated Capital Improvement Plan report.

VI. Executive Director Stephen P. Lisauskas and Chairperson Christopher F. Gabrieli gave an update of the search for a new Superintendent of Schools. Mr. Lisauskas stated that a consultant had been hired and a least 21 candidates have applied for the job with both in-state and out-state applicants. Chairperson Gabrieli stated that a community advisory committee had been set up and the names would be made public later today and would made up of about 20 to 25 members of the community to also assist in the selection of the new Superintendent of Schools. Chairperson Gabrieli also stated that the time table for the final selection would be the last week of April or the first week of May, with the new Superintendent of Schools in place by June 30, 2008. The Board took no action but received the update on the search for a new Superintendent of Schools.

New Business:

VII. The Board of a motion by Mayor Sarno and seconded by Council President Williams voted to go into Executive Session for the purpose of considering the purchase, exchange, or lease of real property and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Sarno, Williams, Gabrieli, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjoined at 12:30 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
May 21, 2008**

The forty-second meeting of the Finance Control Board (ST.2004, C.169) was held on Wednesday, May 21, 2008 at 11:00 A.M. in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Russell Seelig, Concerned Citizens for Springfield, Inc. a not-for-profit spoke urging the Board to grant federal tax credits to Winn Development Companies to redevelop the Longhill Gardens condo property in Springfield because it would be an improvement from the last 20 years of mismanagement.
- B. William Malloy, Concerned Citizens for Springfield, Inc. a not-for-profit spoke urging the Board to grant federal tax credits to Winn Development Companies to redevelop the Longhill Gardens condo property in Springfield because it's the right thing to do at the right time and would reduce the density for 212 condo to 111 condo with parking, security and on-site management.
- C. Ms. Sheila McElwaine, Springfield Library Commissioner spoke also supporting federal tax credit for Winn Development Companies and to urge the Board to fill a public relation position at the Libraries to assist in marketing the services that the Library offers and because the money is in the budget and just needs the Board or the City approval.
- D. Ms. Patricia Triggs, President of Concerned Citizens for Springfield, Inc. a not-for-profit spoke urging the Board to grant federal tax credits to Winn Development Companies to redevelop the Longhill Gardens condo property in Springfield.
- E. Mr. Timothy Collins, President of the Springfield Teacher Association spoke stating that the School Department has over 1,960 teacher in their first 5 years as a teacher since the Board has been in Springfield and the Board needs to reopen wage discussions because the City has lost too many teachers to surrounding communities and because the City is now in the bottom 20% of wages versus surrounding communities. He further stated that the City needs to increase its "Schedule 19" contribution from 1.2% above the minimum to about 16% which is the state average. Board member Morton asked if Mr. Collins had statewide numbers regarding average contribution and Mr. Collins stated that those numbers are available of the DOE website but he would be glad to provide the Board with up-to-date numbers. Chairman Gabrieli stated that School Department issues are important and needed to work on and Board would do so, but increased wages are dependent on state aide and not something that under the City sole control and some surrounding communities are laying-off teachers because of high wages.
- F. Lorenzo Gaines, a former teacher at Commerce High School spoke supporting teachers and supporting Mayor Sarno in the budget process for more funding for police, teen pregnant, internships, conflict resolution or more jobs. He also congratulated the Mayor and the Board of the community process for selection of the new Superintendent of Schools and he understands the plight of today's students because he was a so-called "drop out" but he calls it "force out" but went on to graduate from college and return to Springfield to teach.

- G. Mr. Matt Szafranski spoke about the work been done to save the Campanile as a first good step but more needs to be done and about making Springfield a movie destination city because of the parks, urban grit, and historical landmarks and that Springfield is ready for its "silver screen" return and he got the idea because he was an "extra" in the movie 21 shot in Boston.
- H. Mr. Timothy Rooke, City Councilor spoke asking the Board to extend the time that the City Council would have to review and make changes to the Mayor's budget from June 1, 2008 to some later date because he was worried that the Council would only have 3 days to meet with department heads and make changes and completed their due diligence.

II. The Board voted to approve the minutes of the April 17, 2008 meeting on a motion by member Mayor Sarno and seconded by Council President Williams by a unanimous voice vote.

III.(A) Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #05-21-03A-2008 (Accepting Grant Funds) authoring the Springfield Department of Capital Asset Construction to accept from the Massachusetts Highway Department the amount of \$250,000.00 for the construction of Walkways/Bikeway (Phase II) in Forest Park. The Board on a motion by Member Morton and seconded by Council President Williams passed Executive Order #05-21-03A-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

(B.) Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #05-21-03B-2008 (Accepting Grant Funds) authoring the Springfield Police Department to accept a Statewide Emergency Telecommunication Board Training Grant in the amount of \$101,000.00 and the Mason Square Weed & Seed Community Coalition Grant in the amount of \$50,000.00. The Board on a motion by Member Morton and seconded by Council President Williams passed Executive Order #05-21-03B-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

(C.) Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #05-21-03C-2008 (Accepting Grant Funds) authoring the Springfield Fire Department to accept a Fire Safe Grant in the amount of \$10,200.00. The Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #05-21-03C-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #05-21-04-2008 (Affirming the Appointment of Dr. Alan J. Ingram as Superintendent of Schools for the City of Springfield) affirming its vote of May 6, 2008 in a joint session with the Springfield School Committee and a Community Advisory Committee appointing Dr. Alan J. Ingram subject to the completion of background review and reference checks and successful contract negotiations by the Board's Executive Director. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #05-21-04-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas and Deputy Executive Director, Patricia Vinchesi made a presentation to the Board relative to Executive Order #5-21-05-2008 (Transfer Order) that transferred from Indirect Costs (Account # 0100-10-135-0000-0000-0010-000000-000000-

578700) in the amount of \$90,000 to City Auditor – Professional Services (Account # 0100-10-135-0000-0000-0010-000000-0000000-530105) to fund the cost associated with a management training program for the City managers and staff with written materials and training of City staff as trainers. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #05-21-05-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #5-21-06-2008 (Transfer Order) that transferred from Indirect Costs (Account # 0100-10-135-0000-0000-0010-000000-0000000-578700) in the amount of \$1,401.07 to Finance – Advertising Budget (Account # 0100-10-135-0000-0000-0010-000000-0000000-534300) to pay unpaid bills from a prior year fiscal year out of current fiscal year funds for jobs advertising in the Republican newspaper. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #05-21-06-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VII. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore gave an oral and power point Report to the Board regarding Economic Development Next Steps. The Report focuses on incorporating short term actions, such as Chapman Valve site redevelopment and South End Neighborhood Revitalization, and long term planning through effective public-private partnership such as creating a Springfield First Organization and replace Springfield Business Development Corporation with a not-for-profit Springfield Development Corporation. The new not-for-profit corporation would statutory authority to do redevelopment and have board appointed by the Mayor of the City as well as State appointees. The Report identified the Chapman Valve project with an estimated budget of \$6,300,000.00 with \$2.2 millions in grants; \$1.9 millions in loans and City investing \$2.2 millions and \$1.7 millions for site assembly, permitting and engineering, acquisition, administrative and legal fees and contingency. The Board took no action but received the Economic Development Next Steps report on the Chapman Valve site.

VIII. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore gave an oral and power point Report to the Board regarding Economic Development Next Steps. The Report focuses on incorporating short term actions, such as Chapman Valve site redevelopment and South End Neighborhood Revitalization, and long term planning through effective public-private partnership such as creating a Springfield First Organization and replace Springfield Business Development Corporation with a not-for-profit Springfield Development Corporation. The new not-for-profit corporation would statutory authority to do redevelopment and have board appointed by the mayor of the City and State appointees. The Report identified the South End Revitalization project with an estimated budget of \$9.2 millions with \$3 millions coming from state and federal grants and City investing \$6.2 millions. The Board took no action but received the Economic Development Next Steps report on South End Revitalization

IX. Executive Director Stephen P. Lisauskas and John Schneider, Executive Director MassInc, and Edward Lambert, Director and Research Associate of UMASS Dartmouth Urban Issues Initiative gave an oral and power point Report to the Board regarding Executive Order #5-21-08-2008 (Appropriation Transfer Order) to develop Springfield Economic Development Strategy which proposed to make the Springfield a “Gateway” city whereby the could transition from a manufacturing city to high-tech growth economy. The Report stated that Springfield has lost over 16,100 manufacturing jobs between 1960 and 2000 and only had 34 high-tech firms to location in Greater Springfield between 1991 and 2004, while at the same time the Greater Boston had 1,600

new high-tech firms leading to a per capital growth of 59% for Boston and 14% growth for Springfield. The Report proposed two step process (1) an initial survey of Springfield's economic setting, identifying opportunities and challenges to growth including but not limited to, social and economic trends, how the City compare to other cities and what works and what does not work; and (2) developing a comprehensive economic strategy with best-practice and implementation approaches including but not limited to, what can be learned from other cities, the short and long term challenges, the short and long term opportunities and how to address these challenges and opportunities. The Report further stated that the City needs to set up a local advisory committee of local and regional civic and business leaders with a cross-section of the community for feedback and direction; community stakeholder to develop and tailor components of the strategy and work with MassInc to development consensus and follow through. Finally, the Report set forth a timetable for action as follows: June – December 2008; form advisory committee, collect and analyze data, develop consensus around community process, carryout background interviews with local, civic, business and political leaders, secure additional funding, daft and publish Phase I research; January – September 2009 brief community stakeholders on Phase I finding, conduct initial policy and best practices presentations, daft and complete Phase II economic development strategy; October – December 2009; print and distribute Economic Development Strategy report and brief and perform other outreach activities with the community, state and local leaders. After UMASS/MassInc presentation the Board transferred from Indirect Costs (Account # 0100-10-135-0000-0000-0010-000000-0000000-578700) in the amount of \$125,000.00 to Economic Development – Professional Services (Account # 0100-10-175-0000-0090-0010-000000-0000000-530105) to pay for the first phase of a contract with MassInc and UMASS Dartmouth Urban Issues Initiative for the development of an economic development growth strategy. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #05-21-08-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Fiscal Year 2009 Budget seeking to extend the time that the City Council would have to review the Mayor's proposed fiscal year budget, after discussion the Board on a motion by Mayor Sarno and seconded by Member Nunes agreed to give the City Council up and until June 16, 2008 to review and present a City Council budget to Board by a unanimous voice vote.

New Business:

XI. Executive Director Stephen P. Lisauskas and Mayor Domenic J. Sarno made a presentation to the Board relative to Executive Order #5-21-11-2008 (Authoring the Department of Public Works to Develop and Implement, and the Mayor to Adopt Regulations for a Pay-as-You-Throw System for Non Bulky Item Solid Waste Collection and Disposal Services). Mayor Sarno plans calls for a new fee system that allows residents to pay based on the amount of trash generated. Mayor Sarno stated that favor a "pay-as-you-throw" proposal which residents would pay a fee based on a per-bag charge. The Mayor said that it was not financially feasible to eliminate the trash fee, given the City's fragile, financial recovery, under the program, customers would be required to put their trash in City-regulation bags that could be bought from retail stores, then placing those bags in trash receptacles for weekly curbside pick-up. Mayor also stated that there will be an aggressive marketing and education campaign before a new program is begun, which he anticipates occurring during the new fiscal year. Council President Williams stated that he was disappointed that the Mayor unveiled the trash fee proposal without advance discussion with the City Council. The Board on a motion by Member Nunes and seconded by Member Morton passed Executive

Order #5-21-11-2008 Authoring the Department of Public Works to Develop and Implement, and the Mayor to Adopt Regulations for a Pay-as-You-Throw System for Non Bulky Item Solid Waste Collection and Disposal Services by a unanimous voice vote.

XII. The Board of a motion by Mayor Sarno and seconded by Member Nunes voted to go into Executive Session for the purpose of considering the purchase, exchange, or lease of real property by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 1:17 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
June 9, 2008**

The **forty-third meeting** of the Finance Control Board (ST.2004, C.169) was held on **Monday, June 9, 2008** at 11:00 A.M. in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about members of the School Committee having a potential conflict of interest because they have family members working the school department and urging the City Council to adopt a proposed ethics ordinance pending before the City Council that would include the mayor, city council, school committee, municipal boards and commissions, municipal agents and lobbyists.
- B. Mr. Kevin Noonan, President of Springfield Open Pantry, Inc. spoke urging the Board to assist in any way possible for the Open Pantry to received state funding so that his organization could continue to feed over 27,500 individual in need of services and urge the General Court to pass a \$400,000 bill pending before it for the assistance of the Open Pantry.
- C. Ms. Vera O'Connor, a Springfield Library Commissioner spoke inviting the Board to the annual Carnival parade on August 15, 2008 and against the new positions for the City as stated in published report of the "bill" filed by the Governor regarding extending the pay back period of the loan to the City. She further stated that the trash fee needs to go and the Mason Square Library should be taken by eminent domain from the Urban League.
- D. Mr. Mark Mulcahy spoke urging the Board and the City to adopt a new trash fee plan instead of the "pay as you throw" plan.
- E. Ms. Candice Larger, Program Director of the Springfield Open Pantry spoke about funding for population they serve that includes the homeless, students and seniors and that the Open Pantry is about to run out of money without some help from the State and that the lost of their services would have a dire consequences for 27,500 peoples they serve on a yearly basis.
- F. Mr. Timothy Collins, President of the Springfield Teacher Association spoke stating that the School Department has over 1,960 teacher in their first 5 years as a teacher since the Board has been in Springfield and the Board needs to reopen wage discussions because the City has lost too many teachers to surrounding communities and because the City is now in the bottom 20% of wages versus surrounding communities. He further stated that the City has about 1,500 teachers in their first five years as teachers and he does not know how much longer the City will be able to maintain test scores with the hiring of about 300 new teachers every school year.

II. The Board voted to approve the minutes of the May 21, 2008 meeting on a motion by Member Morton and seconded by Council President Williams by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #06-09-03-2008 (Accepting Grant Funds) authorizing the Springfield School

Building Commission to accept a grant from the Massachusetts Technology Collaborative for the Putnam Vocational Technical High School Project the amount of \$10,000.00. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #06-09-03-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #06-09-04-2008 (Accepting Monetary Gift) authorizing the Springfield Department of Parks, Buildings, and Recreation to accept the monetary gift of \$25,000.00 from L.A. Fitness for the installation of a new playground at the Glickman Elementary School and \$22,007.00 from the Glickman School Parent-Teacher Organization for the for the installation of a new playground at the Glickman Elementary School. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #06-09-04-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #06-09-05-2008 (Approving an Employment Contract with Police Commissioner William J. Fitchet) amending Executive Order 03-27-09-2008 which limits the term of the employment contract to a period "not to exceed three (3) years" and authorizes said contract to contain the term of "five (5) years and authorizes the Mayor and the Executive Director to execute an employment contract with Police Commissioner William J. Fitchet on behalf of the Board. The Chairman asked how the City could get out of the contract. Mr. Lisauskas stated that the contract could be terminated (1) for cause; (2) performance issues; and (3) for convenience. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #06-09-05-2008 by a unanimous voice vote.

VI. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #06-09-06-2008 (Granting Authority to the Chief Development Officer for the City of Springfield to Submit a 43D Technical Assistance Grant Application on Behalf of the City) the grant application is to be used for technical assistance funds and the designate the Springfield Smith and Wesson Industrial Park (Parcel # 10360-02450 and the Chicopee River Business Park (Parcel #022195-0100) as Priority Development Sites. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #06-09-06-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VII. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore gave an oral and power point Report to the Board regarding an update on the Implementation of Code Enforcement Study. The report focus on state bid to purchase permitting software and the better use of Code personnel and how to use the data from CitiStat to better serve the City and the public. Council President asked about whether Code was going to be one department or was it going to me two departments?.. Mr. Panagore said no decision has been made but the data and software use would drive that decision. The Board took no action but received update on the Implementation of Code Enforcement Study.

VIII. Executive Director Stephen P. Lisauskas and City Solicitor Edward Pikula made a presentation to the Board relative to Executive Order #06-09-07-2008 (Authorizing the Executive to Execute a Contract Amending the City Landfill Services Agreement) this is the fourth amendment to an agreement between the City and Covanta Springfield, LLC., formerly known as

eco/Springfield, LLC. for the possible expansion and closure of Cell 1 and Cell 2 at the City's landfill at Bondi Island in Agawam, Massachusetts. The proposed agreement would require or provide for: (1) Covanta too close Cell 1; a sharing of saving mechanism to cover upside for the closing of Cell 1; (2) funding of City's solid waste programs at \$100,000 per year for 5 years; (3) funding for 2 annual City wide clean-up days; (4) a sharing mechanism for upside on tipping fees; (5) Covanta will pay remaining funds from Closure Reserve Fund; and (6) Covanta will support the City's PAYT program as well as other terms and conditions as set forth in Fourth Amendment to Landfill Services Agreement. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #06-09-08-2008 by a unanimous voice vote.

IX. Executive Director Stephen P. Lisauskas made a presentation to the Board regarding Executive Order #06-09-09-2008 (Amend a Certain Bond Authorization) dated January 17, 2008, which appropriated and authorized a borrowing in the amount of \$11,000,000.00 to finance various capital projects, increasing the amount of the appropriation and borrowing by \$8,500,000.00 for a total authorization to \$19,500,000.00 to include the following additional projects thereunder; streetscape improvements, road improvement, improvements to parks, the acquisition of a parcel of land and any building thereon located at the so-called Chapman Valve site and any engineering costs related to remediation of the contamination at the site and the cost of any demolition and site clearing and any costs incidental and related. The Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #06-09-09-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas, Acting Chief Financial Officer T.J. Plante, School Superintendent Dr. Joseph Burke and School Chief Finance Officer Bob Peters made an oral and power point a presentation to the Board relative to Fiscal Year 2009 Budget for the City and the School Department. Mr. Plante stated the FY09 budget was balanced using realists numbers and that the total amount appropriates is \$531.97 million for municipal and educational purposes. That represents an increase of \$22.88 million from FY08, a 4.5% increase. Dr. Burke and Bob Peters made an oral and power point a presentation to the Board relative to Fiscal Year 2009 Budget for the School stating that the FY09 Budget appropriates \$303.9 million for schools that includes salaries, benefits, transportation, charter school and school choice tuition, and municipal costs associated with education. Dr. Burke also made a plea for more money for teacher's salaries in the amount of \$2.8 million because the system is losing teachers. Burke presented the Board with a survey of teacher salaries, comparing Springfield with salaries in 10 surrounding school districts. Springfield lagged behind most communities surveyed, including West Springfield, Agawam, Holyoke and Chicopee. Salaries in Springfield for teachers, steps 1-12 (years of experience), with a bachelor's degree, will range from \$36,000 to \$51,333, effective July 1. In Chicopee, the salaries for steps 1-9 will range from \$39,829 to \$55,462. The Board took no action but received the City and School Department Budget presentations.

New Business:

XI. Executive Director Stephen P. Lisauskas and Mayor Domenic J. Sarno made a presentation to the Board relative to amend a motion of the Board dated December 20, 2007 in which the Board voted to grant the Executive Director the authority "to review all administrative positions in the School Department except teachers, paraprofessionals, assistant principal and principals and all other administrative positions may be altered or rescinded within fourteen (14) days after receipt of notice of such action or decision" Mayor Sarno made a motion to amend the Motion passed on December 20, 2007 to grant the Executive Director the authority to review, modify or rescind the

appointment of any assistant/vice principal and principals positions within fourteen (14) days after receipt of notice of such action or decision” and it was seconded by Council President Williams and passed by a unanimous voice vote.

Council President Williams stated that the Davis Foundation had not met with neighborhood groups and other stakeholders and if the Davis Foundation failed to meet with neighborhood groups and other stakeholders he would recommending that the grant be revoked. Mr. Lisauskas stated that he believes that the Davis Foundation has met with the School Department and is set up meeting with neighborhood groups and other stakeholders. No action was taken of Council President Williams’s statement.

XII. The Board of a motion by Member Nunes and seconded by Mayor Sarno voted to go into Executive Session for the purpose of discussing strategy with respect to Pending Litigation and discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0). The Chairperson stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 1:45 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
June 23, 2008**

The **forty-fourth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Monday, June 23, 2008** at 11:00 A.M. in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the State loan payback period stating that it should be 20 years instead of the proposed 12 years and that at the hearing in Springfield on the proposed Bill politicians after politicians spoke and thereby leaving little time for regular citizens to speak and the media had left when regular citizens spoke and she has some problems with the CFO parts of the proposed Bill.
- B. Mr. Anthony J. Mazza spoke about a tracking device for City fleet of vehicles that would allow the City to keep track of all vehicles on the road and that his company is willing to meet with the City to discuss cost of the system.
- C. Ms. Michaelann Bewsee spoke about the need to keep the Open Pantry open not only the homeless but for work class individuals and the City and the State should be assisting the Open Pantry in maintaining full funding.
- D. Mr. Robert Brown, a City Retiree spoke the City needs to accept the section of Massachusetts law that allows for COLA increases to retirees and veterans bonus and it unfair for the retirement system to used the money from "investment" to pay "unfunded" mandates and not give any of the money to the retirees.
- E. Mr. Stephen M. Penna spoke in favor of keeping the Open Pantry open and the agency has a 33 year history of providing critical services to the homeless and the under served citizens of the area and he hopes the State fully fund the agency.
- F. Ms. Candace Larger, Program Director for the Open Pantry spoke in favor of keeping the Open Pantry open and that the agency provide services for over 2,200 peoples per month and serve over 240 pounds of food per month and if the agency closed the impact on the homeless and working poor would be substantial.
- G. Mr. Timothy Collins, President of the Springfield Teacher Association spoke about re-opening the contract talks with the teachers because a scan of surrounding schools shows that the City has lost too many teachers to surrounding communities and the City is now in the bottom 20% of wages earned per teacher versus surrounding communities. He also stated that the School Committee had authorized the re-opening contract and Dr. Burke is in favor of the re-opening and now we only need the Control Board to be in favor of the re-opening. Mr. Collins further stated that he believes that there is enough money in the system to support the raises for teachers and the system can not survive if it continues to lose teachers at the same rate its has lost teachers for the past four years.
- H. Mr. Carl Hunt spoke in favor of keeping the Open Pantry open and the agency has a year history of providing critical services to the homeless and under served citizen of the area and he hopes the State fully fund the agency.
- I. Ms. Margarita Rivera spoke in favor of keeping the Open Pantry open and the agency helps more than the homeless, the agency helps kids and families too.

- J. Mr. Tarillo Perry spoke in favor of keeping the Open Pantry open and the agency has a history of providing critical services to the homeless and without the Open Pantry peoples would have no place to eat, sleep or hang out.
- K. Mr. Mark Radmall spoke in favor of keeping the Open Pantry open and the agency is safer and better than the welfare hotels because of the food and other services.
- L. Mr. Kevin Noonan, President of Springfield Open Pantry, Inc. spoke urging the Board to assist in any way possible for the Open Pantry to received State funding so that his organization could continue to feed over 27,500 individual in need of services and urge the General Court to pass a \$400,000 bill pending before it for the assistance of the Open Pantry and he also asked the City for loan of \$144,137 to keep the agency open until the State approved the budget for FY09 and that the staff and administrators has not taken any pay and in fact has loaned the agency money to keep the agency open.
- M. Ms. Darleen St. Jacques of Loaves and Fishes organization spoke urging the City to keep the Open Pantry open because it does more than just serve meals; it has social services and job programs.
- N. Ms. Cicily Corbett a member of the Board Director of the Open Pantry spoke urging the Board to assist in any way possible for the Open Pantry to received State funding because the services provided by Open Pantry can not be duplicated by other agencies.
- O. Dr. Douglas Barnshaw spoke urging the Board to assist in any way possible for the Open Pantry to received State funding and about lack fair salaries for teachers because the City need more qualified teachers if it going to stop middle class citizens from leaving the City.

II. The Board voted to approve the minutes of the June 9, 2008 meeting on a motion by Member Nunes and seconded by Member Morton by a unanimous voice vote.

III. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-03-2008 (Appropriation Order FY'08) authorizing the transfer from FY 2007 Certified Free Cash in the amount of \$2,600,000.00 to City Treasurer – Long Term Debt Account #0100-70-145-0000-0000-0010-000000-0000000-59100. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #06-23-03-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IV. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-04-2008 (Appropriation Order FY'08) authorizing the transfer from FY 2007 Certified Free Cash in the amount of \$12,704,090.00 to Stabilization Fund – Financial Reserves Account #8217-00-000-0000-0000-000000-0000000-392000. The Board on a motion by Mayor Sarno and seconded by City Council President Williams passed Executive Order #06-23-04-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

V. Deputy Executive Director Patricia Vinchesi and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to Executive Order #06-23-05-2008 (Appropriation Order) establishing the Fiscal Year 2009 Budget Appropriations Order for the period beginning July 1, 2008 to June 30, 2009 to meet the expenses of the City of Springfield, including the School Department for General Fund Appropriations in the amount of \$528,637,117.00 as itemized on the Schedule of Appropriations and \$2,754,000.00 in other Financing Uses for a total of \$531,391,117.00 in Estimated FY 2009 General Fund Revenue to Uses Total General Fund Financing in the amount of \$528,637,117.00 and Other Financing Uses-Trash Enterprise Fund for a total Uses of \$531,391,117.00. The Board on a motion by Mayor Sarno and seconded by City

Council President Williams passed Executive Order #06-23-05-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VI. Deputy Executive Director Patricia Vinchesi and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to Executive Order #06-23-06-2008 (Appropriation Order) authorizing a Budget Appropriations Order transferring from Stabilization Fund – Financial Reserves in the amount of \$2,350,000.00 to FY 2009 Estimated Revenues. The Board on a motion by Member Morton and seconded by Mayor Sarno passed Executive Order #06-23-06-2008, as amended by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VII. Deputy Executive Director Patricia Vinchesi and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to Executive Order #06-23-07-2008 (Delegating Certain Powers of the Finance Control Board to its Executive Director) authorizing the Executive Director to exercise the authority to amend the Fiscal Year 2009 annual and supplemental budgets of the city and the school committee, including the increases or decrease of any appropriations, or line items within such appropriations, and spending authority for all departments, board, committees, agencies or other units of the city and the school committee, but, notwithstanding section 34 of Chapter 71 of the General Laws, and the Executive Director shall notify the Board of all actions taken pursuant to this authority. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #06-23-07-2008, as amended by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VIII. Deputy Executive Director Patricia Vinchesi and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to Executive Order #06-23-08-2008 (Continuing Appropriation Order) reauthorizing various Revolving Funds for annual appropriations Handicapped Parking, Receipts Credited \$200,000; Authorized to Expend \$200,000; Limitation; not to exceed \$500,000; Mattoon Street Parking, Receipts Credited \$100,000; Authorized to Expend \$100,000; Limitation; not to exceed \$100,000; Blight Removal, Receipts Credited \$1,300,000; Authorized to Expend \$1,300,000; Limitation; not to exceed \$5,000,000; Park – Banquet Facilities, Receipts Credited \$100,000; Authorized to Expend \$100,000; Limitation; not to exceed \$500,000. The Board on a motion by Mayor Sarno and seconded by City Council President Williams passed Executive Order #06-23-08-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IX. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-09-2008 (Continuing Appropriation Order) authorizing a Trash Enterprise Fund for fiscal period July 1, 2008 to June 30, 2009 from Estimated FY2009 Trash Enterprise Fund Revenue Other Financing Source (\$3,915,405) – General Fund (\$2,754,000) totaling \$6,669,405 to Total Trash Enterprise Fund Financing \$6,669,405. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #06-23-09-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

X. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to a Grant Management Study contracted by Public Consulting Group, Inc, (PCG) to conduct comprehensive review of City grants management procedures and make recommendations to improve the City's current efforts on the following: strengthening current process by improved procedures and compliance; reviewing and expanding the City's application and competitiveness for grants; identifying training needs; recommending options for optimum management and administration of grants City-wide. PCG made the following findings; (1) no coordinated or

overarching approach to grants management; (2) limited or no sustained grant seeking activity; (3) no planning or sustainability for grants revenues or programs that are currently funded; (4) compliance issues with accounting and reporting requirements; and (5) best practices. PCG made the following recommendations: (1) create a centralized Grant Management Office with two FTE's with the following direct responsibilities (a) provide training to department staff on grant writing; (b) distribute notices and information on grant opportunities and provide technical assistance in preparation and coordination of grant applications; (c) develop indirect cost rate for capturing all allowable costs for benefits and administration; (d) develop statistical and demographic template information required of all grant applications (e) use library staff to assist in training and coordination of statistical/demographic information; (f) track grants and insure compliance (g) develop and maintain grant management polices and procedures including compilation of grants management manual; (h) provide interdepartmental coordination and in harmony with city-wide goals and priorities; and (i) establish annual grant revenue targets for departments. PCG stated that the next steps were to create a centralized Grant Management Office; hire a Grant Manager and Assistant Grant Manager; provide training and cross training in electronic submission/grant writing capacity; target specific departments for improvement; improve budget and account tracking and link draw downs to CitiStat and develop standard reports for review by executive management. The Board took no action but received the Grant Management Study report.

XI. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-11-2008 (Approving an Employment Contract with Superintendent of Schools Dr. Alan Ingram) authorizing a contract with Dr. Alan J, Ingram and also authorizing the Executive Director to negotiate and execute a relocation agreement to provide for payment of Dr. Ingram's relocation and related expenses. The employment contract was for a term of 4 years from July 1, 2008 to June 30, 2012 and a base salary of \$190,000.00 for the period July 1, 2008 to June 30, 2009 with an additional \$15,000.00 been contributed to a retirement fund of the Dr. Ingram's choice and \$650.00 per month for a car, also 18 sick days and 22 vacations days per year. The Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #06-23-11-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

XII. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-12-2008 (Rescinding a Vote of the School Committee) authorizing the Board to rescind a vote of the School Committee to conduct collective bargaining agreement between the teacher's union (Springfield Education Association) and the City which governs the 2008-2009 school year without a vote of the Board. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #06-23-12-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

XIII. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-13-2008 (Regarding Fiscal Year 2009 School Department Budget Expenditures, as amended) authorizing the School Department to submit to the Executive Director an allotment schedule of appropriations for all expenditure categories included in the School Department Fiscal Year 2009 ("FY09") budget, indicating the amounts to be expended by the School Department during each month of FY09. However, for the months of July, August and September, 2008, the allotment schedule for each month shall not exceed one-twelfth ($1/12^{\text{th}}$) of the FY09 budget for School Department. The School Department shall not make any expenditures in excess of the allotment for any given month as set forth on the approved schedule without the written approval of the Executive Director; the School Department shall by the 10th day of each month thereafter, give notice in writing to the Executive Director, City Auditor with copy to the

City Clerk of the total amount expended in the prior month; the Executive Director shall have the authority to take appropriate actions in form of consolidations and or transfers of personnel and funds within the School Department; and the School Department is to work with the Executive Director to develop and finalize a mutually agreeable schedule of City costs in support of school services. The Board on a motion by Mayor Sarno and seconded by Chairman Gabrieli passed Executive Order #06-23-13-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

XIV. Deputy Executive Director Patricia Vinchesi made a presentation to the Board relative to Executive Order #06-23-14-2008 (Establishing a Trust Fund Loan Repayment Schedule) authorizing the Board to repay of loan from Springfield Fiscal Recovery Trust, over a period of 12 years subject to the approval of the legislation filed by the Governor to extend the repayment in the amounts of \$2,600,000.00 FY08; \$2,600,000.00 FY09; \$4,680,000.00 FY10; \$4,680,000.00 FY11; \$4,680,000.00 FY12; \$4,680,000.00 FY13; \$4,680,000.00 FY14; \$4,680,000.00 FY15; \$4,680,000.00 FY16; \$4,680,000.00 FY17; \$4,680,000.00 FY18; and \$4,680,000.00 FY19. The Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #06-23-14-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

Member Morton after further discussion made a motion stating that "the Board would prefer a 20 year schedule to repay the Loan and it was seconded by Mayor Sarno and passed by the following roll call vote; Yes, Four (5) Gabrieli, Sarno, Williams and Morton; No, One (1) Nunes.

New Business:

XV. Member Morton made a motion to have a full discussion on the Open Pantry issues and was seconded by Mayor Sarno and passed by a unanimous voice vote. Kevin Noonan, Candace Larger and Darleen St. Jacques made a presentation to Board about the need for a loan of \$81,387 to \$141,137 until July 15, 2008. Gerry McCarthy of the City's Office of Housing stated that it would take 3 weeks to create an RFP to get a provider to do the service of the Open Pantry and in the mean time Friends of the Homeless or Rescue Mission could provide the services for short period of time. City Council President Williams stated that the services of the Open Pantry are critical and need to be continued by any means necessary. After further discussion Chairman Gabrieli made a motion to have Member Morton work with the Open Pantry and City to determine what can be done and was seconded by Mayor Sarno and passed by a unanimous voice vote.

XVII. The Board of a motion by Member Nunes and seconded by Mayor Sarno voted to go into Executive Session for the purpose of discussing strategy for non-collective bargaining personnel by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0). The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 1:56 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
August 21, 2008**

The **forty-fifth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, August 21, 2008 at 11:00 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the Board's appointment of the new Superintendent of Schools, New Police Commissioner and passing of the budget. She also spoke about the lack of peoples on Downtown Streets on the weekends and that stores are closed she suggested that the City needed specialty stores and not just small businesses to attract foot traffic downtown on the weekends. She also suggested that the City works with the Putnam High School culinary department to bring the student downtown to run a deli or pastry shop.
- B. Ms. Carol Costa of the Springfield Connecticut River Walk and Bikeway Committee spoke about the Connecticut River Walk and Bikeway an urge the City to maintain the 3.7 mile bikeway in Springfield by removing the overgrowth along the path to open the river view, in addition, the City should continue efforts to remove litter and graffiti, place trash containers, consider ways to improve safety and security by putting up lights and security cameras and repair the \$1.5 million elevator to provide a major access point to the bikeway via the bridge over railroad tracks, and putting up promotional signs so as to make the "walk and bike way" a destination point and a gem for the City.
- C. Mr. Richard Carpenter spoke stating that Chief Development Officer Dave Panagore had made racially insensitive remarks because of "Move Springfield Forward" because of their opposition to the Longhill Apartment complex and he should apologize to members of the organization.
- D. Mr. Michael Rodgers, Springfield School Committee member and a member of the School Building Commission spoke about the need for a Project Labor Agreement (PLA) for the Putnam and Forest Park School projects to keep the cost down and help with labor harmony.

II. Prior to the approve of the minutes Executive Director Stephen P. Lisauskas stated that the "Reminder" publication would be printing a retraction regarding the story that Chief Development Officer Dave Panagore made racially insensitive remarks regarding "Move Springfield Forward." The Board voted to approve the minutes of the June 23, 2008 meeting on a motion by Council President Williams and was seconded by member Nunes by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #08-21-03-2008 (Accepting Grant Funds) authorizing the School Department and Parks Buildings, and Recreation Management to accept the Massachusetts Department of Elementary and Secondary Education for the 21st Century Community Learning Centers Grant in the amount of \$285,000.00. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #08-21-03-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #08-21-04-2008 (Payment of Unpaid Bills) authorizing the payment of unpaid bills for the Fire (\$25,216.16); Parks, Veterans GC (\$3,823.82); Parks, Franconia GC (\$5,086.38); TJO Animal Control (\$1,926.08); City Clerk (\$4,450.75); Personnel (\$19,891.66); DPW (\$11,577.50); and Finance (\$8,188.28) totaling \$80,160.63. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #08-21-04-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #08-21-05-2008 (Accepting Funding) authorizing the Board to accept Chapter 90 funding in the amount of \$2,663,537.00 for the purposes of maintaining and upgrading roadway systems in the City in accordance with attached schedules. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #08-21-05-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to granting of State Control Board employees a cost of living raise in amount of 2% the same as City's non-bargaining employees received totaling \$5,482.00 and Council President Williams made a motion to add Executive Director Lisauskas to the 2% raises and seconded by Member Nunes. The Board passed Council Williams amendment adding Executive Director Stephen P. Lisauskas by a unanimous voice vote. The Board on a motion by Council Williams and seconded by Member Nunes passed the cost of living pay raises as amended by a unanimous voice vote.

VII. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #08-21-07-2008 (Approving the Transfer of Certain Land) authorizing the Mayor to execute a deed and all other documents necessary to transfer the York Street Jail Parcel to the Springfield Redevelopment Authority for urban renewal purposes for \$1.00 subject to the approval of Secretary for Administration and Finance. The Board on a motion by Member Nunes and seconded by Member Morton passed Executive Order #08-21-07-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #08-21-08-2008 (Approving the Transfer of Certain Land) authorizing the Mayor to execute a deed and all other documents necessary to transfer the William C. Sullivan Visitor Information Center to the Springfield Redevelopment Authority for urban renewal purposes for \$1.00 subject to the approval of Secretary for Administration and Finance. The Board on a motion by Chairman Gabrieli and seconded by Mayor Sarno passed Executive Order #08-21-08-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IX. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #08-21-09-2008 (Authorizing the Execution of a Tax Increment Financing Plan in Conjunction with the Town of East Longmeadow) authorizing the Mayor and Chief Development Officer Dave Panagore to enter into a Memorandum of Understanding and apply for an expansion of the Springfield ETA district and thereafter to execute an Inter-Municipal Agreement under such terms and conditions as the parties may agree. The Mayor stated that the TIF would assist Hasbro and Lenox/American Saw keep jobs in the Springfield area. Russell Denver of the Springfield Chamber of Commerce estimated that from 600 to 800 residents of Springfield works at Hasbro and Lenox. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #08-21-09-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas and Deputy City Solicitor Kathleen Breck made a presentation to the Board relative to Executive Order #08-21-10-2008 (Authorizing the Procurement of an Independent Study Regarding the Use of a Project Labor Agreement for the Putnam Vocational Technical High School and Forest Park Middle School Project) authorizing the School Building Commission to procure the services of an independent consultant to perform a study to determine whether a PLA would be authorized under Massachusetts law and authorize the Executive Director to request an appropriation to fund the study after competitive procurement. The Board on a motion by Member Nunes and seconded by Member Morton passed Executive Order #08-21-10-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

XI. Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #08-21-11A-2008 (Approving the Transfer of Certain Land) authorizing the Mayor and Executive Director to convey City owned parcels at the Indian Orchard/Chapman Valve site, Tax Assessor # 09755-0070 and # 05810-0170 to the Springfield Redevelopment Authority for urban renewal purposes subject to the approval of Secretary for Administration and Finance. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #08-21-011A-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

Executive Director Stephen P. Lisauskas and Chief Development Officer Dave Panagore made a presentation to the Board relative to Executive Order #08-21-11B-2008 (Approving and Authorizing a Contract to Fund the Costs of and to Aid the Indian Orchard Business Park Urban Renewal Project) authorizing a contract in amount of \$1,300,000,000.00 to fund the costs of and to aid the Indian Orchard Business Park Urban Renewal Project with the SRA and also authorize the Chief Development Officer and the Mayor to execute such contracts on behalf of the City. The Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #08-21-011B-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

New Business:

XII. Member Morton spoke to the Board about CORI law, drop-out rate and how to get students, especially black male and parent engaged in job training and employment and need to create programs that assist returning criminal offender on a path to turn their life around instead of returning to jail or life of crime. After further discussion Member Morton stated he would to work on some solutions and bring them to the Board for review and discussion. No action was taken.

XIII. The Board of a motion by Council President Williams and seconded by Mayor Sarno voted to go into Executive Session for the purpose to consider the purchase or value of real property by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0). The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:30 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
September 30, 2008**

The **forty-sixth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Tuesday, September 30, 2008 at 11:00 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the lack of peoples on downtown streets on the weekends and that stores are closed and she suggested that the City needs specialty stores and not just small businesses to attract foot traffic downtown on the weekends. That she was willing to work with the City at no cost to promote and locate businesses in the downtown area.
- B. Mr. Richard Cunha, Esquire of Green Technologies Solutions, Inc. spoke about the providing the City with a heating and hot water boiler system that could potentially increase the City's energy efficiency by up to 85% by installing flue draft control device thereby reduce energy costs for the City. He asked that the information be pass-on to Facilities Management Director.
- C. Mr. Carlos Diaz a property owner spoke about trash recycling and stated that by increasing recycling the City could save money and reduce the trash fee burden of the citizens of the City.
- D. Mr. Gumersindo Gomez, spoke about a proposal where if the City would get 80% of the citizens to recyle it would result in saving of 2 million dollars a year and the saving could be used to reduce the trash fee.
- E. Mr. Masjid Ali-Tawheed spoke about his non-profit organization being tax on a parking lot that started at \$350 and is now \$27,000 and other issues he had with the Assessors office and he would like to donate the parking lot to the City and get the taxes off his back.
- F. Mr. Chris Corbeil a student at STCC and VP of the SEIU Local 616 – School Janitors spoke about the work that the janitors do in the schools and the pride they have in the buildings they work in and that he is using his janitor job to help pay his STCC tuition.
- G. Ms. Mary Worthy, Principal of the William N. DeBerry Elementary School (DeBerry) spoke about the two major projects happening at the school site – one deals with the restoration of the school park/playground parcel and the other deals with an outdoor classroom school. Ms. Worthy indicated that the school and parents had raised about \$125,000 to assist in the restoration of the park and outdoor classroom but was about \$25,000 short but needed the City to step-up and completed the work that had been started and the community would raise the additional \$25,000 as part of the community commitment to the projects, but the City was short about \$180,000 in its commitment to the projects.
- H. Ms. Nancy Urbschat spoke about working with DeBerry School and the community since 2004 to raise the necessary funds to complete the two projects and now needs the City to step-up and provides the additional \$180,000 to complete the projects.
- I. Rev. J.P. Morgan, Jr. also spoke about working with DeBerry School and the community since 2004 to raise the necessary funds to complete the two projects and now needs the City to step-up and provides the additional \$180,000 to complete the projects and leave a legacy to the student, community and the school.

- J. Ms. Antonette Pepe, Springfield School Committee member spoke about DeBerry School being one of the schools in her opinion that had been neglected and the parents had raised money to fix the gym and is also one of the schools that has a history of parents and community participation in projects as demonstrated by them raising over \$125,000 for these projects and it was now time that the City to step-up and provides the additional \$180,000 to complete the projects.
- K. Timothy Collins, President of the Springfield Teacher Association spoke stating he was dismayed that the Board would be installing a time card system (TLM) for teachers as they are professionals and would be a violation of the teachers' collective bargaining agreement. He further stated that teachers are "salary employees" and the TLM is an "insult" to the hard working teachers who come in early and leave late as well as take work home and spend their own money to buy supplies for the students and that he checked with his Union and the Boston Law Firm is wrong about TLM and the City is wasting money on the TLM system.
- L. Ms. Ida Flynn spoke about the lack of library services in the Mason Square community and that the Urban League stolen the Mason Square Library building from the citizens of the Mason Square and the best place for a new library is the old library site and the building should be taken by eminent domain.
- M. Ms. Karen Pierce spoke about DeBerry school projects and the lack of library services in the Mason Square community and urged the Board to take the Urban League building by eminent domain.
- N. Ms. Bobby Rentas a member of the Old Hill Neighborhood Council spoke about DeBerry school projects and the Mason Square Library site and also urged the Board to take the Urban League building by eminent domain.
- O. Ms. Rhonda Latney spoke about DeBerry school projects and the Mason Square Library site and also urged the Board to take the Urban League site by eminent domain and turning the old Employment Security building on Main Street into a roller skating rink which would bring people downtown.

II. The Board voted to approve the minutes of the August 21, 2008 meeting on a motion by Member Morton and seconded by Council President Williams by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #09-30-03-2008 (Continuing Appropriation Order) authorizing the Police and Fire Departments to accept gifts and donations in amount of \$20,000.00 for the Police Department and \$30,000.00 for the Fire Department to be expended without further appropriations consistent with General Laws, Chapter 44, § 53A. The Board on a motion by Member Nunes and seconded by Council President Williams passed Executive Order #09-30-03-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #09-30-04-2008 (Order) authorizing the payment of unpaid bills from previous fiscal year as follows: Mayor's Office \$256.20; Law Department \$15,607.38; and Treasurer's Office \$4,965.60 totaling \$20,829.18 pursuant to General Laws, Chapter 44, § 64. The Board on a motion by Council President Williams and seconded by Member Morton passed Executive Order #09-30-04-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #09-30-04-2008 (Delegating Travel Authorization to the Executive Director) authorizing to approve "free or discounted travel" in accordance with State Ethics Commission rules and regulations. The Board on a motion by Mayor Sarno and seconded by Council President

Williams passed Executive Order #09-30-05-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VI. (A) Executive Director Stephen P. Lisauskas and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to Executive Order #09-30-06A-2008 (Appropriation Order) Fiscal Year 2009 Capital Budget Order approving and accepting a Capital Improvement Plan for Fiscal Year 2009 through 2012, with an FY09 Capital Budget funded in the amount of \$23,256,657.00 for the purpose of funding projects as itemized in the attached Exhibit A. Chairman Gabrieli made a motion to amend Executive Order #09-30-06A-2008 as follows: "That the City of Springfield appropriate two million one hundred thousand dollars (\$2,100,000.00) from the stabilization reserve fund Account #8217-00-00-0000-000000-39700 to the debt service line item Account #0100-70-145-0000-0000-0010-000000-0000000-591000 to cover the cost of repurchasing the City's 2008 bond anticipation notes (BANS)" and it was seconded by Mayor Sarno and passed by a unanimous voice vote with Member Morton abstaining from voting on the DeBerry because he had worked on the project. The Board on a motion by Chairman Gabrieli and seconded by Council President Williams passed Executive Order #09-30-06A-2008 as amended by the following roll call vote; Yes, Four (4) Gabrieli, Sarno, Williams, and Nunes; No, None (0); Abstain, One (1) Member Morton.

VI. (B) Executive Director Stephen P. Lisauskas and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to Executive Order #09-30-06B-2008 (Related to and Authoring Certain Transfers of Unexpended Bond Proceed) to use unexpended bond proceeds from prior bond issues currently held in its Bond Holding Account in the amount of \$1,307,380.00 in connection with financing of the following projects: 1) the construction and reconstruction of the Talmadge School Wall (\$317,763.00); 2) the purchase and installation of doors and windows for Symphony Hall (\$628,000.00); and 3) the remodeling and construction of additions to Forest Park Library for building accessibility (\$361,617.00) the "Projects." Ordered: that the sum of One Million Three Hundred Seven Thousand Three Hundred Eighty Dollars (\$1,307,380.00) is transferred from unexpended bond proceeds for completed projects held in the Bond Holding Account and is allocated to the Projects in the amounts set forth in Executive Order #09-30-06B-2008. The Board on a motion by Member Morton and seconded by Council President Williams passed Executive Order #09-30-06B-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #09-30-07-2008 (A Vote Amending the Revised Ordinances of the City of Springfield relative Increases in Salary for Contemplate Retirement in Certain Cases) repealing Title 3 of the Revised Ordinances of the City of Springfield, 1986, as amended, Chapter 3.12.060 A. In every case where, at least twelve (12) months prior to his retirement, an employee notified, in writing, his department head and the retirement board of his intention to retire, at a date at least twelve (12) months from the date of such notification, and if such employee has been an employee for twenty (20) years at the time of his retirement, such employee shall, during the final twelve (12) months of his employment, be compensated at the maximum rate established within his wage classification bracket in effect at the time of such notification; provided, that such employee has been at the time of such notification, within his current classification for at least two (2) years immediately preceding the date of such notification. This repeal shall be effective in respect to any employee whose retirement occurs after October 1, 2008, but shall be applicable to any employee who has notified, in writing, his department head and the retirement board of his intention to retire prior to October 1, 2008. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #09-30-07-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen P. Lisauskas made a verbal presentation to the Board relative to an update on Springfield Parking Authority (SPA) parking issues stating that SPA had increased parking turnover in the Central Business District and had double the amount tickets issued in City and expected revenue in the amount of \$1.3 million. The Board took no action but received the updated SPA report.

IX. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order Executive Order #09-30-09-2008 (Regarding Billing for Solid Waste Collection and Disposal Services (Amending Executive Order #12-18-11)) amended Executive Order #12-18-11 dated December 18, 2006 to authorize the Executive Director to issue Trash Fees Bills "annually, semi-annually or quarterly, or on such other schedule as may be determined through regulations adopted by the Executive Director in his discretion, for as long as the Finance Control Board is in existence, and thereafter, by the Mayor." The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order Executive Order #09-30-09-2008 by a unanimous voice.

X. Executive Director Stephen P. Lisauskas, City Solicitor Edward Pikula and Massachusetts Career Development Institute, Inc. (MCDI) Executive Director Timothy Sneed made a presentation to the Board relative to Executive Order #09-30-10-2008 (A Vote Authorizing the Executive Director to Execute a Memorandum of Understanding with regards to Massachusetts Career Development Institute, Inc.) authorizing the Board's Executive Director to execute a Memorandum of Understanding with the MCDI as attached to the Executive Order and to take actions as necessary in furtherance thereof. The Memorandum of Understanding requires the MCDI to cease operating as a component of the City as of October 1, 2008 and the City and MCDI shall work cooperatively during a 4 year transition period beginning July 1, 2008 and ending in June 30, 2012 which would cover employees, operation costs and Home Rule Legislation so as to allow MCDI to become a separate entity from the City. After discussion and debate Member Morton abstaining from voting on Executive Order #09-30-10-2008 because he was the former Executive Director of MCDI and had worked on the project. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #09-30-10-2008 by the following roll call vote; Yes, Four (4) Gabrieli, Sarno, Williams, and Nunes; No, None (0); Abstain, One (1) Member Morton.

New Business:

XI. Executive Director Stephen P. Lisauskas made a presentation to the Board to accept the resignation Chief Development Officer David B. Panagore and outlined steps to proceed with a search for a new Chief Development Officer. Mayor Sarno praised Mr. Panagore work in the City and wishes him well in his new job in Hartford, CT. Council President Williams also praised the work of Mr. Panagore and stated that he may not have always agreed with "Dave" but he always had the City best interest at heart and he would be missed. Executive Director Lisauskas made a presentation of a "Proclamation" to Mr. Panagore for his work on behalf of the Board and the citizens of the City and wishes him best of luck on his new job in Hartford. The Board on a motion by Member Morton and seconded by Council President Williams accepted the resignation of Chief Development Officer Dave Panagore by a unanimous voice vote.

XII. Council President Williams requested that the Board start looking at the financial pictures of the City given the talk from the Governor's Office that there may be cuts in State and local funds in future. Mayor Sarno stated that the City is looking at the financial pictures of the City on weekly basis. After further discussion the Board agreed to place a discussion the City's financial picture on the agenda for the next meeting of the Board.

XII. Council President Williams stated that he had received several call regarding the deferred compensation changes and was concerned about the procurement of only one company. Executive Director Stephen P. Lisauskas stated that he would explain the details of the deferred compensation procurement to Council President Williams after the meeting.

IX. The Board of a motion by Council President Williams and seconded by Mayor Sarno voted to go into Executive Session for the purpose to discuss strategy with respect to on going litigation by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0). The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:41 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
October 21, 2008**

The **forty-seventh meeting** of the Finance Control Board (ST.2004, C.169) was held on **Tuesday, October 21, 2008 at 11:00 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the revitalization of downtown shopping and that she has a power point presentation which could be used to get people back downtown. She further suggested that the Putnam students could be used to run the old Gus & Paul site and serve lunch meals for around \$6 and bring in high quality stores and not just small businesses. That she was willing to work with the City at no cost to promote and locate businesses in the downtown area.
- B. Mr. Mickey Harris, Esquire the attorney for C.F., Inc. dba Springfield Towing Alliance spoke about the dispute between the City and the Alliance regarding police ordered tows stating that the City owned the Alliance about \$350,000 and that the decision of the City to cancel the towing contract would put 5 minority businesses and 4 majority businesses out of business and put about 47 people out of work and he was asking the Board to delay the termination until after the State Inspector's General Office had file its report on the contract between the City and the Alliance.
- C. Mr. Robert Jones, President of C.F., Inc. dba Springfield Towing Alliance spoke regarding the dispute between the City and the Alliance regarding police ordered tows stating that City owned the Alliance and the Alliance did not owe the City and stated that was undue influences was put on the City officials to terminate the contract and that he has filed a complaint with the State Ethics Commission and he was asking the Board to delay the termination of the contract until the State Ethics Commission and the State Inspector's General Office had completed their reports.
- D. Kevin Noonan, Executive Director of the Open Pantry spoke relative to cuts in funding from the State and stated given the cuts the Open Pantry did not have the money to run its programs and was again asking the City and the Board to assist the Open Pantry get funding for its programs.
- E. Rev. Talbot Swan, Jr. spoke on behalf of the Springfield Towing Alliance regarding the dispute between the City and the Alliance police ordered tows contract stating that undue influences their was on put on the City officials by Springfield City Councilor Tim Rooke to terminate the contract and that the City has a history of low minority participation when it comes to contract awarding and that a complaint filed with the State Ethics Commission should be resolved before the towing contract is terminated and that there was also a conflict of interest by the City Auditor because of Auditor's brother worked for C.J. Towing who would be asked to take over the contract if taken from the Alliance.
- F. Mr. Carlos Gonzalez of the Latino Chamber of Commerce spoke on behalf of the Springfield Towing Alliance regarding the dispute between the City and the Alliance on police ordered tows stating that minority contractors were owed over \$90,000 and that small businessmen can not carry that kind of debt because of the failed of the City to pay it bills within 30 days and he was asking the Board to delay the termination of the contract until the State Ethics Commission and the State Inspector's General Office had completed their reports.

- G. Mr. William Blatch, retired State Police Officer spoke on behalf of the Springfield Towing Alliance regarding the dispute between the City and the Alliance on police ordered tows stating that terminating the contract would send a bad message to other minority contractors doing business with the City or wanting to do business with the City - that their contract could be terminated on any trumped up charges and he was asking the Board to delay the termination of the contract until the State Ethics Commission and the State Inspector's General Office had completed their reports.
- H. Mr. William Terry, Executive Manager of the Monarch Place spoke about the Fire Department's Ordinance requiring new Master Control Boxes and the fact that only one vendor sold the Master Control Boxes that his hotel was required to use and also asked for a delay in the effective day of the ordinance from 12/31/08 to 12/31/09.
- I. Mr. Daniel J. Moore, Manager of the One Financial Plaza spoke about the Fire Department's Ordinance requiring new Master Control Boxes and the fact that only one vendor sold the Master Control Boxes that his office building was required to use and he wanted the date changed from 12/31/08 to 12/31/09 to give his business time to install the new boxes.
- J. Mr. Patrick Karparis, Manager of the Springfield Holiday Inn spoke about the Fire Department's Ordinance requiring Master Control Boxes and the fact that only one vendor sold the Master Control Boxes that his hotel was required to use.
- K. Mr. Benjamin Swan, State Representative for the 11th Hampden District spoke on behalf of the Springfield Towing Alliance regarding the dispute between the City and the Alliance on police ordered tows stating that there is very little minority participation in contracts with the City and because of the newspaper reports and political players terminating the contract now would send a bad message to other minority contractors doing business with the City and he was the one to ask the State Auditor to conduct an audit of the towing contract and he turned it over to the State Inspector's General Office for an investigation and report and finally the Board should delay the termination of the contract until the State Inspector's General Office had completed its report.
- L. Two Individuals (Bruce Arnold and Dave Bartley) did not get a chance to speak because of 30 minute time limit but the Board's Executive Director Stephen P. Lisauskas stated that he would meet with the two individuals and report back to the Board at the next meeting.

II. The Board voted to approve the minutes of the September 30, 2008 meeting on a motion by Member Nunes and seconded by Mayor Sarno by a unanimous voice vote.

III. Executive Director Stephen P. Lisauskas and Marilyn Montagna, Director of Human Resources made a presentation to the Board relative to adoption of Non-Unit Personnel Policies which included the changes to sick leave, personal leave, vacation leave, FLMA, bereavement leave, added military leave and elimination of cancer screening Executive Order and excused time. The Board on a motion by Member Nunes and seconded by Council President Williams passed the Non-Unit Personnel Policies by a unanimous voice vote.

IV(A). Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #10-21-04A-2008 (Appropriation Order) authorizing the transfer of \$121,459.03 from Indirect Costs #0100-10-135-0000-0000-0010-000000-0000000-578700 to Facilities – Water/Sewer #0100-10-1900-1903-0000-000000-0000000-521030 in the amount \$36,251.23 and to Parks – Water/Sewer #0100-60-630-6510-0000-0000-000000-0000000-521030 in the amount of \$85,207.80 pursuant to General Laws, Chapter 40, § 5B. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #10-21-04A-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

IV(4B).Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #10-21-04B-2008 (Appropriation Order) authorizing the transfer of \$1,454,219.93 from Stabilization Reserve Fund #8217-00-000-0000-0000-000000-0000000-35900 to Contract Carrier #0100-30-303-0000-0000-3980-000001-0000000-533100 in the amount \$276,052.85 and to Special Education #0100-30-303-0000-0000-3980-000002-0000000-533200 in the amount of \$1,178,167.08 pursuant to General Laws, Chapter 44, § 64 and Chapter 40, § 5B. The Board on a motion by Member Morton and seconded by Mayor Sarno passed Executive Order #10-21-04B-2008 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas and City Solicitor Edward M. Pikula made a presentation to the Board relative to Executive Order #10-21-05-2008 (A Vote Authorizing the Executive Director to Execute an Agreement Relative to the Spirit of Springfield) for the operation of "Bright Nights at Forest Park" and for the payment of \$55,000.00 per year for 5 years in 2 installments beginning December 20, 2008 and each year thereafter and a second installment due on January 20, 2009 and each year thereafter in accordance with the terms and conditions of a Memorandum of Understanding and License Agreement on file with the City Clerk. The Board on a motion by Mayor Sarno and seconded by Council President Williams passed Executive Order #10-21-05-2008 by the following roll call vote;. Yes, Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; No, None (0)

VI. Executive Director Stephen P. Lisauskas made a verbal presentation to the Board relative to Productivity Bank to assist the City in making investments in the City's use of technologies and cost saving systems by funding an appropriation to purchase these technologies and systems. A department would make an application to the Bank to fund a project that would provide a positive rate of return over a relatively short period of time. The Productivity Bank concept has been used successfully in the City of Philadelphia and state of Iowa. The Executive Director will make a formal proposal to the Board at the November Board meeting. The Board took no action but received the Productivity Bank report.

VII. Executive Director Stephen P. Lisauskas made a verbal presentation to the Board relative to re-establishment of the Labor Relations Department in the City. The Executive Director will report back to the Board at the November meeting with a proposal for staffing and funding. The Board took no action but received the Labor Relations Department update.

VIII. Executive Director Stephen P. Lisauskas made a verbal presentation to the Board relative to search for a new Chief Development Officer to replace the former Chief Development Officer David Panagore indicating that the search would be nationwide but would include applicants from the City and local communities. The Board took no action but received an update on the search for a new Chief Development Officer.

IX. Executive Director Stephen P. Lisauskas and Acting Chief Financial Officer T.J. Plante made a presentation to the Board relative to budget presentation and adjustment methodology comparing last year budget versus this year budget and last year revenue and expense versus this year revenue and expenses and payment of bond debts, retirement payments. Council President Williams asked about a hiring freeze and Steve and TJ stated that the new Personnel Policy Board does not fill a position until it's has been justified by the department head and review by the new Personnel Policy Board. Council President Williams asked if the City Council would be kept in the loop in developing next year budget and TJ and Steve said yes. The Board took no action but received the update on budget presentation and adjustment methodology. Member Nunes left the meeting at 12 noon due to a commitment to attend a prior meeting in Boston.

New Business:

XI. Council President Williams asked what could be done about the Open Pantry funding since the State had cut the money to fund their programs. Executive Director Stephen P. Lisauskas stated that he would meet with the Open Pantry and see what assistance the City could provide and report back to the Board at the next meeting.

XII. Council President Williams stated that he was concerned about minority participation in contracts with the City and that he was working with Executive Director Stephen P. Lisauskas to come up with a better method of making sure minority contractors got a fair share of the contracts put out to bid by the City. Mayor Sarno also stated that he working on a program to provide technical assistance to more minority contractors so they can be certified to perform contracts for the City.

XIII. Council President Williams asked if the Board could extend the Master Box ordinance effective date form December 31, 2008 to December 31, 2009 because the issues expressed by the speakers during the comment portion of the meeting. Executive Director Stephen P. Lisauskas said he would meet with Fire Department and businessmen to see if the issues could be resolved and report back to the Board at the next meeting.

XIV. Council President Williams asked the Board to hold off terminating the towing contract and after a brief discussion Executive Director Stephen P. Lisauskas suggested that was a matter for discussion in executive session.

XV. Council President Williams stated that he had received calls regarding deferred compensation program and the fact that the plan only had one vendor. Executive Director Stephen P. Lisauskas said that the same plan used by state employees and he would review the plan after 3 month in December or January to see if the performance was living up to expectations and report back to the Board.

XVI. The Board of a motion by Member Morton and seconded Council President Williams voted to go into Executive Session for the purpose to discuss strategy with respect to litigation by the following roll call vote: Yes, Four (4) Gabrieli, Sarno, Williams, Morton; No, None (0); Absent, One, (1) Member Nunes. The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:45 P.M.

Respectfully submitted,

Wayman Lee, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
November 20, 2008**

The **forty-eighth meeting** of the Finance Control Board (ST.2004, C.169) was held on Thursday, **November 20, 2008 at 11:30 am** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President Bud L. Williams.

I. Prior to the business meeting the Board scheduled a thirty (30) minute period for public comments, which began at 11:42 a.m. and ended at 11:58 a.m. The public comment period included the following speakers and topics:

- A. Ms. Lois Smith spoke about the revitalization of downtown shopping, particularly in the area of the Main Street Center, urging the placement of higher end stores in that area. She expressed concern about business failures in the downtown area.
- B. Mr. David Gaby spoke about promoting receiverships for abandoned historic buildings, rather than demolition. He asked the Board to support setting up a receivership for a historic house on Bay Street which has no clear owner. He said he was told by the Law Department that receivership was not an option.
- C. Mr. Robert L. Jones, President of the Springfield Towing Alliance, asked the Board to consider rescinding the City's termination of its contract with the Towing Alliance. He stated if the Towing Alliance owed anyone money they will make a commitment to pay it in full.
- D. Mr. Herb Olson from McMahon Co., a risk management consultant working with the Towing Alliance, stated that the Towing Alliance had sufficient insurance coverage.

II. Immediately following the public comment period, the Board voted to approve the minutes of the October 21, 2008 meeting on a motion by Council President Williams, and seconded by Member Morton, by a unanimous voice vote (5-0).

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #11-20-03-2008, "An Executive Order Approving and Authorizing the Execution and Recordation of a Notice of Activity and Use Limitation", seeking the Board's approval and authorization to execute and records a "Notice of Activity and Use Limitation" for a portion of the property known as "Nathan Bill Park". The Board voted to approve Executive Order #11-20-03-2008 on a motion by Council President Williams, and seconded by Mayor Sarno, by a unanimous voice vote (5-0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #11-20-04-2008, authorizing the amendment of a "Brownfield Tax Abatement Agreement" between the City of Springfield and Yukon Group, LLC, and further authorizing the Mayor to execute the amendment. The amendment would extend the date for completion of environmental remediation at 195-131 Fisk Avenue in Springfield, as required by the Agreement, from February 28, 2006 to December 1, 2010. The Board voted to approve Executive Order #11-20-04-2008 on a motion by Mayor Sarno, seconded by Council President Williams, by a unanimous voice vote (5-0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #11-20-05-2008, "A Vote Amending the Revised Ordinances of the City of

Springfield Relative to Alarm Systems Regulations and Inspection Fees". Mr. Lisauskas explained the purpose of the amendment is to extend the deadline for replacing Master Boxes with City-approved Radio Boxes from December 31, 2008, to April 30, 2009. Fire Marshal John Cossaboom of the Springfield Fire Department also answered questions from the Board. The Board voted to approve Executive Order #11-20-05-2008 on a motion by Member Nunes, seconded by Council President Williams, by a voice vote (4-0), with Member Morton abstaining.

VI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #11-20-06-2008 (Appropriation Order), an "Executive Order Rescinding an Appropriation to Repurchase Bond Anticipation Notes." Mr. Lisauskas explained that the original appropriation order approved in October, 2008 was a backstop in light of problems in the credit markets occurring at that time. He stated the appropriation was no longer necessary as the City was able to reissue the bond anticipation notes (BANs) once the credit markets opened up. The Board voted to approve Executive Order #11-20-06-2008 on a motion by Member Nunes, seconded by Mayor Sarno, by the following roll call vote; Voting Yes - Five (5) Gabrieli, Sarno, Williams, Morton and Nunes; Voting No - None (0).

VII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to the School Busing Deficit. Mr. Lisauskas was joined by School Department Chief Financial Officer Robert Peters. Mr. Lisauskas explained that there is a projected FY'09 deficit in the School Transportation Account ranging from \$5-6 million dollars. This includes a \$1.5 million deficit in that account from FY'08, which is built into the base for FY'09, with an additional deficit of \$3.5-\$3.5 million. He reminded the Board that it transferred \$1.5 million from reserve funds to address the prior year's deficit in October, 2008. Members of the Board asked questions and expressed concern about the projected deficit. Member Nunes and Chairman Gabrieli asked Mr. Lisauskas to give a full presentation on this matter to the Board on or before its December meeting. Chairman Gabrieli asked that the presentation include: the amount of risk, the components of the deficit, how to reduce loss, sources of funding to eliminate the deficit, and what changes can be made to prevent it from re-occurring in the future.

VIII. Acting Chief Financial Officer Timothy J. Plante made a presentation to the Board with an Update on Planning for Budgetary Reductions. Members of the Board asked questions regarding the City's plans in response to the Governor's reductions to earmarks in FY'09, as well as projected reductions in state aid and other state funds for FY'10.

IX. Executive Director Stephen P. Lisauskas provided the Board with an update on the Productivity Bank Proposal. He stated he was working with the Department of Revenue to make sure the plan meets the requirements of state law, and would make a full presentation to the Board at its December, 2008 meeting.

X. Executive Director Stephen P. Lisauskas provided the Board with an update on the proposed Labor Relations Department, which will need to be established in preparation for the transition from the Board's oversight to City governance. He noted the labor relations function has been handled primarily by an outside law firm hired by the Board. Mr. Lisauskas indicated that the proposal would be to add one additional attorney to the Law Department staff so there would be two (2) attorneys to deal with labor relations issues. Mayor Sarno stated the Board's outside counsel is a significant cost and taking this function back within the City will save money.

New Business:

XI. Council President Williams asked about the status of the process for filling the Economic Czar position, when the applications are due, and the quality of the applications received. Mr. Lisauskas said he would review them and respond to Councilor Williams.

XII. Council President Williams stated that the City Council has a Council of the Whole meeting coming up on November 21, 2008 to discuss the towing contract issue.

XIII. The Board on a motion by Chairman Gabrieli and seconded by Member Morton voted to go into Executive Session for the purpose of discussing personnel matters by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Williams, Morton, Nunes; No, None (0). Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the open meeting was adjourned at 1:22 pm.

Respectfully submitted,

Kathleen T. Breck, Esq.
Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
February 3, 2009**

The **fiftieth meeting** of the Finance Control Board (ST.2004, C.169) was held on **Tuesday, February 3, 2009 at 10:00 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President William T. Foley, Jr.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the hiring of consultants, the school bus contract deficit and stating that the City is paying \$6 per mile and surrounding cities and towns are paying \$2 per mile something is wrong with out bid process and given that the City has 14 vans on the road the City is paying \$11,000 per day for homeless transportation.
- B. Timothy Collins, President of the Springfield Teacher Association spoke stating he was dismayed that the Board would be still talking about installing a time and labor management system (TLM) for teachers as they are professionals and would be a violation of the teachers' collective bargaining agreement and is a waste of money in a time when the City is cutting employees. He further stated that City is failing to live up to minimum legally required spending for the School Department. That a level fund budget for the School Department for FY10 would mean a cut for the School Department. He further stated that the City needs to increase its "Schedule 19" contribution from 1.2% above the minimum to about 16% which is the state average. He also stated that the citizens needs to "lobby" their State Representatives and State Senator to allow the City to increase taxes and have out-of-town landlords pay more in property taxes. He also stated that the busing contract deficit was approved by the City side and that all the blame should not be all on the School Department.

II. The Board voted to approve the minutes of the December 18, 2008 meeting on a motion by Member Nunes and seconded by Mayor Sarno by a unanimous voice vote.

Chairman Gabrieli took a moment to welcome City Council William T. Foley, Jr. as the new member of the Board for 2009.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #2-03-03-2009 (Appropriations Order) authorizing a request to incur liability and make expenditures in excess of available appropriations for snow and ice removal in fiscal years 2009 to Mass. Gen Laws ch. 44, section 31. After debate and discussion the Board on a motion by

Member Nunes and seconded by Mayor Sarno passed Executive Order #2-03-03-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to the Springfield Fire Department responding to 10,000 emergency incidents with a no fire fatalities in 2008. The Board gave a Recognition Award to the Fire Department for zero fatalities in 2008. After debate and discussion the Board took no action but presented a Recognition Award to the Fire Department.

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to the Springfield Finance Department receiving the Government Finance Officers Association of the United States and Canada - Distinguished Budget Presentation Award for fiscal year beginning July 1, 2008 as being judged as adhering to the highest budget program standard. The Board accepted the Distinguished Budget Presentation Award and after debate and discussion.

VI. Executive Director Stephen P. Lisauskas and Seth Racine, Acting Budget Director Seth Racine made a presentation to the Board relative to FY2009 budget reductions based on 9C Reductions cuts by Governor Patrick in the amount \$4,549,000. The Mayor recommended cutting 67 budgeted but unfilled positions for a saving of \$1,815,389 and varies other recurring reductions in the amount of \$2,733,611 for total saving of \$4,549,000. The Mayor stated that no police officer or firemen would be laid off in FY2009 but the City would be cutting other positions but because of collective bargaining issues he could not name the additional position to be cut. Mayor Sarno said he would not be using any "free cash" or "reserves" for FY2009 because those funds would be needed in FY2010 and FY2011. Chairman Gabrieli commended Mayor Sarno for making the cuts necessary without dipping into reserves or free cash. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno voted to cut \$4,549,000 from FY2009 budget by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

VII. Executive Director Stephen P. Lisauskas, Patricia Vinchesi, Deputy Executive Director and Dr. Alan J. Ingram, Superintendent of Schools made a presentation to the Board relative to an update on the school transportation deficit and what steps he was taking to help reduce the shortfall. Dr. Ingram stated that he was going to re-bid the alternative school buses transportation contract saving of approximately \$800,000; reduce total number of routes with a saving of approximately \$430,000; reduce the total numbers of homeless vans for a saving of approximately \$800,000 for a total saving of \$2.3 million; reduce the total numbers buses from 111 to 81 for regular school transportation saving approximately \$2 million over the next fiscal year; looking into double billing for summer school busing with the Law Department and City Auditors; and enter into a formal homeless busing agreements with surrounding school districts as drafted by the Law Department. Dr. Ingram also stated that he taking administrative action against two employees of the school

department suspending one employee for two week and another employee for one week. The Board after discussion and debate received the report from Dr. Ingram and took no action.

VIII. Executive Director Stephen P. Lisauskas, Patricia Vinchesi, Deputy Executive Director and Seth Racine, Acting Budget Director made a presentation to the Board relative to Trash Enterprise Fee Deficit. Mr. Racine and Ms. Vinchesi stated that deficit had been reduced from approximately \$777,800 TO approximately \$324,636 due the efforts of the DPW stepped-up enforcement by stopped rubbish collections at 692 properties totaling 1,095 barrels. The compliance rate has increased from 63% to about 75% and the City is moving from quarterly billing to annual billing to cut down costs and improve enforcement. In addition the DPW plans to stop rubbish collection at an additional 2,800 proprieties over the next couples of weeks. The Board after discussion and debate received the report from Mr. Racine and Ms. Vinchesi and took no action.

IX. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #02-03-09-2009 (Ordinance) authorizing the adoption of the CitiStat Department ordinance, Chapter 2.100 of the Revised Ordinances of the City of Springfield, 1986, as amended establishing the CitiStat Department to be responsible for cultivating data-driven management and accountability of the operations of all city departments, boards, commissions and agencies and, upon the request of the school committee and/or superintendent of schools, the school department and to track savings and improve operations and establish, operate a call center to be known as 311 . Call Center. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #02-03-09-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #02-03-10-2009 (Ordinance) authorizing the adoption of the Dispatch Department ordinance, Chapter 2.57 of the Revised Ordinances of the City of Springfield, 1986, as amended establishing the Dispatch Department to be responsible for provide and maintain all radio, telecommunications, audio, video, and mobile data services and facilities necessary for operations of the department as a primary public safety answering point and necessary for communications with emergency services via radio and data. Operate and maintain a central communication center and a secondary communications center, as necessary, for all public safety communications, keep audio recording of emergency telephone activity and public safety radio transmissions, and make the same available to public safety agencies as their needs might require. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #02-03-10-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XI. Executive Director Stephen P. Lisauskas and Patricia Vinchesi, Deputy Executive Director made a presentation to the Board relative to Executive Order #02-03-11-2009 (Ordinance) authorizing the adoption of the Labor Relation Department ordinance, Chapter 2.40 of the Revised Ordinances of the City of Springfield, 1986, as amended establishing the Labor Relation Department to be responsible for overseeing all aspects of the City's labor-management activities, including negotiations of contracts and formulating and administering policies for departmental managers. Working with the mayor and the Chief Administrative and Financial Officer, the department will oversee and coordinate all strategies, negotiations and settlements regarding collective bargaining, grievance/arbitration, employee discipline, and all matters related to the promotion and maintenance of a harmonious labor-management relationship. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #02-03-11-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #02-03-12-2009 (Ordinance) authorizing the adoption of the General Enforcement and Penalties ordinance, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended adopting the as city ordinances the State Building Codes; State Sanitary Codes; State Sanitation Standards for Food Establishments Codes; State Plumbing and Gas Fitters Codes; State Electrical Codes; State Fire Codes; State Lead Poisoning and Control Codes; and State Standard for Swimming Pools and authorized non-criminal disposition for each code violation. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #02-03-12-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #02-03-13-2009 (Authoring the Sale of Surplus Property) authorizing the Executive Director of the Board to take all step necessary to transfer a parcel of known as "East Side Elliot Street (Street #04550, Parcel #0040), commonly referred to as the former Technical High School to the Commonwealth of Massachusetts for the site of a new data center subject to funding and approval by the Secretary of the executive Office for Administration and Finance. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #02-03-13-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

New Business:

XIII. The Board of a motion by Chairman Gabrieli and seconded by Mayor Sarno voted to go into Executive Session for the purpose to discuss strategy with respect to real estate issues by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0). The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 11:40 A.M.

Respectfully submitted,

DRAFT

Wayman Lee, Esq.

Clerk of the Board

**Finance Control Board
Springfield, Massachusetts
March 10, 2009**

The **fifty-first meeting** of the Finance Control Board (ST.2004, C.169) was held on **Tuesday, March 10, 2009 at 10:30 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President William T. Foley, Jr.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Ms. Lois Smith spoke about the needs for policy for speak-out at the City Council and school committee meetings and schools should learn why students drop out of school and students need exercise time and see saw students jumping off school buses out of the back door at stop lights.
- B. Mr. Ishmael Ali, Spoke about his tax-exempt organization 10 year battle with the Board of Assessors regarding a parking lot that was donation and the tax for the first year was \$276 and now the taxes are over \$30,000 because it was the City fault for sending the bills to the wrong address and he looking for is justice and Assessors has provided no justice.
- C. Mr. Bruce W. Stebbins, Springfield City Councilor spoke about a TIFA for Liberty Mutual Insurance Company to move to the City and he supports the Board efforts to modify the agreement to bring more jobs to the City and he likes the Chairman's "Promise Program" were students will, be given a chance to remain in City after school and college.
- D. Ms. Ellen Pappas of Springfield Forward spoke against the Longhill Gardens Project by the Winn Properties Development because it would increase crime. Be blight on the neighborhood and increase busing costs and the Winn never reach an agreement the neighborhood and the condition of the CBDG grant have not been met and the 12 votes of the Civic Association does not counter more than 400 signatures against the project.
- E. Mr. George Pappas of Springfield Forward spoke against the Longhill Gardens Project by the Winn Properties Development and stated the Springfield Forward attorney was ready to sue the City and Board if they went forward with the Project and the vote by the Civic Association for the Project should not override the 400 signatures against the Project.
- F. Mr. Timothy Collins, President of the Springfield Teacher Association spoke stating he was dismayed that the Board would be still talking about installing a time and labor management system (TLM) for teachers. That a level fund budget for the School Department for FY10 would mean a cut for the School Department. He further stated that the City needs to increase its "Schedule 19" contribution from 1.2% above the minimum to about 16% which is the state average. He further stated that any money for the schools should be used in the classrooms and not for other programs such as the "Promise Program" as outlined by Chairman Gabrieli.
- G. Ms. Sheila McElwaine spoke about the cuts to the Springfield Public Library as being disproportion to other cuts in department and lots of people use the Springfield Public Library system including students, parents and visitors from out of the city.
- H. Ms. Vera O'Connor spoke about the vote Springfield Library Commission to request the City to "take" the Mason Square Library by eminent domain and that the Annie Curran Trust could use to pay the costs of the taken and the upkeep of the building.

- II. The Board voted to approve the minutes of the March 10, 2009 meeting on a motion by Mayor Sarno and seconded by Council President Foley by a unanimous voice vote.
- III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-03-2009 (Accepting Grant Funds) authorizing the Springfield Police Department to accept a State grant from Underage Alcohol Enforcement Grant in the amount of \$20,000.00 pursuant to Mass. Gen Laws ch. 44, section 53A. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #03-10-03-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).
- IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-04-2009 (Granting an Easement) authorizing the City to grant an easement for subsurface tiebacks to Baystate Medical Center pursuant to Mass. Gen Laws ch. 40, section 3. After debate and discussion the Board on a motion by Mayor Sarno and seconded by Nunes passed Executive Order #03-10-04-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).
- V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-05-2009 (Amending Executive Order #02-03-13-2009 Authoring Sale of Surplus Property) authorizing the transfer of city-owned property known as "East Side Elliot Street" the former Technical High School to the Commonwealth of Massachusetts Division of Capital Asset Management ("DCAM") by Quitclaim Deed for \$1.00 and DCAM has requested certain changes to the draft deed of 2-13-2009 and this Executive Orders makes those change to the draft deed. After debate and discussion the Board on a motion by Mayor Sarno and seconded by City Council President Foley passed Executive Order #03-10-05-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).
- VI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-06-2009 (Authoring Execution of a Tax Increment Financing Agreement) authorizing the City to execute a Tax Increment Financing Agreement (TIFA) by and between the City, STCC Assistance Corporation and Liberty Mutual on a 10 year lease agreement for 55,250 rentable square feet for a customer service and sales call center with STCC Assistance Corporation pursuant to Mass. Gen Laws ch. 40, section 59, Mass. Gen Laws ch. 59, section 5 and Mass. Gen Laws ch. 23A. After debate and discussion the Board on a motion by Mayor Sarno and seconded by City Council President Foley passed Executive Order #03-10-06-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).
- VII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-07-2009 (Authoring Certain Transfers of Unexpended Bond Proceeds) authorizing the City to use a portion of \$127,400,000.00 State Qualified Municipal Purpose Loan of 2007 for Police Department renovations by transferring \$1,390,000.00 now held Bond Holding Account for Police Renovation Project for the following projects and amounts (1) Construction of Putnam High School - \$500,000.00; (2) Replacement of Gerena Gym Floor - \$190,000.00; (3) Replacement of Duggan Flooring - \$400,000.00; and (4) Demolition of City Buildings/Structures - \$300,000.00 pursuant to Mass. Gen Laws ch. 44, section 20. After debate and discussion the Board on a motion by City Council President Foley and seconded by Mayor Sarno passed Executive Order #03-10-07-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).
- VIII. Executive Director Stephen P. Lisauskas and John Schneider, Executive Vice President of MassINC. made a presentation to the Board relative to economic growth strategy. Among the

MassINC report's initial findings - comparing 16 peer cities in the Northeast and the Midwest on a number of benchmarks - Springfield ranked 13th in the percentage of residents with college degrees with only 17 percent attaining one. Only Dayton, Ohio, Bridgeport and Hartford, Conn., and Flint, Mich., had lower percentages of college graduates. While the City continues to provide good-paying jobs, a disproportionate number of the city's own residents don't have the education and skills to fill those jobs, according to a new report intended to help the City prepare an economic growth strategy for the coming decades. The absence of an educated work force is a big hurdle for the City to surmount if it hopes to maintain its position as the economic hub of Western Massachusetts, said Mr. Schneider a members of a research team from Massachusetts Institute for a New Commonwealth and University of Massachusetts-Dartmouth Urban Institute. The Board after discussion and debate received the report from Mr. Schneider and took no action.

IX. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-09-2009 (Ordinance) authorizing the adoption of the Productivity Bank ordinance, Chapter 4.40 of the Revised Ordinances of the City of Springfield, 1986, as amended establishing the Productivity Bank to be used to provide loans to City Departments that can justify projects and/or initiatives that will generate additional revenues above current certified levels, and/or will generate savings and/or which will significantly improve efficiency of service delivery and set forth the rules, regulations, membership and operating procedures. After debate and discussion the Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #03-10-09-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

IXB. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-09B-2009 (Budget Appropriation Order) authorizing a transfer \$1,500,000.00 from Stabilization Reserve Fund – Financial Reserves Account # 8217-00-000-0000-0000-000000-000000-35900 to Stabilization Reserve Fund – Productivity Bank pursuant to Mass. Gen Laws ch. 59, section 5B. After debate and discussion the Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #03-10-09B-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-10-2009 (Accepting the Provision of Mass. Gen. Laws Chapter 479 of the Acts of 2009) an act providing for the establishment of other employment benefits liability trust funds in municipalities and certain other governmental units. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #03-10-10-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to guidelines for FY10 (Fiscal Year 2010 Budget Parameters for the City of Springfield) setting 17 budget parameters and guidelines for how the budget shall be prepared and presented to the City Council and the Board all in compliance with the attached parameters and Chapter 656 of the Acts of 1989. After debate and discussion the Board on a motion by Mayor Sarno and seconded by City Council President Foley passed (Fiscal Year 2010 Budget Parameters for the City of Springfield) by a unanimous voice vote.

XII. Executive Director Stephen P. Lisauskas, Acting Chief Financial Office TJ Plante and Budget Director Seth Racine made a presentation to the Board relative to an update on the FY09 budget cuts and FY10 budget numbers. Mr. Plante stated that the City has reduced the FY09 budget by 4.6 million due to 9C cuts from the Governor and he was working on the numbers for FY10 but had not received FY10 numbers for the State. The Mayor had recommended cutting 67 budgeted

but unfilled positions for a saving of \$1,815,389 and varies other recurring reductions in the amount of \$2,733,611 for total saving of \$4,549,000. Member Nunes asked if the layoff included unemployment funds? Mr. Plante said yes and also included vacation benefits. City Council President Foley asked if the City had considered an early retirement program? Mr. Lisauskas and Mr. Plante stated that in their opinions an early retirement program would not benefit the City but would look into an early retirement program and report back to the Board. After debate and further discussion the Board received the report from Mr. Lisauskas and Mr. Plante and took no action.

XIII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Certified Free Cash and stated the Department of Revenue had certified for FY09 that the City has \$12,543,347.00. After debate and discussion the Board received the report from Mr. Lisauskas and took no action as the matter is the subject Executive Order #03-10-14-2009.

XIV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #03-10-15-2009 (Order Transferring Free Cash) authoring the transfer from Free Cash the amount of \$12,543,347.00 to Stabilization Reserve Fund – Special Revenue General Account #8217-00-000-0000-000000-0000000-359000. Mr. Lisauskas stated that with additional of the Free Cash the City now has \$46.9 million in its reserve accounts. After debate and discussion the Board on a motion by Member Nunes and seconded by Member Morton passed Executive Order #03-10-15-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XV. Chairperson Christopher F. Gabrieli made a presentation to the Board relative to a new program called "Springfield Promise" which will increase the number of college-educated citizens which is a crucial one in a knowledge-based global economy and is taking on the challenge with a proposal aimed at helping hundreds of high school graduates attain the degree they need to acquire some of the best jobs in Springfield. Patterned after one in Boston, the program, called the Springfield Promise, would create a trust fund from money the City received from the state in a fiscal-crisis-bailout loan combined with cash reserves to provide thousands of dollars in scholarships and other aid. Last year, the Boston ACCESS program awarded 450 scholarships of \$500 to \$2,500 - and comprehensive financial aid. The trust fund promising the children of Springfield that a college education is not out of reach would have \$46.8 million as of July 1, when the control board is scheduled to complete its work in Springfield. It's a parting promise that holds a lot of hope for the city's future. After debate and further discussion the Board on a motion by Mayor Sarno and seconded by Member Nunes passed the concept of the Springfield Promise program by a unanimous voice vote. Chairperson Gabrieli stated he would have more details at the next meeting and Board.

New Business:

XVI. The Board on a motion by Chairman Gabrieli and seconded by Member Nunes voted to go into Executive Session for the purpose to discuss strategy with respect to real estate, litigation and non bargaining issues by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0). The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:05 P.M.

Respectfully submitted,

DRAFT

Wayman Lee, Esq.

**Finance Control Board
Springfield, Massachusetts
April 9, 2009**

The **fifty-second meeting** of the Finance Control Board (ST.2004, C.169) was held on **Thursday, April 9, 2009 at 10:30 A.M.** in Room 220, City Hall. Present were Chairperson Christopher F. Gabrieli, Mayor Domenic J. Sarno, and Members Robert G. Nunes, James O'S. Morton and City Council President William T. Foley, Jr.

I. Prior to the business meeting the Board held thirty (30) minutes of public comments with the following speakers and topics:

- A. Mr. Russell Seelig spoke about a possible increase in levy by putting a tax on cell towers and billboard locations to increase revenue with the cell towers bring approximately \$800,000 per year and billboard approximately \$300,000 per year that could save approximately 7-15 employees jobs based on the current City tax rate.
- B. Mr. Robert Brown spoke about trash fee going from quarterly to annually stating that the elderly can not pay the \$90 trash fee at one time because they are on a fixed income and the 311 Call Center is a "joke" he had to wait 2 minutes to talk to someone from 311 about a DPW issue. He also spoke about the increase in health insurance stating that Boston rates only went up 6% and the City rates went up 15% and Executive Director of the Basketball Hall of Fame makes twice what the directors of the football and baseball hall of fame directors makes. Finally, do not cut the police pay under the Quinn bill.
- C. Mr. Roy Fant, Manager of Kisroy, LLC spoke offering the City a site for a new dispatch facility on land at 543 Boston Road which has approximately 2 $\frac{3}{4}$ acres for a reasonable price.

II. The Board voted to approve the minutes of the March 10, 2009 meeting on a motion by Mayor Sarno and seconded by Member Nunes by a unanimous voice vote. Executive Director Stephen P. Lisauskas took a moment to congratulate Member Morton on his win in the 800 meters as having the fastest time for a person over 40 years of age.

III. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #04-09-03-2009 (Accepting Grant Funds) authorizing the Springfield Police Department to accept a State grant FY 2009 - 911 Telecommunication Fund in the amount of \$496,707.35 pursuant to Mass. Gen Laws ch. 44, section 53A. After debate and discussion the Board on a motion by Member Nunes and seconded by Mayor Sarno passed Executive Order #04-09-03-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

IV. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #04-09-04-2009 (Approving the Transfer of Certain Land and Cooperating in the Development of a Homeless Resource Center) authorizing the Chairman of the Board, the Mayor, the Executive Director, CAFO, Chief Development Officer and such other city officials as necessary to enter into a Land Disposition Agreement and execute a Quitclaim Deed and other agreements as set forth in this Order between the City and Springfield Housing Authority, Friends of the Homeless, Inc., and Department of Housing and Neighborhood Services with the approval of the Secretary for Administration and Finance pursuant to Mass. Gen Laws ch. 40, section 3. After debate and discussion the Board on a motion by Mayor Sarno and seconded by Member Nunes passed Executive Order #04-09-04-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

V. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #04-09-05-2009 (Approving the Grant of Temporary and Permanent Easements) authorizing the Mayor, the Executive Director and such other city officials including DPW to grants temporary and permanent easements to the Springfield Water and Sewer Commission for construction and/or reconstruction of a combined sewer overflow project beneath certain property owned by the City on Main Street and Birnie Avenue. After debate and discussion the Board on a motion by City Council President Foley and seconded by Mayor Sarno passed Executive Order #04-09-05-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

VI. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #04-09-06-2009 (Approving the Grant of License) authorizing the Mayor, the Executive Director and such other city officials including DPW to grants a license agreement to the Springfield Water and Sewer Commission for construction and/or reconstruction of a combined sewer overflow project beneath certain property owned by the City at W/S Birnie Avenue (Street #014480-Parcel #0181). After debate and discussion the Board on a motion by City Council President Foley and seconded by Mayor Sarno passed Executive Order #04-09-06-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

VII(A). Executive Director Stephen P. Lisauskas, Patricia Vinchesi, Deputy Executive Director and John Cossaboom, Springfield Fire Marshall made a presentation to the Board relative to Executive Order #04-09-07A-2009 (Ordinance amendment 7.13, False Alarms) authorizing the adoption of an amendment to Chapter 7.13.050, of the Revised Ordinances of the City of Springfield, 1986, as amended relative to increasing the fines and penalties for violations of the false alarm ordinance. After debate and discussion the Board on a motion by City Council President Foley and seconded by Mayor Sarno passed Executive Order #04-09-07A-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

VII(B). Executive Director Stephen P. Lisauskas, Patricia Vinchesi, Deputy Executive Director and John Cossaboom, Springfield Fire Marshall made a presentation to the Board relative to Executive Order #04-09-07B-2009 (Ordinance amendment 7.13, False Alarms) authorizing the adoption of an amendment to Chapter 7.13.010, of the Revised Ordinances of the City of Springfield, 1986, as amended relative to definition of a "false alarm." After debate and discussion the Board on a motion by City Council President Foley and seconded by Mayor Sarno passed Executive Order #04-09-07B-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

VIII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #04-09-08-2009 (Budget Appropriation Order) authorizing the appropriation of a property tax overlay reserve surplus from November 12, 2008 in the amount of \$1,500,000 and appropriation of a property tax overlay reserve surplus from April 7, 2009 in the amount of \$8,800,000 totaling \$10,300,000 be transferred from Fund Balance Reserved for Overlay Released by Assessors for Expenditures Account # 0100-00-000-0000-0000-000000-0000000-322000-35900 to Stabilization Reserve Fund Account #8217-00-000-0000-0000-0000-000000-0000000-104000. After debate and discussion the Board on a motion by Member Nunes and seconded by Member Morton passed Executive Order #04-09-08-2009, by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

IX(A). Executive Director Stephen P. Lisauskas and Thomas Collins, Chief Information Technology made a presentation to the Board relative to Executive Order #04-09-09A-2009 (Related to and Authorizing Certain Transfers of Unexpended Bond Proceeds) authorizing the transfer of \$600,000 in unexpended bond proceeds from a February 7, 2007 State Qualified Municipal Purpose Loan of 2007 in the amount of \$127,400,000 to finance Police Department

Renovation/ADA project in a Bond Holding Account to be transferred to MUNIS Payroll System. After debate and discussion the Board Member Nunes made a motion to add “subject to review and discussion by the Division of Local Services – Bureau of Accounts” and seconded by Chairman Gabrieli and passed by a unanimous voice vote and the Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #04-09-09A-2009 by the following roll call vote; Yes, Four (4) Gabrieli, Sarno, Foley, Morton; No, None (0) and Member Nunes voting present.

IXB. Executive Director Stephen P. Lisauskas and Thomas Collins, Chief Information Technology made a presentation to the Board relative to Executive Order #04-09-09B-2009 (Authorizing the Executive Director to File a Report with the House Ways and Means Committee and Contract with Tyler Technologies, Inc.) authorizing the Board’s Executive Director to file a report with the House Ways and Means Committee for the procurement of a payroll system as a sole source procurement on the recommendation of the CIO, City Auditor and Acting Chief Procurement Officer for term of 13 months and with an option to renew the maintenance agreement for an additional 9 years for an initial amount of \$701,790,00 excluding the option on the maintenance agreement. After debate and discussion the Board on a motion by Mayor Sarno and seconded by Member Morton passed Executive Order #04-09-09B-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

X. Executive Director Stephen P. Lisauskas, Acting Chief Financial Officer TJ Plante and Budget Director Seth Racine made a presentation to the Board relative to an update on the FY10 budget numbers. Mr. Plante stated that the City had reduced the FY09 budget by 4.6 million dollars due to 9C cuts from the Governor and the Mayor would be delivering his FY10 budget to City Council on or about April 17, 2009 and the City is updating the numbers for FY10 but had not received final FY10 numbers for the State. City Council President Foley asked the Board if the date for the City Council to submit the FY10 budget to Board could be changed from May 1, 2009 to much later date in June because of the lack of budgets information and numbers from the State. Member Nunes suggested an additional 2 weeks to May 14, 2009 and after discussion Board on a motion by Member Morton and seconded by Member Nunes allowed the amendment to give the City Council until May 14, 2009 to act on the Mayor FY10 budget passed by the following roll call vote; Yes, Four (4) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0) and City Council President Foley abstained from the vote.

XI. Executive Director Stephen P. Lisauskas, and Lisa DeSousa, Law Department made a presentation to the Board relative to Executive Order #04-09-11-2009 (Ordinance 7.50, Regulating the Maintenance of Vacant and/or Foreclosing Residential Properties) authorizing the adoption of an new Chapter 7.50 of the Revised Ordinances of the City of Springfield, 1986, as amended and the purpose and the intent of this Ordinance is to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) requiring all residential property owners, including lenders, trustees, and service companies, to properly maintain vacant and/or foreclosing properties, (ii) regulating the maintenance of vacant and/or foreclosing residential properties to prevent blighted and unsecured residences, and (iii) provide for a local individual or entity to contact in case of an emergency situation at the property. Mayor Sarno made a motion to amend section 7.50.080 to add a revised section said amendment passed by a unanimous voice vote. After debate and discussion the Board on a motion by City Council President Foley and seconded by Mayor Sarno passed Executive Order #04-09-11-2009 passed by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XII. Executive Director Stephen P. Lisauskas made a presentation to the Board relative to Executive Order #04-09-12-2009 (Ordinance 4.44, Financial Ordinances) authorizing the adoption of an new Chapter 4.44 of the Revised Ordinances of the City of Springfield, 1986, as amended and the purpose and the intent of this Ordinance is to provide policies regarding budgeting, revenue,

capital planning, financial reserves, cash management, financial reporting and reconciliation, financial responsibilities and grants for City departments and officials. After debate and discussion the Board on a motion by Mayor Sarno and seconded by City Council President Foley passed Executive Order #04-09-12-2009 by the following roll call vote; Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0).

XIII. Chairperson Christopher F. Gabrieli gave an updated to the Board relative to a new program called "Springfield Promise" which will increase the number of college-educated citizens which is a crucial in a knowledge-based global economy and is taking on the challenge with a proposal aimed at helping hundreds of high school graduates attain the degree they need to acquire some of the best jobs in Springfield. Chairman stated that the next critical steps were as follow (i) identify ways to pay for the program; and (ii) whether trade schools and other types of schools other than colleges would qualify for the program. Chairman further stated that a pro bono consultant has signed on to work out the detail of the program and he would be interviewing stakeholder in Springfield such as the superintendent, school principals, business leaders and community leaders. After debate and further discussion the Board took on action but received the Chairman update.

New Business:

XIV. The Board of a motion by Mayor Sarno and seconded by City Council President Foley voted to go into Executive Session for the purpose to discuss strategy with respect to real estate, litigation and non bargaining issues by the following roll call vote: Yes, Five (5) Gabrieli, Sarno, Foley, Morton and Nunes; No, None (0). The Chairman Gabrieli stated that the Board would not be reconvening in open session.

Being no further business the meeting was adjourned at 12:30 P.M.

Respectfully submitted,

DRAFT

Wayman Lee, Esq.
Clerk of the Board