

**FINANCE CONTROL BOARD, November 27, 2006**

Present: Thomas Gloster, Alan LeBovidge, Mayor Charles V. Ryan, City Council President Jose Tosado, Jake Jacobson, City Clerk Wayman Lee

Alan LeBovidge: Can I call the November 27<sup>th</sup> meeting of the Springfield [Finance] Control Board to order, please? I apologize for starting a little late. We're having a little technical delay here on.... Computers are great when they...work. OK. When they don't, it's a problem. In any event, welcome. The first...I guess I should announce that after the public session, we will be going into executive session to discuss some labor and litigation matters. (I think people probably know we have a litigation matter to discuss.) We will not be coming back from that executive session, but...that's what we're going to do. The first item on the agenda is the approval of the minutes of the October 20<sup>th</sup> meeting.

**\*\*MOTION APPROVED UNANIMOUSLY WITH ONE CORRECTION**

**Reorganization of Police Department Command Staff**

Control Board Executive Director Phil Puccia: We have Commissioner Flynn here. City Council President Jose Tosado had asked to have a briefing on the civilian review board, but at the same time, since Commissioner Flynn is here, he'd like to give the board a...an overview of the reorganization of the command staff at the police department that has recently been undertaken. So, Commissioner?

AL: Come on down.

Police Commissioner Ed Flynn: Good morning. You have in front of you the order that put into effect the reorganization of the police department along the lines that I've been espousing for some time which is an absolute focus on our core mission of dealing with crime, fear and disorder here in Springfield. And, by doing so, we are going to build from the neighborhoods up. It's been clear for some time that our crime, disorder and fear issues in Springfield are neighborhood specific. The order and the priorities in which those various issues are held vary from neighborhood to neighborhood. And it's important for the Police Department to recognize that fact and be responsive to it. So what you see is a narrative that discusses the strategy, and that's followed by the structural reorganization of the police department, and I believe the last page gives you an updated reorganization chart.

As you see, my focus here is to make sure that those people responsible for policing services delivered to the neighborhoods report directly to me. So I have a combination of both a geographic reorganization of the police department as well as still some functional responsibilities and those are retained in the administration and finance division headed by Director Cole. But, as you also see, I've got three very specific divisions headed by Deputy Chiefs that are responsible for areas of Springfield. These areas are designated as North, Central and South, and they are made up of currently

existing police sectors that were developed years ago during the community policing grant era in which these various neighborhood sectors are organized around coherent neighborhood boundaries.

I have four deputy chiefs now. One is responsible for what we call “Operational Support” which is where the investigations and vice control and tactical services are located (those are city-wide functions). The other three: each of them will be responsible for a geographic subdivision. I’m feeling that...I feel that this is really going to give us an opportunity to develop policing services that are responsive to neighborhood concerns as well as flexible and adaptable to the changing crime conditions in Springfield as they change by season and time of day and area of the city.

The North sector is...the North Division is made up of the current geographical sectors known as A, B, C, D and G. The Central District is made up of current sectors E and F, while the South District is made up of the H area and the I area. These are fairly coherent neighborhoods that have similar issues and share boundaries with each other. The population according to the 2000 census for the North District is 56,000 people, and that district generated 45,000 calls for service so far this year. The Central District has a daytime population of 38,000, but, as you know, that also encompasses the downtown central business district which has a substantial commuter population as well; they’ve generated 54,000 calls for service so far this year. And the South District, although it has the largest population which is 58,000 people, has so far generated 32,000 calls for service.

Now again, the areas are somewhat different. The population sizes are fairly consistent. It’s fair to say we...perhaps it’s fair to say we have two Chicopees and a Holyoke here, but they’re significant command areas which I think will warrant the attention of a deputy chief who’ll have a full-time compliment of officers, sergeants and lieutenants assigned to him. That person will be responsible for this area 24 hours a day so that the people that live in that neighborhood know who’s responsible for the issues and challenges that face them.

AL: You gave us the population and the calls. The number of staff in each section, are they the same or it depends on the...which section ...?

EF: No, they’re going to be different. We have a tentative proposal right now that’s before the Deputy Chiefs, and they’re reviewing it. I gave it to them today. They would allocate the patrol personnel to the districts based on a combination of population and calls for service data. Probably the smallest district will have 60 officers, and I suspect that the busiest one will have probably closer to 80. But all of those districts will be supplemented by tactical services and support personnel when needed.

One of the core parts of our strategy is having the same people in the same neighborhoods every day, but also retaining a capacity to move a tactical grouping of officers from hot spot to hot spot to supplement the efforts of the officers that are assigned to the neighborhoods every day.

AL: Thank you.

EF: This is something new for Springfield, and not many police departments have done it this way, but I sincerely believe that having senior level commanders responsible for geography embeds in the consciousness of the organization just how important the neighborhood is. And as we continue to focus our efforts on quality of life issues as well as crime issues, there's no way to make that...the importance of that clearer than to invest that responsibility in the senior leadership of the department.

AL: So that means 24/7, that individual is responsible for that sector and not by shift or hours of the day, is that right?

EF: That's correct. One of our challenges...the classic police organization around temporal organization means that at the end of eight hours, everybody is done. And so, if there's an issue that crosses shifts—which many of them do—no one's responsible for that issue 24 hours a day besides the police commissioner. I think it's important that, given the nature of the challenges that face us, that more people have “more skin in the game,” so to speak, and that our entire chain of command be invested *in* those neighborhoods, so that the problems of a given neighborhood are the problems that are identifiable officer, lieutenant, captain and deputy chief.

I have with me in the back of the room the people in whom we're investing this confidence and this responsibility. I'd ask them to stand as I introduce them, and they'll make themselves recognizable to all of you and you'll get to know them very well in the up-coming months. Deputy Chief William Fitchett is the commander of the South Division. Acting Deputy Chief William Cochran is the acting deputy chief in command of the Central Division. And Acting Deputy Chief William Noonan is the commander of the North District. Acting Deputy Chief Mark Anthony will be the commander of the Operational Support Division. These people are going to be very recognizable in this community. Obviously, Deputy Fitchett is well known to you, but the other acting deputy chiefs are clearly going to be better known as time goes by.

I also, as you will notice, took the precaution of making sure that all of my division commanders have the name of “Bill,” so under every circumstance, I know that when I call, they will come, so I thank them for their willingness to assume these responsibilities, and I look forward to working with them in the future.

I do know we have much on our agenda today, including the presentation of Jack McDevitt and Amy Farrell, but if you have any other questions, I'd be happy to answer them at this time. Mr. Mayor?

Mayor Charles V. Ryan: Commissioner, I'd like to say how pleased I am with your initiative here. I think this is a thoughtful and responsible way of bringing back the positive attributes of community policing. You're doing it in a totally different way, but I've got to believe that this way the police get to know the big neighborhood, the good

guys and the bad guys and visa versa. And I think this is salutary. I also would like to say that the men that you have chosen--the three new men and, of course, Deputy Fitchett—in my opinion and, I think, and in the opinion of everybody in this city who knows them, they're excellent men with outstanding records, and I think you've chosen well.

EF: Thank you, sir. I mean you're right to pick up on that. I mean, we've certainly gone beyond the notion that a special unit can be responsible for community-based policing services. We recognize that some of our officers have better problem-solving skills or better communication skills than others, and some of them are better at recognizing felonious activity from only a few clues than others. But the point is *all* of those tools are essential tools in providing safety and security. We've got to make sure that all of those tools are seen as part of every police officer's job, so that certainly the notion is to be community-based with an absolute focus on neighborhoods. Problem-solving has to be one of the skills we bring to bear here as well as good old-fashioned assertive police work.

City Council President Jose Tosado: Commissioner, I'd just like to echo the Mayor's sentiments. I've had the opportunity to know all the deputy chiefs, and, again, I have known them to be good officers, and you've chosen well in terms of the talent pool that you've elevated to these levels of responsibility. Now I know it's something that you've been talking about since you've got here in terms of taking a look at the city and giving people whole responsibility and accountability and authority for certain sections within the city and that, hopefully, that will have a positive impact in terms of, in terms of the reduction of crime, so I wish you luck, wish [to] congratulate all the new deputy chiefs and Deputy Chief Fitchett.

Just one quick question that I have, however, as I'm looking here and I see a court lieutenant in the operational support division. And, knowing that one of the biggest budget busters for the police department has been court time--it's just been a real drain in terms of the resources of the police department—is that taken into account here at all? Is there some strategy to try and do some cost containment on that particular budget item?

EF: Well, it's good of you to focus on that, President Tosado. The point is we have spent an awful lot of money on court time, and one of the things that the Buracker Report recognized is that there was no unitary command over the expenditure of court time. There were six different officers reporting to four different superior officers responsible for court time, you know. So that obviously isn't going to work over the long time.

Before we could adjust it, we knew we needed to adjust the entire organization to centralize that responsibility. This order does that. One person will be responsible for the court time. They'll have people reporting to them, and that single person will report to a very specific member of the organization, so it's absolutely an attempt to gain some control over that.

JT: Thank you.

EF: Thank you, sir.

AL: Any other questions? Thank you.

EF: All right. Thank you. Yeah. Jack and Amy are now going to step forward for a presentation on the Citizen Advisory Board.

### **Civilian Advisory Board to Police Department**

Northeastern University Professor Jack McDevitt: Thank you very much for allowing us to give you a sort of progress report on where we are with the analysis of civilian participation in law enforcement and also sort of where we're going next. And so we wanted to make a brief presentation to quickly sort of update you on the progress to date and the next steps.

So, in terms of who we are: You know, I'm the associate dean at the College of Criminal Justice at Northeastern University, and Amy is the associate director of the Institute on Race and Justice at Northeastern. We've been involved in numerous studies like this across the country, the most recent of which is one you may have heard of in Boston where we took a look at what was the best model for increasing civilian oversight in the Boston Police Department. I made a recommendation to the police department that was ultimately adopted by the Mayor, and they're in the process of putting that model in place. We've also done work for the COPS office in Washington (the Community Oriented Police's office) which has taken us around the country to different sized cities: small cities like Springfield that could be...see what models place there and what models work. I think one of the things that makes us a little bit different is we take a look at the community role in all of these issues. The community as well as the police have a stake in the fair treatment of law enforcement officers who engage in misconduct and so we want to be able to balance the needs of the community for information and trust and confidence in the police and the police for fair process, and that's what we try to strive for in our work.

We were also involved somewhat in the initial resolution of the pastor council's complaint with the police department as just a person that had some expertise and was able to participate in that process.

What we're doing to give you is a two-step process. The first step we're going to talk to you a little bit about today and what we've found, and then the second step is where we're going next. I think what the best part is to try to understand "What are other agencies around the country doing? What are they finding useful? What kind of oversight models work in different kinds of communities?"

The one thing that we'll cite and you'll hear as a theme is there isn't a one-size-fits-all model here. There isn't a model that you can just take from Washington D.C. or take from Columbus, Ohio or take from Providence and superimpose in Springfield.

Every community has their own history. You've guys have a particularly unique history of dealing with police, and so whatever model's going to work has to fit with the structures in the police department, the personalities involved, the unions involved, the community needs, and the history and culture of that community. So what we're going to do is just layout some broad models and then the next part is to try to see which elements of those models will fit with the community of Springfield.

The second part of our review will be to look...you'll hear more about this both within the department, within this group here [gestures toward control board members] and in the community on sort of what their expectations for some kind of civilian model would be in the department.

If you look across the country, there appears to be four models that you can pick from, pick elements from that are really different in terms of how civilians participate in the oversight of police departments.

*One is the fully external model* (and we have copies of this [PowerPoint] presentation if you'd like them and a little fact sheet that can give you some information on this.) A fully external model which is external to the police department where they do the investigations externally where they...Washington D.C. is an example, Cambridge MA is an example...where they have a standing board that's appointed, they take complaints, they investigate complaints, they make findings. That's one set of models. (There're strengths and weaknesses with each of these models, so we can go through that if you'd like.)

*The second kind of model is a model where there's internal investigation is done by the local police department*, much along the model you have here where there's an internal affairs department that does its initial investigation, but that those investigations are reviewed by an external board. Then the board would have civilians on it, it might have police on it. (San Diego is an example of this.) And those reviews could take place when a citizen appeals, when there's a serious allegation of misconduct or randomly to just make sure the process is working well throughout the whole deal.

*The third model that's becoming sort of the most popular model around the country is this model of a monitor, a single individual monitor, ombudsman or auditor*, where it's a professional who comes in and takes a look at the investigations, reviews the investigations, passes on the investigations as to whether or not they're done well. In both the external model I just talked about and this one, the most common model is: You look at the review, if somebody wasn't interviewed or somebody was...there was some problem with the investigation that was done by the police department, they can send it back to the police department for additional review. So this is an external board that takes a look at all the findings of this and says "Well, you didn't get the right witnesses. Go back and interview the witnesses," and the internal department has to do that.

AL: You're saying that's a professional doing that not citizens of this...

JM: There's one model where it's citizens, and there's one model where it's professional, so it can be either one. And the final one is a hybrid model where you take pieces of each of these and you put them together and that's probably what we would be doing here is seeing what would work best with the history and culture and needs of Springfield.

TG: Sir, what is the system that the police department in Springfield currently has? And do you have any view as to how it's been working, what the issues and problems are, and what they're trying to address with this new approach?

JM: It's, it's, it's relatively new, as you know, and has been taken internally into the police department, and I don't want to claim to know a lot of detail. (That's one of the things we're going to do next is sit down with the people in charge of that and talk to them about how it's working, what kind of complaints they're getting, what kinds of problems they have.) We do know that they're some unique administrative/legal contractual obligations on the timing of investigations here that may put some constraints on the time period involved for this kind of review process, and there're some contractual obligations to resolve complaints within a specified period of time and, in order to do that, you have to fit within those contractual...any kind of review process has to fit within those contractual models, so... But that's exactly where we want to go next is sort of understand...

CVR: Under our old system with the civil service chief and a lay police commission, the lay police commission played a significant part, did it not, in these kind of review matters?

JM: Right. Yes.

CVR: There're no longer here so we've got to go to some other combination.

JM: And, and I think that a place, and again I'm not suggesting what model would... we'd end up recommending, but a place that Amy and I and a lot of people in this business have started to understand is the *best* model is a model where everyone in the community feels the police department is doing a good job policing themselves, and they have information on which to believe that, that they have people who work with the police department to do that or they have transparent reports that make them convinced that the police department is doing the disciplining of their own. It's when the community *can't* believe that, that you need to move to more external boards.

AL: But isn't it the other side is that the police department should feel they're being treated fairly, and they also, you know, feel like they're not getting railroaded or you know...

JM: Right, and that is where I started is the balance of a fair process that's fair to the officers, that allows for those complaints that are frivolous or unfounded to *be* unfounded and an officer to be exonerated, but also in those cases where there was a complaint that

was legitimate, that there's a process where the community sees that they're being taken seriously.

We have six principles that Amy's going to talk about that sort of guide what we think of as a good model, and, you know, with that, Dr. Farrell?

Amy Farrell: Based on, as Jack just mentioned, a review of about 45 different civilian oversight models across the country in a cross section of communities representing large communities, communities more the size of Springfield and smaller communities, we have come out with not only the four separate models or combinations of those models, but what I think is more important for today's discussion, a series of principles we think will guide whatever type of form this model takes. And I just wanted to walk through these quickly. I'll go through the individual ones.

*The first key principle is actually that there is a role for the communities and community voices in complaint review and use-of-force review and oversight, that this is not a model that is devoid of any type of community input.* This does not necessarily mean that community members or civilians are the *only* people that can do this type of review, but that there is a role for community members in that process. Most departments across the country have some form of review that occurs in their internal affairs process, whether that's done by an external board or whether that's done by some other components of these models that Jack mentioned.

*The second key finding is that alternative decision-making structures (which might be closer to that first model that we talked about); alternative systems that are outside of the agency itself are both costly and complex.* To be done well and to be effective, they are expensive. They take a staff, they take trained professionals to actually do investigations, to have subpoena power, to bring witnesses forward and to make recommendations. Unfortunately, what we've seen around the country is that the majority of systems where there are alternative or outside of the department completely are not done well. That is, cities don't have the resources to finance them and so they sort of become defunct or they devolve into partisan bickering, and they don't work the way they should.

*The second problem with these models is it takes responsibility away from the department, and the department never fixes "themselves."* I would use the example of Washington D.C. where they were under a federal court order to create an office of police complaints that took complaints and did investigations. What this has resulted in over a period of about four years is that the District has never fixed their internal affairs process, because there is this alternative structure. In fact, not only do civilians want to go through that alternative structure, but officers themselves now want to take their internal complaints to that structure. So you never fix the problems that underlie the system. That's not saying they're not possible, but that is one of the principles that we've sort of found out of a...across a number of different models.

*The third is that citizen oversight works best when it's triggered automatically.* A number of systems around the country have oversight that occurs when a citizen appeals; they don't like the results of their complaint, and so they make an appeal. The problem with that is that you sometimes get very few appeals because citizens who don't have trust and confidence in the department may not feel empowered to make appeals, so you get fewer people making appeals, you have many people who may have investigations that actually had problems with them that don't bring their appeals forward, and, and we would actually recommend that whatever model is decided upon, that you have something where some of the complaints might be reviewed via appeal and some of the complaints (or some subsection of those complaints) be reviewed automatically, so every type of complaint that meets, say, a certain threshold of severity was going to get reviewed. It just enhances trust and confidence and doesn't place the burden just on citizens to come forward and have that complaint appealed.

*The fourth major finding is that oversight should be transparent.* There should be some type of regular reporting back to the community about what has taken place in those review or oversight processes. That if this system is going to work, whatever model it may be, it has to be a system in which the community feels confident that they've received enough information about that review process that they believe in the legitimacy of the process. But that also has to be taking into account the balancing of officers' right to privacy and the needs of people, that all information that occurs in the reviews don't become a matter (necessarily) of public record. So it's a balance between transparency and fairness that has to occur.

*The fifth major principle is that one of the things that departments oftentimes forget about in designing civilian oversight systems is the fact that citizen oversight of law enforcement has the opportunity to increase and improve communication with the public. It should be seen as an avenue in which people can understand the good work that the department is doing as well as issues of misconduct.* So, going out into the community and talking about the oversight process, having some sort of group be able to talk about reviews and reports when they occur actually enhances peoples' points of contact in positive ways, as opposed to just negative ways, with law enforcement.

*And as Jack alluded to, I think what we think is one of the most important principles is that there is no single model.* As experts, we can't come to you and say, "You should adopt Model X, because it's the most popular and best model in the country." We know a lot about the strengths and weaknesses of each model, and so the next step here is to actually investigate what's happening in terms of the local problems that need to be fixed.

So we're going to do a number of things in the next few steps. We're going to be looking at the problems that currently exist in the community, both real and perceived to find out if there *is* change that needs to occur. We don't just need to adopt a good model because it works somewhere else, but we need to make that change actually come from the ground up to address the concerns that citizens of Springfield have with the existing complaint process.

JM: And just as one example, right now, citizens from Springfield can file a complaint on line with the police department; it's pretty easily accessible, and it's something they can do. That's a [silence on feed] from across the country. It's something that Boston just adopted, hasn't been done before, and so there's a lot of...there's positive steps that you can build off of in terms of being transparent. They also can file complaints at places that aren't police stations which is something that is also progressive, but it's something that's already being done in this community, so there's real positive things to build off of here.

AF: And as Jack mentioned, what we're going to be doing is actually to also take into account the structural environment and past relationships of the department and community members in deciding what sort of local model works best. So we've talked a little bit about that first step, the national review, and Jack and I have put together a short report which both outlines the major components of each of those four models and then had this presentation for you as well, and we'll be writing up, obviously, the findings from that national review in more depth.

But I wanted to give you a little information about the next step, the step two, which is *the local review process*, and that's what we're getting ready to embark upon now after finishing the national review. In the local review, we'll be having two major components.

*The first is an internal review.* That's actually looking at the systems that are currently in operation in the department to see which are functional and which are not. We're going to be looking at the goals of a variety of different stakeholders, both within the department and within other officials of city government, to see what needs to be done or what problems there are with the current system, and maybe what problems there were with previous systems: what worked well and what didn't work well with previous systems here in Springfield.

*The second part of that local review is an external process.* We'll be conducting a series of focus groups and interviews with a cross-section of community members, some of whom will include members of the past—the parish council [sic], youth in the city, community advocates, people who may have brought complaints against the department or officers in the department in the past, and community groups who may have working relationships with the police.

CVR: Could I just ask you a question? Is that a misuse? You mention members of “parish councils.”

JM: The *pastors'* council.

CVR: The *pastors'* council? Yes, because I know we've been in negotiations with [feed goes silent] Thank you.

AF: And part of what we're going to be doing in this next phase of the process is to really try to identify the local sentiments about trust and confidence. So as Jack mentioned before: Where are the places where people do not feel that they have confidence in the system? And where are the places that they *do* feel that they do have confidence that you can build upon, so that you just don't impose a new model that throws out some good practices to replace potentially bad practices? So it's really building it from the ground up.

So just in our final set of recommendations, we'll be issuing a final report which identifies the major findings, and based on this information, we will be making a recommendation about the model that we believe both from the national perspective of best practices and the local needs would meet what the citizens of Springfield are looking for in terms of oversight of the police department.

AL: Two questions: 1) When will this be done? How long is it going to take you to do it? and 2) You can't go away without telling me what the Boston model is that you've recommended. I'd just kind of like to know what Boston's doing.

JM: Sure. The...what we're...it's a four-month process, and we're hoping to have it done--November, December, January, February--so the end of February. The, in terms of the Boston model, what we've recommended is one of the hybrids that has a few elements: that has mediation for officers if the citizens and the officer agree to mediation; it has an ombudsperson. (They're taking a panel of ombudspersons who are volunteers from the community is the model that they've chosen to use.) It has...we had recommended a panel that has citizens and police officers that would look over the cases with this ombudsperson. They're going back and forth on whether or not they'd like to—you know, this is all recommendations, so obviously, that part is the part they're dealing with right now. And these kind of reports, which they very much like, which will be the six months or every year a report to the community on what the ombudsperson is seeing, what the boards are seeing as problems. And not only that "These are the cases that we reviewed and we felt that 95% of them were done properly and these are the ones we sent back" and stuff, but also I think that they're...in their best what happens is you...you're uniquely situated to say "You know, as we look through the complaints last year, there were ten complaints about use of pepper spray, and one of the things we'd like to do is to have the police department consider some additional training around pepper spray." I mean they can start to make recommendations to the commissioner on policy issues that they see coming up, because they would come up as a series of misconduct complaints that might be there. So that's the broad outline of what we recommended in Boston.

TG: I follow the civilian participation in this process. What is...what are the officers in the police department going to be doing in working with you in developing a system that they're comfortable with? What's their role in it?

JM: Well, they're going to be in this first group of people that we interview from the command staff to the people who are now in charge in the investigations to line officers who are just the ones who are most likely the one who are going to have complaints filed

against them. I mean we're going to speak to all of them and sort of see what their concerns are and what their feelings are.

And, you know, one of the things that we've...we recommended in Boston that they're still trying to figure out how to do (and some other cities are doing)...is on these panels when the civilians look at the forms, there might also be peer officers on that. So that the peer officers—like if it's a sergeant, there's going to be a sergeant from the department who's part of that panel that looks it over. They can help educate the civilians about what's a good investigation and what's a bad investigation. And they also could be sort of another voice so this process has integrity for the officers that are inside, because somebody from the department would be involved in the review. In Denver, it works *really* well. (As a matter of fact, it works a little too well from the officers' perspective, because their peer officers tend to be a little bit more aggressive, and they're more negative than the civilians are, because they take things that..."Why did you do this? This is something that I would never do.")

JT: I guess that I would say that thank you. It appears to be a pretty comprehensive process and the...like anything, the devil's in the details in terms of how 1) *What kind of model is chosen?* 2) *What will be the criteria for someone of getting selected to serve, you know, how many and their duties and responsibilities and what have you?* And, as you do your internal and external reviews, I mean I guess some of the things I would ask or have questions on was...would be 1) *How do you identify the list of key informants into the process?* You've mentioned that, you know, someone from the pastors' council, other groups within the community and so on. So, obviously, whoever provides the information in terms of people to talk to I guess is important in terms of really being *inclusive* and getting every community's input.

Another thing, as you...even as you do your internal review, I mean I know there are certain "red flag" charges, so to speak, such as disorderly conduct, resisting arrest which tend to be kind of cover all and they kind of do raise red flags oftentimes when you see particular officers with a number of those charges, so I would imagine that that's part of your review as you move forward on doing an internal review. I guess I would ask as well, you know *Who decides which model we'll be implementing once you come up with a recommendation?* And I guess that's something that for the Mayor and the Commissioner to decide, but I would have that kind of question. But I mean, overall, it certainly sounds like it's...the project is in process. I've had the opportunity to serve as a police commissioner previously and, you know, it was a completely civilian review board, but, you know, there were also questions even there, within that model because we were ultimately appointed by the mayor which, you know, kind of creates some political conflict I guess I at times, so, again, in terms of selecting who the individuals to serve on this, on the on this kind of ...whatever model we decide, I think it's key to make sure they're completely unbiased and strictly there, you know, to be impartial. And, again, I say that having complete confidence in the Springfield Police Department, but, as we all know, and that being said, having some kind of an external oversight is just kind of supports what both the police department and the community.

JM: I completely agree, and I think that one of the things that we would say back in terms of that is that, you know, we have been working with the Springfield community in some of the racial profiling work that we've done and had community meetings and talked to folks—the Urban League and some places, so that any other places that you would suggest, but we're going to use not just the police department as a source for information of who in the community has, as Amy said, we want to look at youth who have been, traditionally, one of the groups that gets disenfranchised in this process, and sort of figure some other places to get voices from. We just want to have everybody feel that they at least had input, so that when the recommendations come out that they can see that “Yeah, well, we talked to them. We were involved in that.” So, I think as broad a cross-section as we can get.

CVR: You might at some point indicate to us these outside groups that you intend to meet with and then, certainly, Jose and I, who live here, would be able to say “Well, gee whiz, maybe you've forgotten this one or that one.”

JM: That would be helpful. We appreciate that.

CVR: Add or at least critique to make sure that it's adequate. OK fine.

JM: Sure, absolutely. That's great.

AL: OK. Any other questions? Thank you very much.

JM: Thank you.

AL: [feed goes dead] ...-tresting administrative things.

### **\$35,000 Appropriation for Armory Street Landfill Closing Project**

PP: I think I'm going to save Item Number V for the end, and proceed. I have a minor item which is an appropriation order for \$35,000 for the Armory Street Landfill. It's a court ordered requirement to do the landfill, and DEP (the Department of Environmental Protection) has asked for some additional work that was not originally...it was not included in the original scope of services and which is why we're coming to you asking for this additional \$35,000.

AL: This is order, appropriation order 11-27-01?

PP: Yes, sir.

AL: Any questions or comments?

**\*\*MOTION PASSES UNANIMOUSLY**

## **Establishment of Tax Title Custodial Account Revolving Fund**

PP: Item number IV is the establishment of a tax title custodial account revolving fund. As you know, the city has been aggressively claiming property where taxes have not been paid. It's put into our care, and we need to set aside some funds for the use, for the care and protection of that property which requires boarding, cleaning and things like that and that's what this fund will allow us to do.

AL: And where's the money coming from?

PP: It's coming from when we seize the properties themselves.

AL: This is 11-27-02?

PP: Yes. I will say the item the next time.

AL: OK. Any questions, comments?

**\*\*MOTION PASSES UNANIMOUSLY.**

AL: Cranking right along here. OK.

## **Second Reading and Consideration of Fire Alarm Fine Ordinance**

PP: I'm going to, if the board would indulge me, move to Item Number VI which, as you know, we had an extensive discussion at our last meeting on the fire ordinance, and, after some back and forth with the fire department and the legal department, we're recommending a fine of \$100. per day to encourage compliance from business owners who have not complied, which is up from, I think, the \$25. in our last recommendation to you. What I don't know and I'd ask the clerk to tell us is, if we approve this today as so, would that constitute a change in the ordinance or would we have to come back again?

City Clerk Wayman Lee: You would not. We do not advertise these until the final vote, so it has not been advertised yet. We will advertise it as an amendment. Just needs someone...whatever the amendments are...to recommend those amendments and a second and approve them.

AL: [Unintelligible] for just the issue of we're not going to go out and penalize everybody, because they just...we put this through, right. There'll be a process, people will be notified, they'd have time to do what they'd have to do so, you know, we're not...If everybody does it in the ordinary course of things, we'll be OK. Is that right?

PP: You have the ability to comply, is that not the case, Chief [sic] Cassaboom?

Fire Marshal John Cassaboom: If this goes into effect, we will notify everybody that currently has a master box as to when the change-over date will take effect We would

notify them as to when the change-over date would take effect. In other words, what's in the amendment now is for December...I believe it's December 31 of '08...

PP: '08, OK.

JC: If this passes today, next week or whatever, we would notify everyone that has a master box in the city that as of this date, you must convert to a radio box.

AL: So people have a year to do this.

JC: Minimum.

AL: OK and then if we went in...if you went in and found they were in non-compliance, you'd give them a chance to kind of...

JC: Yeah. We don't...that's the whole idea is to get compliance. We don't want to hurt them if we don't have to.

AL: Yeah. Two years, right, two years. OK. Great.

PP: So that's the request to the board amending it from \$25 to \$100. a day in fines.

Assistant City Solicitor Kathy Breck: There are some other very minor grammatical changes in the ordinance, so the clerk has advised me that the board would need to have a motion to amend the ordinance as it was read in the prior occasion so I have the sections.

AL: OK. Why don't you read them for us?

KB: It would be a motion to amend Chapter 7.13, Section 035, Paragraph C, just a minor grammatical correction; Section 7.13.050 which is the change from the \$25. to \$100. per day, and each day being a separate violation; and then, finally, Section 7.13.060, Paragraph A, we're adding language saying that all fees are being charged annually unless otherwise indicated. Those would be the three amendments.

**\*\*MOTION PASSES UNANIMOUSLY.**

AL: Get that...those boxes in.

PP: Sir, Item Number VII on your agenda which is 11-17-08 is an eminent domain taking for a sidewalk project... I'm sorry...

WL: [unintelligible] motion to approve them as amended. Someone...you approved the amendments, now we need a motion to approve as amended.

**\*\*MOTION PASSES UNANIMOUSLY.**

AL: Whatever it is, you've got it.

JJ: Yes, sir.

JJ: Just as an aside, maybe I'm not reading this right, but I still don't see where 7.13.060 says these are annual fees.

KB: It should be in Section A, the very last line [reads] "All fees are charged annually unless otherwise indicated."

JJ: [Unintelligible]

KB: Unless you received an earlier version.

PP: Which could be, Mr. Jacobson.

JJ: An earlier version, then, because mine doesn't say that.

KB: Yeah. I don't think it was added on, because...[shows JJ the new version.]

JJ: OK

### **Approval of an Eminent Domain Taking**

PP: This next item is actually two items. One is the 11-27-08 for in the amount of \$250. for a sidewalk project and eminent domain taking.

KB: This is a taking which is been recommended by the Department of Public Works. It's for the safety of children that are going to and from the Sumner Avenue Elementary School. It's a corner of Sumner Avenue and Longhill Street in Springfield. It's a very small taking--it's 50 square feet. The board of assessors looked at it for us and gave us the value. There's no real damage to the remaining property, and he estimated the award at \$250. and we're asking for the board to approve the appropriation order which is 11-27-08, and then I'll ask the board to approve the taking itself.

CVR: This is a small project in size and financially, but it's one that's very important to the leadership of the school and the parent teacher association, and they've constantly called it to the attention of the city government, and, as Mrs. Breck says, it is very much related to the safety of these children.

**\*\*MOTION APPROVED UNANIMOUSLY.**

AL: What's the second motion?

KB: The second order is 11-17-09 on your agenda, and that is the order of taking, and it takes a permanent easement of approximately 50 square feet at the location 3 Sumner Avenue, and the property description is provided.

**\*\*MOTION PASSES UNANIMOUSLY.**

PP: Regardless of the size of the value of the taking, under the statute, the board has to approve this. Mr. Lisauskas, please. We're going to do the authorization of the solid waste enterprise fund which is...11-27-10.

### **Authorization of Solid Waste Enterprise Fund**

Control Board Deputy Director Stephen Lisauskas: Good morning, Mr. Chairman, members of the board. The item before you presently is a request to establish an enterprise fund for solid waste management services. Chapter 44 Section 53F1/2 of the Massachusetts General Laws authorizes cities and towns to establish enterprise funds for certain purposes. Frequently they are established for water and sewer. They can be established for other purposes.

In this instance what we're seeking, what we're requesting authorization for, is to establish an enterprise fund for solid waste management services. What this would allow us to do is any revenue collected at some future point in time associated with solid management...solid *waste* management...fees would be deposited directly into this account and therefore specifically sequestered for expenditure for solid waste management services. If there were ever to be a surplus in this account, it would remain in the account and could only be used for that purpose. If there would be a deficit in the account, which the city's financial projections indicate it would be, that deficit on an annual basis would be required to be funded by the general fund. So it's a separate stand-alone account. The money cannot be mixed with general fund money, any special revenue accounts or anything like that. It sits and stands alone just as the general fund sits and stands alone. So it's a request to provide that author—a request to create that fund to provide that segregation of funding.

AL: Any questions?

**\*\*MOTION PASSES UNANIMOUSLY.**

AL: Oh, go get 'em. Get that trash.

### **Consideration of Four Bond Authorizations**

PP: Thank-you. I've taken some of these items out of order, and I have just a few brief comments before we take these items individually. As everyone is no doubt aware, the injunction issued by Judge Sweeney has placed some questions on the city's budget for fiscal 07 being balanced. The impact of that is the staff, the Mayor, myself, and the department heads need to figure out a way to identify resources to plug that gap. The

information...considering the holiday, we've only had about two days or so really to start developing some plans, and ideas. The short answer is I feel confident that, one way or the other, we will be able to plug the deficit through a combination of either reduction in spending, deferring some things that we would like to have done this year, but we'll have to postpone until next year, and a variety of other things that I have not yet identified working with the CFO, Steve, the Mayor and everyone else, but I'm...

AL?: This is 07 you're talking about.

PP: This is to balance the 07 budget.

AL: Not in future years.

PP: Truth be told, we are having some challenges in the 07 budget—again, eminently manageable considering from where we have come over the past two years. I don't think there's anyone on the management team that doesn't think we can...who doesn't think we can find a solution. The question is How easy is the solution going to come to us? Does it involve reductions in head count or jobs we would like to see filled that we will not be able to fill?

This board has given, I think, pretty clear direction over the past two years that at all costs will try to avoid reductions in head count or lay-off or whatever term you use. We've been successful thus far. It is our intention to continue that way. I just cannot guarantee the board, based on where we are in the fiscal year (being six months through and the options available to us), that I can guarantee that. The net effect...the effect of that on these four issues is that...

AL: Oh, for just for the audience's benefit, what are the four issues so that they understand what we're talking about?

PP: On the board agenda, we have an amendment to the Court Square Urban Renewal Project, a listing of authorization to do \$38.5million in capital projects (which run the gamut from roads to schools to public safety), \$15million in what I would call pay-for-themselves energy improvements, and a refunding of some of the city's \$130million in outstanding debt.

AL: OK.

PP: OK? I will tell the board today that we would like to move forward on *two* of these items. One, the current Court Square Urban Renewal Project because we're just making an amendment to the project itself. The money itself has already been authorized and appropriated.

AL: So it's no new money.

PP: So there's no new money. The refunding, I'll let Mr. Lisauskas speak to if there are specific questions, but it would be in our best interest to strike when the market is best and to do some refunding. It should produce savings of—how much, sir?

SL: The savings estimated under the refunding of \$4.6million at the present value [unintelligible] calculation.

CVR: Refinancing of the \$130million you're talking about.

SL: That's actually refinancing the \$76million which is *in* the money *today*. There is some that is on the cusp, that if interest rates move a little bit here or there...

PP: We may be able to...

SL: That's right we may be able to...

CVR: And the potential savings of, by this is what?

SL: \$4.6million of the \$76million refunding would produce \$4.6million in savings.

AL: Not in one year.

SL: Not in one year, over the remaining 18 years of the debt.

CVR: Now, is there a break? Is that a savings that will assist not only the city of Springfield, but also the Commonwealth?

SL: That is correct. Some of the debt to be refinanced would be school building debt which the Commonwealth has financed 90% of. As such, there would, it would produce some level of savings for the Commonwealth that we...

CVR: Of the potential \$4.5million savings, can you break it down in broad terms as to how much would benefit the city and how much would benefit the Commonwealth?

SL: I don't have that number. I'll have to...I'm just going to check quickly.

CVR: If you don't that's all right.

CFO Mary Tzambazakis: Its a 30%-70% split. The 30% would be the city; 70% for the state.

PP: The lion's share is the state's savings.

SL: So you're looking at approximately \$1.38million in savings for the city.

CVR: OK fine.

JT: So we move forward on the refunding has no impact whatsoever in terms of current budget deficit?

SL: That's correct

JT: And, over the long haul, it'll be more than, a little bit more than a wash in the actual savings into the long haul, nothing in the immediate.

PP: And moving forward with the Court Square project has no impact. Now, our original plan was to be in a position to go to the markets in the last week of December with the \$38.5million and the \$15million with the ESCO projects.

A couple of sort of moving parts. One is that there may be some more interest from the market itself in the first few weeks of January. Secondly, if we do go in December, there could be an impact *in June* on the operating budget to make a debt service payment in that period of time. Based on where we stand today and that I don't have the answers for the board on how we're going to exactly plug the hole or through some reduction in spending or a combination of reduction in spending and the loan fund under whatever it might be, we would recommend that you allow us to move forward with all haste, but not to actually issue the bonds until the beginning of January.

AL: So you're not [unintelligible]

PP: We're going to make The specific language is we're going to...we're going to amend the order...

SL: Yes.

PP: Right? To allow us to move forward in January as opposed to December.

SL: Yes.

PP: Is that correct?

SL: Yes.

PP: Yes. Because...and then I can report...we can report back to you in December with a plan that says "These combination of things will allow DoR to set the tax rate, allow us to move forward." And we'll have a higher level of confidence—or we'll have complete confidence—that we'll be able to service the debt in 07, the lion's share of which \$38.5million that we're talking about doing will be covered in the requirements that are set aside in Chapter 169 which is the 1.5% of the tax levy--OK?—which I think next year is about \$2.1million or 2.3million. So we know that we have the lion's share set aside.

Now, we still have to go and find—this is a number of between probably \$300,000 and \$700,000 out of the operating budget to do the *additional* debt service requirement on the \$38.5million and that's something we're working towards giving you the answer of.

AL: I'm just...I'm confused...it's like two different pieces here in my mind. One is the impact because of the injunction, and one is pay...accelerating the debt service to June vs. July. Are they interrelated or are they two different things?

PP: They're related. they're related, because if we do the two...if we do the issuance right now—right?—there will be additional pressure on the operating budget to make...

AL: Assume we didn't have the trash case at all, OK? Would we be...

PP: I would not be asking you these questions.

AL: We'd be going ahead...

PP: We'd be going ahead

AL: ...because we could cover that [unintelligible].

PP: That's right.

AL: And what in the added uncertainty of the trash case is causing you to say that "Let me...give me more time..."

PP: Yeah. Give us 30 days or whatever it is, and what I'm saying is we will find a solution. One way or the other, we will find a solution.

JT: Just as an aside, what is the city's current bond rating?

PP: Well, we have two, one...

SL: Non-investment grade with Standard and Poor's, and Moody's is BAA.

AL: Double what?

SL: Mary [Tzambazakis], do you have that? Is it BAA?

CVR: BAAA3 as I remember it.

SL: We're the lowest investment grade under Moody's, and we're [unintelligible]

JT: How does that compare with when the control board first got into town?

PP: We had no rating at all from both of them.

JT: OK, so this is moving...

PP: ...a little bit up.

JT: We're a little bit above the snail's stomach.

PP: I would say...you know, one of the things that we get into with our investment advisors is rebuilding the city isn't...we're less concerned with what our actual investment grade rating will be if we have the...if we have the benefit of the state's guarantee through the Mass. Municipal Oversight Board than...that's the most important thing to us. If we have to...because we're going to have to get the money as cheaply as we could possibly get it. That's our first objective: get the Mass...

AL: These bonds would qualify.

PP: That's right. Under the State Qualified Bond Act and if we don't get the complete blessing from Standard and Poor's and Moody's, well, so be it. We have a lot of...you know, we have a lot of work to do.

AL: Yeah, but I'm sure they're looking to if we have the full faith and credit of the Commonwealth on...

PP: Yes, and that's exactly why...

AL: They'll loan you the money.

PP: That's exactly right.

SL: And I would just add to that that while the rating has gone up just slightly, it...that's a huge impact. Not having market access for a community is extremely rare and extremely negative. And even going just up one notch, which is where we are since the control board has come in place, it is just one notch and if you look at it as specifically as just a rating, it's not that big, but the *impact* is enormous, because it gives the community market access which allows you to do schools and roads and things that we weren't able to do before.

PP: Yeah. We have met, Councilor, with the different rating agencies a half a dozen times since we've been here. They think we're making progress; they just want to see more, better, and faster.

AL: So do we.

[Laughter]

CVR: Mr. Puccia, I know that we've had many discussions, the capital improvement plan committee. Back and forth has gone on for several months. I think you and I were hoping two or three months ago it could be larger than the \$38.5million.

PP: Yeah.

CVR: ...but prudence brings us to this figure. I think, however, it's also very important that the people of Springfield and the press that's here today get an idea of, in a specific way, what the elements of this proposed bonding program are, because you've just gotten through saying that, while we may be right today, \$300,000 to \$700,000 with a question mark next to it...that I think really, our mutual feeling is that this is something that we can do in a prudent way. And, and if you would be good enough to spend a couple of minutes just delineating the specific projects that are a part of this \$38.5million bond.

PP: I'd be happy to do so, sir, and I've included a sheet in your packages, but they break out into a couple of broad categories of community and economic development, roads and bridges, something for the finance department, parks and facilities, and schools. I'll just tick off some of the highlights. On the community and economic development standpoint, there's been an extensive effort made by the board to continue demolition of blighted properties, that's an element in here as well as getting our stimulus going by demolishing...

AL: What are we talking about here?

PP: Well, we have...I can't name the city, the individual homes off the top of my head on the various demolition, which is the \$2.5million you see... But the Chapman Valve project and the York Street Jail on the waterfront, those are significant economic development projects; they need to be done. They will never...they will never be redeveloped if the city does not undertake these efforts.

CVR: The \$2.5million for housing should represent somewhere around 60 to 70 additional derelict homes. As you know, we took the so-called "pension funds" that Mr. Jacobson played such a pivotal role in, and that gave us \$3million to \$3.5million, which really is what we've been using for the last two years. We've exhausted that now, and without bonding for this now, we would have no remedy to deal with the blighted properties. So this is an enormously important element to include.

JJ: [unintelligible]

PP: We're spending it very quickly. There are various road and construction projects all throughout the city. Needless to say they're...the condition of many of the city's roads is deplorable. There's been no investment made for decades. In particular, in some of...you know, in many of the neighborhoods, they've been left to crack and crumble and the like and even these are...these are neighborhoods and homes that pay the bulk of taxes now in the city today. We need to make sure that people want to live there.

There are various parks and facilities projects of which there are matching funds. New fire station, the civilian dispatch center: all are things that the city desperately needs to do. When I talk about schools...while there are *hundreds* of projects that could be classified as capital, I'll just talk about two today. One is obviously the Putnam School where the city needs to bond approximately \$12million for *its* share of the state match to rebuild Putnam.

AL: If we have \$12million, what does the state give us?

PP: Approximately...

CVR: 90%.

PP: About \$111million, \$112million, something like that.

AL: In other words, if we don't come up with this \$12million, they don't give us....

PP: That's exactly right. We've got to come up with the \$12million. The SBAB [School Building Assistance Bureau] has been a very strong partner with us. They want to see Putnam built. I expect that, you know, we will move forward, as I mentioned to you, in December, but we *need* to do...we need to have this match. OK?

The board approved the purchase of Our Lady of Hope back a few months ago. It needs to be rehabbed; those funds are included in here as well. Those are some of the highlights of what this bond issue represents.

CVR: A series of park department projects, too. We've received significant state funding, but we need our matching share, because there's about eight different park projects in virtually every neighborhood of the city which we'll fund through this bond issue.

PP: So we will move forward with the disclosure document . We will move forward with all the housekeeping that needs to be done, and we will come back to the board in December...when we will set the meeting later today or tomorrow or whatever it is...and we'll be in a position to tell you how we're going to do this.

AL: Which orders do we have to...

PP: So, I'd like you to approve Item a. which is the Court Square Urban Renewal project, and I've been shuffling my documents, so I don't have the number. It's 27...11-27-03

AL: And that's \$4.7million, well, it's no new money.

PP: It's not new money, sir.

**\*\*MOTION PASSES UNANIMOUSLY.**

AL: Fine OK. And the other one is?

PP: Just one second, sir.

JJ: The refunding?

PP: Yeah, the refunding. I'm just trying to find...

JJ: 11-27-06

PP: ...my version of it. 11-27-06 is the refunding.

AL: OK.

PP: Ask you to approve it as presented.

**\*\*MOTION PASSES UNANIMOUSLY.**

PP: And then we'd ask you to just to...the board to table Items Vb. and Vc.

JJ: Can I ask a question?

PP: You certainly can.

JJ: The Putnam, where the soft costs we have to spend money, and also the renovation where we need to get the space set up at Our Lady of Hope. Is what we're voting on to delay this by a month, does this have any effect on these projects being completed on time?

PP: Not Putnam, not Putnam, sir, because we have already set aside some funds to get going, so that is not impacting it. There would be some impact to Our Lady of Hope unless I find some other source of funds available out of free cash or something to get us going.

CVR: Again, this delay is pretty much a month.

PP: That's pretty much a month.

CVR: Yeah.

PP: I will...

JJ: Except the question of this if it's going to be ready for the school year or not since we have a hard and fast starting date.

Park, Recreation and Public Buildings Chief Patrick Sullivan [from the audience]: It's going to delay you until [unintelligible] the spring.

PP: So it wouldn't have been ready anyway or it would be?

PS: This, this...

PP: If I ...if we had moved forward today, Pat, would the space be ready for September?

PS: No.

PP: So it has no impact on the school year.

JJ: [Unintelligible]

PP: I understand your question, and I will revisit the scheduling of the Our Lady of Hope delivery.

JJ: I mean, the hole for fiscal year 08 to fund the teachers pay is already over \$10million which is money we don't have, and if the Our Lady of Hope project does not come in, and that space is not ready for children in September, the cost in special education is indeterminate, but it's likely to be another couple million dollars, so, you know, it's, it's... We can only do what we can do, and I support the month delay, but we really do need this project on line with a certificate of occupancy come September 1 so teachers and children can be in that space, because we are not a bottomless pit of money here.

PP: I understand that. I will revisit the schedule on Our Lady of Hope, and if it requires that we move forward today, I will find a source of funds, probably through free cash to get going on the project.

JJ: Works for me.

PP: OK?

**\*\*MOTION TO TABLE PASSES UNANIMOUSLY.**

Meeting adjourned to go into executive session.