

FINANCE CONTROL BOARD, November 29, 2007

Present: Chairman Christopher Gabrieli, Mayor Charles V. Ryan, Robert Nunes, James Morton, City Council President Kateri Walsh, City Clerk Wayman Lee

Public Comment

City Clerk Wayman Lee: Good morning. We're going to begin with a 30 minute speak-out, public speak. Our first speaker will be Miss Lois Smith.

Lois Smith. Thank you for letting me be here this morning. Good morning, gentlemen. We're very grateful for what you do, and, Mayor Ryan, I want to tell you personally how much everyone in this community appreciates the quiet way in which you've gone about setting the city back on its path, and you've done a great job.

And what is our most critical issue now is our schools, and they are failing, and we can't afford to risk continuing with the current superintendent. We have to make [unintelligible] and I know your date was set for December 1 to review it. The Financial Control Board is the only assurance that we can take this abysmal situation apart and make changes from top to bottom. I implore you to form a small—and I emphasize a *small*—group not connected in any way to the establishment. We need a search and oversight committee to reform our schools, to help in the search to focus on what we need to do. I've invested time and significant resources in researching school problems. People are busy making ends meet here, and they don't know what's going on inside school walls. I have tried to bring to light. I might add that I faced a number of obstacles in being stopped from speaking as I wish to about these issues. The format here is a breath of fresh air.

Please let me evaluate our current situation. MCAS scores are being consistently used to indicate our classroom success or failure. If a child doesn't take the MCAS test, they aren't counted in the numbers of success or failure, so considering the 49% of children who drop out and aren't counted, we have to re-evaluate the way that situation. Ninth grade kids who aren't going to pass tenth grade MCAS may be held back until they're 16 and they can drop out. Failure isn't because of parents. It isn't because of home life. It isn't because of the economy. It isn't having to do with language. That's blatantly not true, because research shows that KIP schools, SABIS schools and others. I can assure you that they have success. It's proven, and it's possible in schools with worse demographics than ours. I've been offered by a KIP administrator to visit one of their schools near Boston. I will do so. The driver and my time will be free to the city. I do hope you'll use the information.

There are glaring health issues in our schools among them exercise. We have now mandated 15 minutes. When I started four years ago working on it, it was eight minutes mandated. So I guess by the year 2027, we should be up to the appropriate amount of exercise to take care of their federal standards for health. And now we're in the bottom rung. New studies show that kids' bones are deteriorating from lack of

exercise. Their brains aren't developing for lack of exercise. They have 32% of obesity in our schools, higher than the national standard. We have diabetes 2 now which is usually found only in adults and the aged, and kids have it now. It's attacking our children for the first time. I'm going to a seminar at Mercy Hospital soon to talk more about that issue. There's a possibility of blindness and loss of limbs from that. After seven hours of sitting dormant in a classroom, parents will surely be told that the child has an ASHD problem, focusing, sleeping or behavioral and they can't learn in this environment. Here are the possibilities from taking an ADHD methamphetamines: heart-weakening attack, psychosis, suicides and addiction and more. How can we sanction this? We're dumping these 49% drop-outs out on the streets not able to [audio skips]

[audio missing]...search and oversight committee and let it begin now. For the record, I have not contributed to any political campaign. I have no relatives working in Springfield schools. I will obviously never run for an office or seek a job in this city. There's an opportunity to make it right, and it's free. I want to volunteer my time as I have for four years. Things have to change.

Mayor Ryan, again, I want to thank for the people in Springfield who have so benefited by what you've quietly accomplished. It's been marvelous and we do thank you, and I thank this board for your continuing pursuit of a healthy Springfield. Thank you.

James Morton: Lois, can you let me know when you're going to go the KIP school, because I might want to [unintelligible]

LS: I would love for that to happen, and the gentleman with the *Reminder* newspaper is going in January or February. Rosemary Moriarty has asked to go as well, and would you like to join that group, or would you like to go at another time? It doesn't matter to me.

JM: Let me know when the options are and I'll...we'll decide.

LS: I'm going to call him this week. Thank you so much.

JM: Thank you.

WL: Mayor-elect Domenic J. Sarno.

Mayor-elect Domenic J. Sarno: Good morning and thank you. First of all and briefly I want to express my gratitude and thanks to Mayor Ryan for his stewardship.

Mr. Chairman, all the control board members, I thank you for being here. I look forward to working with you. A couple of things I'd like to bring up before I get to the meat of my discussion. One, to really rethink this call center aspect and personnel...and this personnel department position. I feel it is blatant bureaucracy and duplication. I'm old school. That is what city departments are supposed to do. That's what the mayor's

office is supposed to do. And that's what the city council office and other offices: constituent services. And it's just duplication, bureaucracy. We're fighting to get as much money as we can to get police on the streets.

Also on Commissioner Flynn's situation, I would urge you...it's cost us enough money as it is. That he's leaving for Milwaukee or has left for Milwaukee, but he needs to go by December 31, because if he sticks around 'til after January 1, that's going to cost the city even more money.

Now to the meat of my point about your discussion on the appointment, whether it's an acting police commissioner or permanent police commissioner, I would urge you to proceed with caution. I firmly believe that we have the man who can handle the position in Deputy Chief Bill Fitchet. We have talented supervisors and rank and file. We need continuity. We cannot go to two and a half more...we've gone through two and a half more months. We can't go through six more months of uncertainty. We need to have a frontal attack on the streets now. We have the collaborations and partnerships ready to go: the district attorney, Bill Bennett, Sheriff Mike Ashe, the state police, even the union are all in line supportive of [audio skips] Commissioner Bill Fitchet. Now, I'm not going to be OKing any weak-kneed contract that gave the city no leverage any type of evaluation process. We have to do that.

But let me point out to you here that under *your* ordinance the financial control board created and this is a legal opinion by district attorney Bill Bennett on the search...the March 4, 2006 [reads] “[unintelligible] the broad authority August 5, 2005, financial control board enacted a city ordinance Chapter 2, Section 58 which created the position of police commissioner. By the terms of the ordinance, this ordinance, the police commissioner was given the following authority...” and it's pretty much to have complete control over the department. As I go to excerpts here, “in addition, this ordinance provides that the mayor--the *mayor*—alone has the authority to appoint a police commissioner. The position of police commissioner is hereby established, the *mayor* shall appoint a single police commissioner for the city of Springfield.” Another excerpt: “[unintelligible] the financial control board by ordinance *delegated* the *mayor* the sole authority to appoint a police commissioner.” And it goes on to rule here that “District Attorney Bennett does not accept Attorney Field's [that's the financial control board attorney] analysis on the city ordinance clearly placed the authority to appoint a police commissioner with the *mayor* alone.” So I would hope you would proceed with caution or if you're looking to appoint commissioner [sic] Fitchet permanently today, I commend you. If not, you have a new mayor-elect coming on board and the new mayor-elect should have a say. And I have complete confidence in our police department. Thank you for listening. Thank you.

KW: Mr. Chairman, I have a question. Councilor Sarno, what is that ordinance? What's the a...

DS: Council President Walsh, the ordinance enacted by this...the control board...the prior control board is enacted City Ordinance Chapter 2 Section 58 which created the position

of police commissioner by the terms of the ordinance, the police commissioner was given authority which is broad control, abolished the police commission and really complete...he or she has complete control over the police department. but the key concept here that was opinion drawn out this was a request actually from the *Republican* back in March 2006 pertaining to the Open Meeting Law is that it states here specifically—this is what the control board had—that the *mayor* alone has the authority to appoint a police commissioner. And, again, stated back here [reads] “by the financial control board, by their city ordinance delegated the mayor *sole authority* to appoint a police commissioner.”

And all I’m saying right now is that we need continuity, and Billy Fitchet is highly regarded. Everybody says that. And the finalist [unintelligible]. You know what? He was a finalist last time, too, and then a drop mysteriously popped into the city of Springfield. So I would urge you...we have in the situation we’re in now, we do have the horses that can take back the our streets. We need continuity. We cannot go nationwide search. Another six months of uncertainty, hundreds of thousands of dollars being expended and so I would ask you to proceed with caution and hopefully we can work this situation out about in this situation that we have the talent from within and that Deputy Chief Bill Fitchet should be given the permanent appointment [unintelligible] a contract, strong contract from the city and an evaluation process. And let’s get these collaborations rolling. Thank you very much for your time.

WL: School Committee member Antonette Pepe.

School Committee member Antonette Pepe: Thank you. Good morning. Mayor Ryan, it was a privilege and an honor serving with you. You’re going to be so missed by me, because I thought we worked very well together. You worked with honesty, integrity. You didn’t take sides, so I have to tell you I will miss you. And I want to thank you again for doing the good job you did cleaning up the mess that was left in this city by our prior mayor, so thank you again.

I just wanted to talk to you about a couple of things. Educlean. We have a couple of city councilors that want to green cleaner policy. Green cleaner policy is nice which Pat Sullivan’s been working on and doing, but it would be a lot nicer if they cleaned the schools. They’re still not cleaning the schools. Called Glickman [School]. They haven’t cleaned that one this week, and I understand they didn’t clean Milton Bradley this week. People at the polls were talking about how filthy our bathrooms were. So I do hope that the control board is going to look at that. To me, that’s important.

The other thing I’m going to ask the control board to do is please take it seriously on the superintendent’s position. We definitely need to go out and look for another superintendent. God forbid that [unintelligible] gets the job he’s seeking in the Department of Ed[ucation], because this system is not faring well at all. Take that to the bank.

And I also would suggest, myself included, has a family that works for the Springfield Public Schools now and through no urging of mine. They did it on their own with their own expertise and experience. But I would suggest that no school committee member be allowed to select or to vote on the new superintendent. Every single one of us have a family member that works for the Springfield Public Schools [sound disappears] without any politics involved.

Let's do this, because it concerns the kids. It concerns what's going on in our system, and if we continue to work in the vein we're working, it's not going to work like this. We need somebody like Lois Smith who will work for the betterment of the students. She will work on a committee to select somebody who really cares, somebody who will do something for our students. And what she's talking about, the selection committee that she's talking about the exercise in the class, she's 100% correct. I was looking at a report card some years ago—Good Lord! They've cut the curriculum almost in half from what we used to have when I was a child. And we still can't get it done. There was something wrong with that picture. So please consider everything Lois has said. Please consider what I am saying.

And please consider getting rid of Educlean, because remember this: you're talking about this Mirsa, you're talking about attendance. If our kids are constantly sick and let's talk about the pollution They're seeing the green products, the amount of dust you're going to see in the vents in the schools—that's the reason why half of our kids are taking asthma pumps with them to school and no other reason. Believe me. so thank you very much for your time, and I look forward to meeting with you again. Thank you.

WL: Reverend Talbert Swan II.

Reverend Talbert Swan: I rise today to speak on behalf of the position of police commissioner of the city of Springfield. For a number of year's I've been working on police/community relations. I worked with former Chief Steltzer, former Chief Meara, Deputy Chief Fitchet as acting commissioner and with the current police commissioner. I think the important thing that we need to look at when you're selecting a police commissioner is the rapport that can be developed with members of the community. While I believe that it's important that the police commissioner have the support of the control board or the mayor or the mayor-elect, I think one of the things that I want to point out to you was the fact that Deputy Chief Fitchet also has the support and the confidence of the members of the community. We went through some very rough times over the last decade or so with police/community relations, and in many instances felt that we were locked out of the office of the police chief and did not get a fair hearing when it came to voicing our concerns. For one of the first times in man years when he became acting commissioner, the door swung open and we had access to the office and we had access to the resources of the police department.

Deputy Chief Fitchet is a resident of the city of Springfield. He has worked in this city. He has worked with the community. I look forward to working with him as police commissioner. I ask that you look at him seriously as a candidate for police

commissioner and consider the fact that the residents should have a say in what happens at the top level of the police commission. If you look at the history of police/community relations in our city, you will find that it leaves a lot to be desired and most of that has to do with who's at the helm of the police department.

I rise as one that has been critical of the police department, one who has advocated for police reform and for you to get a thumbs up on someone from me, I think that is something that you should be...should be noteworthy. I support Deputy Chief Fitchet and I ask that you do the same. Thank you.

WL: Our next speaker Mr. Bob Sakowski.

Bob Sakowski: My name is Bob Sakoski, and I'm a city resident, a tax payer, and I was a police officer 29 years ago before I had a cruiser accident which ended my career. I've known Billy Fitchet for 33 years. And as a young patrolman, I saw him going in and out of the station with arrests from the North End, and I says to myself, "Well, I wonder what makes him tick?" And I says, "Bill, why the Springfield Police Department?" And what he told me was "I want a job that's important to me, and I want a job that's important to the people that I deal with."

That said it all to me, and I went to my locker and I wrote down these words he said with the addition of "What makes you tick?" And I always, every time I opened up my locker, I saw that and I was just amazed. Bill Fitchet will never give you 100%; he will not do that. He will not give you 110%. He gives you 250%.

When he became acting commissioner, he refused to take the grade pay increase. He turned it down for nine months. He turned down money that was rightfully his. Why? Because there was no contract for patrolmen; there was no contract for the supervisors. This is a thing he did. And I remember one day I was in his office for a permit renewal and he got a telephone call and he says, "Excuse me." So I left the room and then when he was done, he called me back in. He says, "That was Chief Meara on the phone." And I says, "Oh" and we proceeded in getting my permit. that showed me the character he has.

Well, the position of the top job in Springfield all of a sudden became a cash cow: \$350,000. here; \$150,000. for the new commissioner; \$80,000. for the chief, his aide, chief of staff; and then \$115 for another position that controlled everything that was to do with the police department (the computers, the cruisers, everything). [Shakes his head] And I sat there, and I'm thinking "Here I am a taxpayer. My retirement doesn't even come close to what she was getting.

So her last day, I wanted to do something, and unfortunately, Channel 22, Channel 40 and Channel 3 missed me, as big as I am, in front of the police department with a placard. The placard was 4' by 3.' And on this placard I said, "Paula, have you no shame? Your misfeasance, your malfeasance, and your non-feasance was enough to have you fired." And this [hold up glossy photo] of myself with the placard on her last day.

And I said some other things, but a captain came down and he says, "Commissioner Fitchet sent me down to talk to you." And I says, "Oh, really?" He says, "You've got every right to do what you're doing." He says, "You have every right, but this is Paula's day. Let her have her day." So I says, "Good. This thing cost me around \$75. to have it done." I got in my car, put it away, and I headed home.

But Bill has integrity. Bill knows what it costs to run a department. In '73, we lost 3 officers. In '85 we lost two officers. In '77 in Holyoke, one of the officers in the Springfield bomb squad lost his brother up in Holyoke; he was beaten to death. And then, the last one in 1999, in Holyoke again, we lost a police officer. Each time, Bill was there and he assisted the families; he told the families he would do everything he could. And he would and he did. Bill Fitchet is a diamond, not in the rough. He is a super, super person; a super, super cop; and I have the feeling that the control board took a national search and they're not going to use that, but they might take a regional search, and where that can go, I'm not sure. Massachusetts, New England, the East Coast?

WL: Ten seconds.

BS: Oh. And that's about all I want to say about this, but if you don't chose him, what a shame. If you don't chose him, what a shame. If you don't chose him, what a shame. Thank you very much.

WL: Russell Seelig.

Russell Seelig: Good morning. At last month's meeting, and I talked about boarded up houses in Springfield and their blighting influence on the city. and I'm afraid that this is going to be a nationwide trend as we see more and more mortgages defaulted on. But I would say in the city of Springfield, we don't need to tolerate boarded up houses that are...where the grounds are not well-maintained and where the sidewalks are not shoveled in the wintertime. And I can see that coming. This may not be the right forum, but I would encourage the city to look very carefully at fining property owners who fail to maintain, who fail to clean up their properties and who fail to have their sidewalks shoveled in the wintertime. I think the state sanitary code allows the city to collect some revenue from those property owners at the rate of \$500. a day. And I would encourage code enforcement to pursue those fines very heavily in Housing Court.

Another thing about housing in Springfield, housing code enforcement, we have a number of crime perpetrators in the city unfortunately. Every city does. We have...at least we have our share. Somebody is housing these people. We have landlords who will rent to anybody who comes along. I would encourage code enforcement (I think they probably do this already to some extent) to work closely with the police department to blitz housing inspections where we know that people with bad records live. This has been successful in the past and is probably used to some extent today. But it's one of the ways to reduce crime in the city. Typically, where perpetrators live, the housing really is substandard, and by attacking the substandard conditions, you can encourage those property owners to not rent to people who commit crimes in our neighborhoods.

On a very different topic, as regards the assessing...the assessor's department, it appears to me that we typically over assess decrepit properties. And by over assessing those properties...one example is a burn-out at 11 Warner Street in Springfield assessed for something like \$160,000., probably is worth about the land value which might be \$25,000. By doing that over assessment, we take some of the burden off other properties in Springfield; we actually reduce the levy. We reduce the percentage of property tax that we can collect. And I think that this is true with other properties as well.

A second item about assessors' practices is that we have a number of cell tower antennas in the city that are on tax exempt property, and these, the rental that comes in to these tax exempt properties, and typically it would be a church or some other non-profit operation. Whatever rental comes in creates a land value that the city, I think, is missing in its collection of taxes. That land value...my understanding is...can be assessed for whatever utility is that is providing rental to the non-profit property. I think that would be additional income to the city. I don't know how many dollars are involved, but there is new levy (this would be on top of current levy). There is new levy, I think, available.

Thank you.

WL: Last speaker: Carlos Gonzales.

Carlos Gonzales: Good morning. Mayor, I want to say thank you for the leadership that you provided the city of Springfield on behalf of the Latino business members of the city of Springfield. Although we didn't see eye in eye, we were honest with each other, and I want to commend you, and we give you a passing grade. We also give a passing grade to your wife who allowed you to serve us in the city of Springfield, so we want to thank you and wish you both success.

I'm here to talk to you about economic development, but I want to pause for a moment and talk about Healthy Initiative which is local foods. It's been told to us by doctors that if we eat local foods that don't include politics...excuse me *pesticides*... it's good for you. So I say to you that we should also allow local talent without pesticides...I'm sorry, *politics*...to give us the opportunity, lead us in a better way that serves the local community.

We support the announcement of Deputy Chief Fitchet as the leader of the city of Springfield as we face some difficult criminal issues and public safety issues. So on behalf of the Latino business community, we hope that the local talent is given the same opportunity that you've given some national talent.

Now to what I am here for. The city has been allotted \$12.9million in the last three years by the federal government earmarked for economic development which should include small business support and development for Hispanic, African-American and other members of the micro and small business communities. The Massachusetts Latino Chamber of Commerce was started in Springfield, not in Boston, wants to engage with the city of Springfield as well as the commonwealth to build a stable economy for

our city. In Springfield, the minority business community is growing three times faster than the national average. Collectively, small businesses are Springfield's well as Massachusetts's largest employers. The Springfield economic development plan has failed to include the micro minority small business community in the city's 2005, 2006, 2007 and, from our view of the plan on line, the 2008 economic development plan. How do we support our...the minority business community and how do we help them stay and what programs, educational and financial, should we offer for small business growth and development? Not with more rhetoric and not with more years of surveys, meetings, research, and other things that some would call nonsense. It is with action and working with us not against us, helping us build small businesses and helping us build Springfield.

We have surveys; we have research, and, more importantly, we have the experience. Our mission is to embrace, support and engage Latino small business development and growth. In the last two years, we have helped over 300 businesses either stay, open, grow their businesses or start their businesses without any city, state or federal government assistance. The goal is clear. The mission is planned and the execution is awaiting for your commitment. The strategy is to bring 100 new jobs in Springfield in the next three years.

According to the HUD guidelines, [unintelligible] to provide annual grants to state and local jurisdictions called entitlement communities to develop viable urban communities by providing decent housing and suitable living environments and by expanding economic opportunities, principally for low to moderate income persons. Funds are provided to guarantee activities meet one of the national objectives: benefit low to moderate income persons, prevent or eliminate slums and blight, address specific community development needs that pose a serious or immediate threat to the health and welfare community. Activities are directed towards revitalizing neighborhoods, economic development and providing community facilities and services. And 70% of all funds received must be used for activities that are eligible for this. The needs, the number one request from Latino small businesses was access to capital and technical assistance. And although we support this, must be provided with education and mentoring. The strategy, funding, training, mentoring, grant homebuyers assistance, marketing, facade improvements. We ask you to commit to a loan grant fund and will challenge our financial institutions to match. We look to create a local committee with bank, city, and the Latino business chamber of commerce to oversee this fund. We ask you to support our plans that funding is available only to those who have completed a course on how to start and how to create a business. A business plan is not enough. those who participate must agree to a program which is a mentoring program for established period of time which includes lawyer accountant and business coach to assure they follow the plan. We ask you to complete these plans, and that once they complete these plans that the loans we receive are cut in half as grants as they continue on the road of success. We ask you to support our small business homebuyers program, down payment and education programs. We ask you to support our small business homebuyers program which is a down payment and assistance educational program which allows small business owners to purchase their home in Springfield. We ask you to support our marketing and facade improvement programs that allow small businesses

owners to depressed neighborhoods to beautiful and create better partnerships with the community. And in 20 seconds, I close by saying today we are here to work with you on our plan for business development with our research and our business community and our commitments which we have consistently in the last four years and with more importantly our experience. We invite you to visit the Latino Chamber of Commerce to see our humble operations, and we could be an example for others. We also submit this plan to you. And on December 15, we ask you to participate in our Christmas celebration at the Greek Cultural Center as we collect items for our home...for our homeless folks and Open Pantry and Kate's Kitchen in Holyoke. And I submit this to you [prepares to hand sheaf of papers to WL]. Thank you.

WL: That concludes our public speak-out. We'll now direct you to...we'll go directly into the regular meeting in two minutes.

Control Board Meeting

Approval of Minutes

Control Board Executive Director Steve Lisauskas: Thank you , Mr. Chairman, the second item on the agenda after public comment is approval of the minutes.

****MINUTES APPROVED UNANIMOUSLY.**

Approval of Parker Street Easements

SL: Thank you. The item number three on the agenda is approval of Parker Street easements. I'm joined by deputy city solicitor Kathy Breck. Item 112903A is a request to approve 137 easements over 137 parcels of land for Parker Street traffic improvement project. The project is currently on-going. the original easements that were approved have expired. (They were temporary easements, that temporary period has expired.) The easements do need to be updated. The cost for those 137 easements is \$7665., and Attorney Breck will be able to answer any and all legal and technical questions you may have.

Deputy City Solicitor Kathy Breck: Good morning, members of the board. The reason the orders are in the order that they are is that we need to have the appropriation in place first (and that's a 2/3 vote) which would be Order Number 112903A, appropriating the \$7665. for the extensions of the easements, and this would be for a two-year period.

CG: These are taking longer because the work's taking longer?

KB: Mr. Chairman, I believe with a MassHighway project it's never certain when the funding will be in place, so you never know when the project will start, so when we're taking easements, it's an educated guess about when they'll be long enough. I think the project probably started after it was expected to, and.... But Mr. Chwalek informs me

that they do hope to complete the project in calendar '08. So we're...the two year easements should be plenty of time just in case there's a delay.

But the origin—the first order would be the appropriation of the \$7665., and then the second order is 112903B, and that is the actual taking of the temporary easements over these 137 properties and awarding the damages to the property owners.

****MOTION PASSES UNANIMOUSLY.**

Approval of Easement for SAFE Elementary School (first vote)

SL: Thank you very much. The next item on the agenda after 03A and 03B is number,, Executive Order 112904. It is an executive order granting a utility easement to Western Massachusetts Electric Company. The subject property is the former Our Lady of Hope convent which the city, working with the control board, purchased and is renovating in a project that will transform the former convent into a SAFE school. It's a school for troubled youth who are fire-setters and other children who have had some substantial behavioral problems. By constructing the school, we're bringing back in district those children who were formerly placed out of district. And, if memory serves, I believe it will save the school department approximately \$2million a year by no longer having to educate the children outside of Springfield.

The school department is required to provide services or *fund* services for these children. So, by no longer sending them out of district, but rather allowing...providing facilities for them to be educated within Springfield that the school will allow the...*this* school will allow the school department to save a substantial amount of money.

A utility easement is required from Western Mass Electric to finalize the school. We're in the final construction phase now and just simply need utility hook-ups.

KB: An easement would be over actually three different parcels of city-owned land. It's shown in the illustration as the very last page of the order.

RN: School Department program?

KB: Correct. There's a new...a building that the city purchased and [is] renovating for use as a school. In order for them to final...complete the construction, they have to get permanent power to the building and this is to allow us to get power...bring the permanent power from the main thoroughfare on Armory Street down across a couple of other city-owned properties and to the school. Right now, they have temporary power for the construction.

KW: Mr. Chairman, did we take both orders for the takings? I thought you said we had to vote on two things for the sidewalks. Did we vote on both of them?

KB: [to WL] Did you consider the one vote on both orders or should they take a separate one?

WL: They should take their second vote on B.

KW: I think we missed that.

CG: OK so then...Thank you, Madame President.

KB: Thank you for pointing that out.

KW: Well, there's a lot here.

SL: Mr. Clerk, 1129....took the first vote to be 112903A?

WL: A for the appropriation.

SL: OK. So, would you feel more comfortable completing the SAFE school easement and then going back, Mr. Chairman?

WL: Yeah, why don't you just go back since we're there at this and then can just go back to B.

SL: OK. So then the item that we're presently discussing with regard to the SAFE school, with regard to the utility easement is 112904, the fourth item in your packet. And then we'll go back to B.

KW: Mr. Chairman, I don't have a question on the easement, but do we know when this school will be up and running and starting and when that cost savings will actually happen?

SL: I know the goal was January, and...we're still on the January time frame.

KW: Thank you.

SL: On time...hopefully...

KW: On time, on budget.

SL: On budget...moving on up.

****MOTION PASSES UNANIMOUSLY.**

Approval of Easement for SAFE Elementary School (second vote)

WL: ...112903B

SL: Which is the actual order of taking. Under A, the control board has just funded the appropriation. B is the actual taking that will expend that appropriation.

****MOTION PASSES UNANIMOUSLY.**

Acceptance & Expenditure Authorization for Various Grants

SL: The next item on the agenda is acceptance and expenditure authorization for various grants. There are three executive orders under this category. The first is 112905A. Just to step back for a half second. As the control board is aware, the process under Massachusetts General Law chapter 44 is for the...in this instance for the control board to accept a grant when they're received prior to expenditure, and then authorize the expenditure of that grant.

So these three motions before you would accept the grants that have been awarded to the city and then authorize their expenditure for the purpose for which the grant was applied. So Executive Order 112905A is the acceptance of two grants, one from the Massachusetts Cultural Council for \$478,000. and the second from the Massachusetts Highway Department for \$300,000. Both of which are related to capital improvements over at Symphony Hall. This was a grant that was applied for---Mayor, was it probably six, nine months ago your office applied for the grant?—and it's both interior and exterior renovations to Symphony Hall right next door. So this order would accept and approve...excuse me, accept and authorize the expenditure of the funds consistent with the grant application.

****MOTION PASSES UNANIMOUSLY.**

SL: Thank you very much. Executive Order 112905B is a request to accept a \$600,000. grant under the 2007 federal fire act program for the purposes of purchasing a ladder truck. The fire department, through Commissioner Gary Cassanelli and administrative officer Garrett Sullivan, have been very successful over the last number of years in applying for and receiving federal funding for various purposes. In this instance, this is a \$600,000. grant which was applied for, and we were successful, to, in large measure, purchase---it would, in large part, cover the cost of purchasing a ladder truck. It's about \$750,00. for the ladder truck in total. This would cover \$600,000. of it with the city covering the remaining \$150,000. The need for the truck exists. Absent the successful receipt of the grant, of course, the city would be required to pay the \$750,000., so this helps, obviously, reduce the cost of that to the taxpayers of Springfield.

KW: Mr. Chairman, may I ask a question?

CG: Of course.

KW: Does this replace an old ladder truck or, I mean, how many do they have?

SL: I would ask Commissioner Cassanelli or Garrett Sullivan to join me just to answer the technical questions on how many. I'm not on how many trucks that we have.

Voice from the Audience: We replaced Ladder Three, a 27 years old vehicle [unintelligible].

SL: And how many ladder trucks do you have?

****MOTION PASSES UNANIMOUSLY.**

SL: The last of the grant acceptance orders, 112905C, is a request to accept and then approve to expend a variety of grant proceeds received by the police department. You can see on the executive order in front of you the...we received Byrne grant awards for various purposes taking back the streets and targeting violent crimes and some Shannon grants and community policing, violence against women grants. So the police department has been successful in receiving a number of different grants and this would accept those grants and, as we discussed previously, authorize the expenditure under the direction of the police department. If there are any questions?

****MOTION PASSES UNANIMOUSLY.**

Consideration of Verizon Contract

SL: Moving on to item 1102906, I'd ask that Tom Collins, the city's chief information officer join me, please. The executive order in 06 relates to a request to use the control board's Section 9B powers, the ability to award a non-competitive contract. The request is to award a contract to Verizon which the company currently provides and is...under this request, would continue to provide telephone service to the city of Springfield. We have approximately 2100 telephone lines in Springfield at 150 different locations throughout the city and—these are city lines, not just total lines--obviously, these are city and school department lines.

The city is in an expiring contract with Verizon. It has a couple of options in front of it. The city does not have sufficient time presently to go out to bid for its telephone service, so the primary option remaining is to utilize the state bid for telephone service. That state bid is held by Verizon. So we currently have Verizon as the provider; the...for most cities and towns, non-control board towns, the remaining option that they have, if they're in our situation, is to go under state bid. That is with Verizon

Under the direction of Tom Collins, the department chief, the information technology department has engaged Verizon in negotiations to determine if we can get a better price than the state bid list *if* the control board were to work...operate under Chapter 9B...under its 9B authority. Mr. Collins has been extremely successful working with Verizon and has been able to work...agree that if the control board were to use its 9B no...non-competitive contract clause, we would...the city would be able to save

approximately \$250,000. by directly negotiating with Verizon, not by going under the state bid contract.

So the options that we presently have: number one, we obviously continue...obviously, telephone service is important to the city of Springfield. It's important to 911. It's important to people who need the Department of Health and Human Services, the Fire Department and any other municipal service. So it's a critical service that we must continue to provide. The two options are: continue to provide go under a state contract or use the control board's 9B authorization to enter into a direct contract with Verizon without bid. That would save the taxpayers \$250,000. over the next three years. That is my recommendation to you is that we...that the control board authorize this contract. It would, obviously, it would require under Chapter 169, a report to the legislature. A copy of that report is included in here as well as the various cost scenarios of the state bid option as well as the option negotiated by Mr. Collins.

Tom, did you have anything to add?

Chief Information Officer Tom Collins: I believe it is in the best interest of the city to engage in the...to award a non-bid contract to Verizon for the purpose of saving approximately \$80,000. a year for the city.

CG: Mr. Lisauskas, I know that all of this arose out of some surprise at the end of the original contract. I mean that's touched on in the attached memos. Do we understand why we were surprised by that and have addressed that?

TC: I can address that. The contract that expired had been in effect for seven years. It was a seven-year contract that was signed in 2001. No one on my staff had a copy of that contract. There was some sense that the contract would not expire for another year. We actually had to go to Verizon to get a copy of that contract and examine it to understand what the terms of that contract were. So it was one of omission, not having that on the calendar, since it would take some time to deal with this.

If we were to replace the Verizon service, we would need a minimum of 12 months of...from a contract award to have a new service in place. We would need approximately four to six months to do the RFP and negotiate a contract. The...and while, you know, it would have been best to have made the analysis while we had time to do that, the technical foundation of any other service but Verizon would require a dedicated city network to carry phone traffic between buildings, an investment in private branch exchange or other equipment associated with this and replacement of the Centrex hand sets, all of which would be an additional capital cost in addition to operating costs for the tie lines that go in. So until we can, you know, develop a citywide network to our major facilities where most of our employees are, we don't have a lot of choice there.

The project that the Springfield Media and Technology Group has undertaken on behalf of the city to develop a network will give us that foundation. Once that's in place, I believe we've outlined it in the letter of recommendation that we will analyze the

options and develop an RFP, submit that, evaluate it, do a thorough cost analysis and make a decision prior...within the next 18 months, so that we have time to evaluate our choices and to act on those if we decide that Verizon cannot provide the best, most cost-effective service to the city.

SL: We don't anticipate the problem of a...the missing contract occurring again. The law department has implemented, and has I think for some time now, an electronic document retention system which includes all of its contracts, so all the contracts are filed physically and electronically. So any contract that is entered into is now retained electronically if the physical copy is lost so we don't anticipate this problem occurring anew.

CG: And the memo speaks to the rates being level with what we've been paying, and lower than what the state contract would call for. Do we know how it compares to cities of comparable size to us?

TC: I do not know that.

CG: Do many cities use that state contract or does that mean...would that have been a unique situation to us?

TC: It would not necessarily be a unique situation, but I cannot speak to what other cities have been doing. I am certainly aware that there are cities that operate under the state contract for the identical service. I don't know that any cities have negotiated a separate contract with them.

CG: So there are other cities paying a higher rate than us.

TC: Yes, there are. And OSD is interested in taking this issue up with Verizon under the most favored nations cause.

CG: I just wanted to make sure I understood whether or not we, as a comparison point for our current prices, whether...that's helpful for me to I understand that we're paying less than...I just want to make sure we're in fact despite not being able to bid it out paying less than somebody, so [unintelligible].

TC: And, quite frankly, the path of least resistance would have been to have issued an order to Verizon under the state contract that would not require [unintelligible] didn't go through. So once we did the cost comparison, we could do better than this, it appeared that it's in the interest of the city to bring this to the control board.

CG: I think it is, too. Any other questions?

KW: I'd like to make a comment. I'd like to comment on the last paragraph of the letter that, Steve, you sent to the chair of the Senate, House[sic] Ways and Means and the chair of the House Ways and Means referring to the fact that [reading] "if the control board

does indeed vote in this matter today, all participants in the Commonwealth's state bid might be able to reduce their cost of services." Can you expand on that a little bit?

SL: Sure. As Mr. Collins indicated, the "most favored nation" clause in the contract—it's a fairly grand term, because we're not talking nations, but...

KW: It makes me think I'm in China.

SL: (That's right. We are all very important.) State contracts typically require that the state contract receive the best price available, and this contract is certainly not unique in that regard. It does include the most favored nation clause which indicates that the state bid price has to be the most favorable granted among any of the municipal clients in Massachusetts. So, in conversation, Mr. Collins referenced with regards to the Operational Services Division or OSD, they are the contracting entity for telecommunications for the Commonwealth and the state contracting agency for other cities and towns. So they have...they have reviewed this and are in concurrence that the proposed action is a prudent one, but also have indicated that they would like to take a look at this under their most favored nation clause to see if the potential action--the proposed action--of the control board will allow them to reduce the cost for themselves and others.

KW: Very good.

CG: Any more questions? Motion to accept the recommendation?

****MOTION APPROVED UNANIMOUSLY.**

Trust Fund Loan Repayment Order

SL: The next item on the agenda, 112907, is an executive order with regard to the trust fund loan provided to the city under Chapter 169 of the acts of 2004. The Executive Office of Administration and Finance has requested that the control board enter into a loan repayment agreement, a formal agreement with the executive office, to stipulate the terms of the repayment of the loan pursuant to Chapter 169. The requested Executive Order would authorize me to enter into those negotiations with the Executive Office of Public Safety[sic] and bring the proposed agreement back to the control board, I would hope, for the December 20 meeting. But, as soon as possible, I would bring that back to you if authorized to enter into those negotiations.

CVR: Do you want a motion?

SL: Yes, sir.

KW: I do have a question. Does this in any way conflict with the proposal that Senator Buoniconti filed on my behalf to reduce...reduce....restructure the terms of the loan? Are we working together with the delegation on this?

SL: Well, I think the...

KW: Are we talking about two different things?

SL: I don't think we're talking about two different things. As the current environment exists, where Chapter 169 has not been amended to allow a longer repayment period, the negotiations will obviously have to reflect that legal condition, that legal reality. If the legislation were to be successful, we would...that would allow us to renegotiate those terms or stop the negotiations on the five year repayment plan and negotiate based on the approved payment plan that would be approved under that legislation. So they're not in conflict with each other. It's just a matter of what we negotiate...what the legal environment is in which we negotiate.

CVR: So the proposed motion is to authorize the chairman to represent the board in negotiations with A[dmistration] and F[inance]?

SL: It would authorize the executive director, but if the board prefers the chairman.

CVR: I'd like to make that motion.

CG: Executive director?

CVR: What's that?

CG: He's asking for the executive director.

CVR: Oh, for the...I thought it was going to be the chairman. OK fine.

CG: He's asking for the executive director.

SL: Whichever you'd...

CG: Any such payment plan would be approved by us.

CVR: Oh sure.

CG: But as I understand the situation, where, under the law, this is the year...the first year we have to make payments. We have...there is no payment plan nor does the law specify one. In the absence of any legislative action—which so far there has been—

KW: Well, we don't know legislation is, though.

CVR: Well, let me...

CG: to KW: We won't know unless it's been acted on. I think tomorrow's the end of the session, I think, right? Bob, is it your...?

RN: ...last week. It was last week.

CG: Last week was the end of the session. I'm off by a week, so, you know, I think we're going to try to reflect the balance between what we hope will eventually come out and where we are today. But I think it's understandable that you have a compliance [unintelligible] we can't end the fiscal year with no action.

KW: OK.

CG: Any questions?

****MOTION PASSES UNANIMOUSLY.**

CG to SL: Good luck. Drive 'em hard.

SL: Will do. Thank you.

Discussion of Process to Select New Police Commissioner

SL: The final item on the agenda is a discussion of the process to select the new police commissioner.

CG: Before you do that...I know it's not...a piece of new business, but I do want to address something, because I think it's broader issue, and I just kind of a broad comment, because I think falls under, falls in, as important as this is, with a variety of other issues which is....

I have spoken to the executive director about the fact that over the period of time since the control board's been in place, we've had one mayor, and we now have a change in the executive director a few months ago. We have a change in the membership, and we will have a change in mayor. (And we, by the way, do congratulate you, Mayor Sarno. We are very grateful for the opportunity to have served with Mayor Ryan, and we look forward to the opportunity to serve with you. I'd hoped to say that before you started, but it wasn't [inaudible] to jump in...I want to make sure that you know that we all feel that way.)

In that period of time, I think one of the things we all recognize is that the...there's a[n] integral set of ties between the entire executive branch and the control board. Under 169, there are pretty broad, sweeping authority for this control board. Functionally, the control board neither can nor wants to actually take every single action on its own. Although sometimes some of the things we vote on seems like that, but I think that's the intention.

And so I've asked Mr. Lisauskas to bring to the control board for the December meeting, however long the memorandum needs to be, a memorandum that accurately summarizes what all of the levels of authority are and aren't as they've been sort of developed over time: on appointments, on budget issues, on everything. And to consult with the mayor-elect along the way so that, you know, there's no surprises in it to him. Just so that we can start under...in the new administration with no misunderstandings about which authorities have been where or are where or whatever in the spirit of, hopefully, of effective collaboration. So I mention that, because it became clear to me there's sort of a number of sort of *de facto* practices, some of them, you know, *de jure* practices under ordinances, but many of us may or may not really understand, including the...since we're *all* relatively new at this.... So I mention that. If any other comments or thoughts, I wanted to bring that up. I know it's sort of new business, but it relates even to this discussion, I believe. That's why I wanted to bring it up. Any thoughts, comments? It may take...be quite a bit of reading.

KW: I also want to say, you're also going to have a new council president, and he is sitting in the audience if he would like to stand and be recognized, City Councilor Buddy Williams....be taking my place. So you'll have quite a change. Don't know if it's for good or for worse, but I guess you'll find out.

CG: We look forward to.... So thank you. Please proceed.

SL: Thank you. You have a memorandum before you in which I recommend that the control board adopt a public search for the position of police commissioner. The memorandum recommends...my recommendation is an expedited process with a target completion date of February 28. (I know my memorandum cited the wrong date; I apologize for not fixing that. I intended February 28 of 2008.)

My recommendation is that the control board appoint a five member panel...appoint...authorizing the chairman to appoint that panel with one member of the control board serving on that panel, one member, a resident of Springfield who's a member of the business community, serving on that panel; a current or retired police chief serving on that panel to provide public safety perspective; for additional public safety perspective, a civilian who has significant public safety expertise (that could be from the legal community, that could be from any number of ...it could be from a civilian capacity from law enforcement or someone who is from state or federal law enforcement); and the fifth appointee being appointee of the chairman but designated by the mayor-elect. So a five member panel appointed by the chairman, authorized by the control board.

Understand that the search, while potentially controversial—definitely controversial—is considered a standard and a best practice in many hiring instances. I believe it's important...it's important that we conduct a search for the city to ensure that we have the best possible candidate serving as police commissioner. I believe it's also important to the new police commissioner (whoever that may be) that a search be conducted so that when they start experiencing the difficult things that one experiences as

a police commissioner, as a police chief, they will have that external validation, that external approval, that credibility that comes with having been selected from an open, competitive, fair process that you can get when you do as the proposed search.

We do have excellent candidates in the Springfield Police Department, and I believe, speaking specifically, of—people have spoken earlier about Deputy Chief Fitchet. I...my personal perspective is he's a very strong police professional. His experience and his prior service as interim chief [sic] indicate to me that, in my mind, he should be an automatic candidate, an automatic finalist, for the position. So that as the search committee goes through its processes, the outcome that the final group, that they interview, that they consider prior to making a recommendation to this board, that that group would automatically include Deputy Chief Fitchet.

So that is my proposal to you: a search, a five member panel (authorized by this board and appointed by the chairman with the membership I discussed earlier) to conduct an expedited process with...for the target completion date of February 28.

CG: So in my view of this: it's obviously a very important decision of this body. It's one that interests a lot of the people here today who've spoken out. It addresses directly to public safety and I think we all agree is a very high...probably the top priority for the city.

What I would like to do is...I recognize from conversations I've had with individual members that this...there are different points of view on this control board. And I think it's very important that before we take up the specific proposal you've put forward, and I thank you for drafting it and putting it forward, Mr. Lisauskas.

I think it's important we have...to take the time conversation amongst ourselves and even though the setting is one that tends to make one feel that one is speaking to the audience, in the end we'll take a vote on this control board, and I intend to listen to all the arguments and positions put forward in public, and I'm sure my fellow members do. And after a reasonable period of that conversation, I'm going to ask us to take a vote. And when we get to that vote—I recognize that we essentially have two choices. There may be others that come up during the course of the conversation. But they are to do this search or something like it or to take direct action as has been recommended by several people. And so when we do that vote, I'm going to make sure it's unambiguous what we're voting on and follow up appropriately. So before saying a bit more, I'd like to throw it open to the control board who'd like to bring out their point of view on what we ought to do at this moment.

Let me just say one more thing—I apologize, Mayor Ryan—I do want to remind everybody that the context for this is at the last control board meeting, faced with the possibility of the need for change, we voted two specific things: one was to leave it to the Mayor and to you, Mr. Lisauskas, acting together as executive director, to pick an interim chief if that was required at a moment in time and secondly that at this meeting we would decide what our process would be if we had to...or at the next scheduled meeting, we

would decide what our process would be which is the purpose of this proposal being put on the floor. Yes, Mr. Mayor.

CVR: OK, thank you. My remarks will be fairly lengthy, because there's a lot I want to cover.

I just, parenthetically,...I'd just like to refer for a minute to some remarks Domenic made just by way of clarification, because I don't want anybody confused. The ordinance that he referred to would be in effect and would be the operative law if it were not for the control board statute. But that ordinance, like many other ordinances, really became moot the length or the life of the control board and is superseded by Chapter 169 of the Acts of 2004 passed unanimously by the legislature and signed by the governor. And so that [Chapter 169] is really the controlling document. And in talking about the control board authorizing me as mayor to appoint Commissioner Flynn, that really almost corroborates what I'm saying, because it really was the vote of the control board that I was acting under rather than my own authority under an ordinance really that was not effective.

I've got one more month as Mayor. Forty-seven months I've been here, and for forty-seven months, I have dealt as no other individual has had to deal with the issue and the problem of leadership in the police department. And I've had to do it at a time when there were high incidents of violent crime in our city which had very, very detrimental and destructive effects upon our community in a million ways. Not only from the injuries to the victims, but the perception of our city and the influence, the negative influence, upon economic development and so on and so forth. I think, as the chairman indicated, we really don't need to go down that road again. I think everybody understands that; everybody accepts it.

And so it is an enormously vital decision. And we tried very hard to straighten this out a long, long time ago. And here we are 47 months later, and we're trying to decide now what kind of a process we will do to appoint the next leader (commissioner, chief, whatever) of our department. So it has not been an easy road.

Let me remind you that in our evaluation of all of the city departments, I don't think anyone has been more painstaking than the evaluation of the police department. This book here some of you recognize just by it's sheer size was the Buracker Report. I mean, God, they've got everything in there. And I think I'm familiar with every single page of it, and I've had discussions about every single item in there with Chief Meara, with Deputy Chief Fitchet, and with Commissioner Flynn and with Phil Puccia and with members of the control board, the earlier control board.

One of the things that concerns me is that in government there ordinarily is—and it's taken for granted--a continuity of bodies that—let's take the legislature, for example. I mean, you know, figure a new legislature's going in in January. Well, great. You'll get in there and you'll catch up with what's going on. But what happened last year or the year before or two years before that really is binding unless there's some overwhelming

reason to say “Oh no, we should not be bound by that.” And I find it unique that in the three years, the two and a half years, that this control board has been in existence, I think that this is the first time that we’ve had a situation where a control board is saying “We don’t want to be bound by what already has happened.”

We’ve been there; we’ve done that. We’ve had a search. We’ve had a search that goes far beyond what is in the paper that Mr. Lisauskas read. We hired...we not only had Buracker at significant expense who really became an expert on our department, but then, as though that wasn’t enough, we went out and we hired another firm, the Police Executive Research Forum. The principal we dealt with was a woman named Charlotte Lansinger. Buracker and everybody else, Ms. Lansinger said they were well focused in on the police chief industry throughout the United States of America, that they had contacts everywhere from New York to San Diego, that if there was a to-notch chief candidates out there, they’d find them.

And so we went ahead with the process which was kind of, from a ministerial point of view, governed by Ms. Lansinger. And after she did her thing, and we gave people the right and the opportunity to file their applications, it finally came down to where there were 36 applicants. And clearly, the board, finance control board was not going to interview 36 people. And so—and this is commonplace—we asked to have Ms. Lansinger and Buracker agree on the top five. And they did. And the top five in no particular order included Commissioner Flynn, it included Deputy Chief Fitchet, it included Chief Scott of Holyoke (three people who we now all know) and then it also included the chief of police of Pittsburg, Pennsylvania (a very significant city; in my opinion at least as significant as Milwaukee if not more so). So this was a kind of a big league guy who had done an outstanding job in Pittsburg and who was available. And the fifth candidate was a member of the control staff, the command staff of the New York City police department. (There isn’t anything in America that’s as big and important as the New York City police department. They’ve done an outstanding job as we all know and, again, nobody has ever told me how many people on the command staff in New York City. I don’t know whether it’s 42 or 5042, but this fellow was on the command staff, and he was one of our five finalists.)

We met with Chief Scott here in Springfield. (And by “we” I’m talking Phil Puccia, Jose Tosado, a member of the city council, at that time the president of the city council, who asked Mr. Puccia and myself whether or not he could participate in the interviews. And we thought about it, and we thought it made an awful lot of sense to us, and I’m delighted that we did it.) And so we had an interview with Chief Scott here in Springfield, a separate interview in Springfield with Deputy Chief Fitchet who was at that time the acting commissioner. And then we went to Boston one day in the hotel at Logan Airport and pre-arranged meetings with the gentlemen from Pittsburg, the gentleman from New York City, and Commissioner Flynn. And at the end of the...at the end of that day, which was some time in February of 2006 (not that long ago), we came to the conclusion that of the five candidates that the, objectively speaking coming at it as best we could, the three of us agreed unanimously that Commissioner Flynn was the top man.

We also said that, in our opinion, Deputy Chief Fitchet would have been the commissioner if it were not for Flynn's application.

That...what I'm saying to you, then, is that there's been a national search by Buracker and an outstanding search firm. They went all over the United States of America; they gave us the finalists, and other than Flynn, which is a separate issue which I'll refer to in a few minutes, Deputy Fitchet came out number one. Now it wasn't that we had somebody from Miami and somebody from San Diego and somebody from Lincoln, Nebraska. I hope you're getting the picture that, when you go out for this, that the pickings are kind of slim.

So what you're going to do if you don't take somebody you know, you're taking a flyer. And we took a flyer. We took a flyer, because the three of us with our conscience and feeling that we were trying to do it in the best interests of the people of Springfield and the department of the city of Springfield. We made this a unanimous judgment. there was no political pressure on us whatsoever. We then came back and communicated our findings to the other members of the control board who had not participated in it, and they asked their due diligence questions, and so we appointed Commissioner Flynn.

If you go and do the kind of search you're talking about, first of all, I think it's a mistake. I think it's a mistake to do it, and I think it's a mistake to do it in the way you're talking about doing it. Because what I want to let you know is that other than the work that we would be doing ordinarily in let's say in digesting the Buracker Report or digesting the report from the lady's search company, the three of us (Jose and Phil Puccia and myself) we spent a total of five hours in these interviews. Now, that's not a back-breaking task...responsibility. So, if you're going to do it, for crying out loud, have the whole board do it. It's not going to kill you, and I don't know why you want to continue to sanitize this thing and make it remote, remote, remote, because this is a very, very personal and important and vital decision and it's got to be made.

And so the control board with the new mayor on it, really should be the interviewers, but because of the fact that it doesn't make any sense to me to go out and to hire or to designate a group of people to do something which in the last analysis isn't going to cost them five or six or seven hours. Big deal. This is too big a problem to try and delegate this responsibility down, so if you're going to do it, do it yourselves and not try and farm this responsibility out.

But when you do it, I've made a laundry list here the kinds of things you're going to want, I would think that you'd be looking at. The issue of integrity. The issue of leadership skills. The issue of the vision of the candidate as to the goals of the department and how to achieve them. The issue of the knowledge of the conditions on the ground in Springfield. And the issue of whether or not this person lives up to his commitments. OK?

That's really what it's going to come down to, and I say to you that other than a person you know...and if anybody's known in this whole dialogue, it's Deputy Chief

Fitchet. He's known by everybody. It's something that the outgoing mayor and the incoming mayor agree on wholeheartedly. We've now had four members of the city council on this body (Councilor Sarno, Council Rooke, Councilor Tosado and Councilor Walsh). Every single one of them say exactly the same thing. My guess is that probably the whole city council would stand in his behalf. He's a known commodity. And, boy, I'm Exhibit A as to how you can get burned when you don't know really know the commodity that you're talking about and that you're checking on.

Because let me get back to integrity. Here we had a situation where we asked, three of us asked, the question to Flynn, you know, "Are you for real? I mean this is Springfield. You know, this is you're coming from here [hold his hand above his head] and your coming down here [lowers his hand] Are you with us for the five years" "Oh yes, oh yes, oh yes, oh yes, oh yes." Well, when somebody is asked that kind of a question and they make a commitment, you rely on the commitment. We relied on the commitment. We now found out that we should not have relied on the commitment. How you ever do that in life? I mean if we make commitments and we rely on commitments all the time.

And when I say to you on the question of whether or not a person would live up to his commitments, I don't care who you get. You could get Bill Bratton from Los Angeles, you could get Gary Cooper, you can get whoever you want, but you don't know whether or not when it comes crunch time, whether he or she is going to live up to the commitment that they made to you. And then the tragedy is that in the meantime, you've acted upon the commitment. You relied on the commitment. The community relied on the commitment. The department relied on the commitment. And some 18 or 20 months later, we find out that there's greener pastures.

And so that argues for a known commodity. So far as integrity, we didn't even talk about that it's never been an issue, but integrity is fundamental. What if you get a police chief whose bottom line isn't honest? Ever think of that? We haven't had that situation in Springfield. They have had it in other communities.

How about leadership skills? Well, he can come in and he can *say* in an interview he's got outstanding skill and you can perceive that he's got outstanding skills, but from the day-to-day thing, have you ever see him interact? Have you ever seen something as significant and complex as a 600 person department respond or not respond to the leadership of a person? Here it's top heavy. There's no question at all about the fact that this man, because of his tour of duty for 25 to 30 years in this department is respected and admired and has all of the ingredients for leadership.

And when you go to your view of the goals and how you achieve it, well, those are words; those are just words. Because if you were a hot shot in Akron, Ohio or Gary, Indiana and you say all the magic words and everything, it doesn't really mean anything until you get there and you confront the situation that you have.

So far as knowledge of the community is concerned, I mean that's a no brainer in that if you're from here, you know our community. You know our neighborhoods. You don't need to have a map for the first six months you're here to find out where Indian Orchard is or how to get from there to the South End. You also know the people. You know the department. You have a basis to act upon.

And so what I'm saying is you do this and you do this and you try hard and you're very committed and they're outstanding men and you want to do the right thing. There's no guarantee at all, gentlemen, that you're going to be any more successful than we were. And we were unsuccessful, not because we didn't do it by the book, not because we didn't try harder and more comprehensively than you're prepared to do right now, but because of the fact that one of the things that we were relying on just didn't come out.

The...I guess that leads me to what I finally wanted to say. I think that the job of this board which really is kind of a...it's clearly kind of a quasi-executive, quasi-legislative leadership board that has got to work closely and in harmony with the mayor. And the mayor has got to work closely and in harmony with that. But I felt that it's not my job to go up to the police department every Monday morning and tell the leadership of the department where to put the men. My job is to make resources available. And if you have good leadership there, they and the command staff can figure out what to do with those resources.

And we've come a long way on resources. What really pains me is we've done so much by building resources, in raising the budget some \$8million or \$9million, of adding 40 new positions, of taking 35 or 40 men who were doing typewriter duty and they're out on the street. And 80 new cruisers and technology and so on and so forth. But the one thing that's been elusive, and it's hurt this community continue to hurt it is the instability at the top. We started with instability at the top. We're still at instability at the top in spite of everybody's best efforts.

And so I say that we're lucky that Chief Fitchet is here. I have met with him hundreds of times. You know, nobody really has focused yet on the fact that he was the acting commissioner for seven months. I want to tell you that the gains we made in those seven months were profound gains. He took that job and at my request and at my invitation, he acted as though it was his until and unless we took it away. And so we were moving forward even then, and that's when most of the changes of taking men who were desk-bound or station-bound in their duties and getting them out on the street and replacing those jobs. Those changes came primarily in the stewardship of then acting-Commissioner Fitchet.

I think I know the man in an intimate way. I was with him a week or two ago. He knows that...and he's...I tell you he's a Cool Hand Luke. I mean he's not excited...he's a non-political police chief. That's very, very important. I haven't seen him play the political card. Those are things that when they happen you're sensitive to it; you're aware of it. But he's there and he's philosophical. If this is to come his way, he's ready for it. If it's not to come his way, he's been disappointed before, enormous

disappointments. And sometimes you can get a kind of better idea of how a man is when he acts under adversity rather than in success.

And I think he's an outstanding man. When I talked to him a couple of weeks ago, I indicated that my view of something that in the department was thus-and-so, and I said it in a way where I was kind of...I was kind of assuming that he was agreeing with me. And so I got all through and he didn't say anything further. And then he said, "You know, Mayor, I really think I gotta tell you something." I said, "What's that?" He said, "It would be disingenuous for me to sit here and to stay silent on what you just said, because I don't agree with it." And I said, "Well, I thank you very much for telling me that. I'd rather have a person tell me the truth man-to-man, face-to-face than to let me leave the room believing something was so that really wasn't so." And I can tell you that while I would have rather that he agreed with me, to me he went 15 notches because of the fact that he had not only the guts to tell me, but he had the honor to tell me, and the integrity to tell me that "No, I don't agree with you. I believe thus-and-so."

And so, you can look from here to Vancouver, Canada, and I'm not sure where you're going to come up with, but to put the community, to put the department through that process, I think is a very discouraging prospect for the city of Springfield. It's time to move on. It's time to move on and finally say "We've accomplished one thing." Because let's say that you go and you waste five or six months in this process and then it's finally, seemingly grudgingly, it goes to Fitchet ...or let's say, even worse than that, it goes to John Jones of some other city and we start that whole thing all over again—everybody waiting for the shoe to drop: When are we going to find out something bad? When are we going to find out something unfortunate? And it's high time that this department, made up of outstanding men and women who we have supported in an excellent way (and I'm sure the new mayor is going to continue to fashion that support as will the control board)...we can actually go forward and get the fruits of all of our collective labor on this long, long journey of some four years.

So I say to my colleagues on the control board that as I'm leaving office and I don't really have many more speeches to make that I've got very...my duties are getting lesser and lesser every single day, that if I have any chits to call in...if I have any credit in your bank, that reliance upon my integrity and my love for this city and my concern for this police department, that you will support the motion that I'm going to make now which I understand Kateri Walsh is glad to second, and that is that effective upon Commissioner Flynn's resignation, that Deputy Fitchet then be made permanent commissioner of Springfield and a satisfactory contract worked out between the city and the commissioner.

KW: I'm very pleased to second that, and I'd like to congratulate the Mayor on that beautiful speech. [Applause] I also have a few things I'd like to say regarding naming a replacement for Commissioner Flynn who I noticed on television seems to be enjoying himself in Milwaukee. I totally disagree with the need for a search. The conclusion of the letter from...on this issue, "Police Commission Process Hiring Recommendations." I do agree that the position of police commissioner is one of the most important positions

in the city of Springfield. I totally disagree that conducting a search will ensure that the city hires the best candidate. As the Mayor has said, the best candidate is now here. We've had a search. We've been down that road, and it's given us someone who's more interested in building his resume than he was in his commitment to the city of Springfield. The police department does not need that. The citizens of Springfield do not need that, and I think that when you have a candidate as outstanding as Deputy Chief Fitchet who has not only served his country as a United States Marine, but has served his community.

Just look at the actions of the man when Commissioner Flynn did come in. How many people would stay there and be demoted and still continue to work for the city because he loves the city? I think that says almost more about the character of the man than the many wonderful things that Mayor Ryan has said about him. Certainly his integrity is unquestionable. He has served the city honorably with courage and commitment. I think it's a disservice to our community to not promote from within, to destroy the dream that you can work in the Springfield police department for over 30 years, 35 years and not have the opportunity to be chief, because you have to have some kind of a national search, a regional search. The talent is already here. The elected officials of the city of Springfield, in particular the Mayor and myself who sit on this board—we who represent the people in the city of Springfield who know the city, who love the city, who have been hearing from people in the city of Springfield—we do not see a need for a search. We recognize the talent that's here. Mayor-elect Sarno has said the same thing. Councilor Tosado has said the same thing.

I do not think that the members of the board--and I mean no disrespect--but I don't think Chairman Gabrieli or Bob Nunes (certainly James Morton would) know the significance of Rev. Talbert Swan coming down to speak on behalf of Deputy Fitchet. I really wasn't sure what Rev. Swan was going to say when he came to the podium. But for him, representing the Afro-American community with the trust issues that have gone on with the city of Springfield and the minority community, to come forward and publicly call for Deputy Fitchet speaks volumes. To have Carlos Gonzales from the Mass. Latino Chamber of Commerce, to have our minorities come forward to speak for the appointment of Deputy Chief Fitchet speaks volumes, and it should not be ignored.

I think that the mayor alone—I wish that...I wish it was the way it used to be that the mayor alone always used to be the prerogative of the mayor to name the police chief. I wish that that could be done. I think we should follow the ordinance Chapter 2, Section 58 and have the mayor be the sole appointing authority for the mayor[sic]. But I also share the Mayor's concerns about leadership in the police department, about stability. Deputy Chief Fitchet will hit the ground running. It's not...he doesn't have to learn the job, and there's no way in a million years he's ever going to apply outside the city for a job. He's not here to build his resume; he's already done it. And I think it's ...it would really be a disservice to the citizens of Springfield to disregard the wisdom, the experience, and the recommendations of Mayor Ryan. I think it's a disservice to tie the hands of Mayor-elect Sarno who will have to work with the commissioner after the control board is gone. And also not to listen to the elected representatives of the city of

Springfield who on a daily basis hear from the people of Springfield what they want for their city and what is best. It is a disservice to the department. The men and women in the Springfield police department respect Deputy Chief Fitchet. And I think having respect for your leadership, having to have someone in charge who puts men and women in harm's way, you have to have the respect of the men and women who are going out on out on the streets. He already has that. There is no need for a search. This whole group should listen today to what our citizens are telling you. The best thing for the city of Springfield is to support the Mayor's recommendation and, whenever Commissioner Flynn leaves or resigns, and appoint Deputy Chief Fitchet. [Applause]

JM: I for one support a process. It's not about Deputy Chief Fitchet. It's not about whether he's qualified. To me, it's not about whether he has the skills and capabilities or the experience or the connection to our community. It's not about his understanding. To me, it's about a process. We cannot afford to allow ourselves to be in a situation where we do not hire leadership by virtue of a process. We have to have a mechanism that we use for the selection of the leadership in our city, especially when you're talking about such important positions and responsibilities as the commissioner of our police department.

In addition to needing a process, the citizenry of our city needs to have confidence in the people who are leading our major departments. We [unintelligible] that in the past about folks being placed in positions of leadership where the feeling has been that they have not had qualifications to fulfill the responsibilities of those jobs. We can't allow ourselves nor our citizenry to feel like we haven't taken every possible step to make sure that the best possible person is placed in positions of leadership. If we do otherwise, then we are going to create the perception that things are being done as they always have been in the city of Springfield. By having a process...by having a process by which Deputy Chief Fitchet and others will be considered for this position, should Deputy Chief Fitchet be the person who gets the job, then at least the citizenry will know that there was a process in place by which he acquired that position. And I think that's important for him so that he can then move forward knowing that he was the best possible candidate for that position and that he was selected because he was the best possible candidate for that position. And it would give our citizenry the confidence in knowing that a process was in place and he was selected as a result of that process and not just simply given the job because of his longstanding involvement in the police department.

I think the process that's been suggested is a short, expedited process. We're talking about making a decision by February 28. It's a thoughtful process. It's going to be inexpensive. It's not going to cost us the money that it cost us to do a national search.

And I think that I...I really feel compelled to respond to one thing that Mayor Ryan said in his presentation. And this is a very...it's very difficult for me to stand here and be in a position where I am opposed to Mayor Ryan whom I respect and have respected since the very first day I got to know him. My vote for process is not a vote against Deputy Chief Fitchet nor is it a vote against you [Mayor Ryan] and my reliance

on your opinion. I trust your opinion and always have trusted your opinion and always will trust your opinion.

But for me, in this position with one vote, I feel compelled to vote for a process that I can have some confidence in. And I think it's in the best interest of the city in the long run that we have a process. So for me, it's a decision that I make based upon what I feel is right for the city. And it's a decision that I'm making not a vote of faith which it would be if I voted for Mayor...Deputy Chief Fitchet. (I'd be voting on faith.)

And I don't know of his vision for the police department. And I don't know what goals he's set for the department. So before I can make a decision to vote in favor of him or against him, I need to know those things. And that is what an interview process would give us. That is what a search would give us, a chance to compare him with others. A chance to compare a vision that he has with the vision of others, an opportunity to compare his goals with the goals and expectations of other candidates.

And in the end, if he is the...if he's the candidate we chose (and we've already said he would be a finalist in this process)...in the end, if he's the candidate we chose, then I will rest confidently knowing that we've made the best decision that we can. So I support process.

RN: Well said. I can't say any more. I think James summarized perfectly.

CG: I'm torn between whether to state my full view or take the Nunes short-and-therefore-sweet approach. But I do feel, and it seems likely that this will be a vote that won't be unanimous. And it's an issue that's greatly important to articulate briefly why I feel like I do.

I think we all agree that public safety is key. I don't think anyone's disagreed on that. No one has spoken out from the audience. No one has spoken out here. I think we all understand, although three of us do not know well--two of us do not know *at all*--Deputy Chief Fitchet. I think that we understand full well that the fact the mayor-elect, the mayor current, city council president current, others have spoken out for him, you know, is a very strong endorsement, and one that weighs heavily with us. He's clearly from all these descriptions a strong candidate, and one of the reasons I support [unintelligible] which is not typical for a process—apparently wasn't done last time—I guess he was one of the 26, you know...he'd be one of the finalists automatically in this proposal.

I think it all comes down to though what you think about the role of process. And, you know, I share the view, Mayor Ryan, I have a lot of respect for you and the city council president. I think to say that the last search didn't work means searches don't work is really counter to what I believe deep in my bones. That I think in assessing candidates I think we, the people who are entrusted with that decision, and I don't think there's much question this five people are ultimately entrusted with that decision (for better or for worse).

We need information. There's really two pieces of information that we need. We need to understand Deputy Fitchet's background, experience, vision. We need to know that any issues that can come up about any candidate have been appropriately aired and in public and open process. And secondly, we need to know compared to what?

And I would say with respect, Mayor Ryan, he was a candidate last time and the sitting city council president and the sitting mayor did not vote for him at that time. To say you're sorry now that you voted against him does not really negate the fact that there was at least one candidate in the United States of America that you guys then felt was better, and I think that was the right thing to do. It may have been the wrong *decision*, but it was the right thing to say you got the *best* person.

I absolutely also agree that it is a challenge when you interview someone from somewhere else. It is a negative for any candidate who's not from Springfield or clearly likely to be committed to Springfield to worry about whether you're going to have continuity. And I think you're absolutely right to say we need to weigh that heavily and I can say that now. I think any vote I'm going to take on any candidate I'm going to weigh whether I believe that person's deeply committed to this city on the long haul, not just whether, you know, it's a stepping stone. I think that you're absolutely right to say that, Mayor.

I can understand why those of you who did support Flynn at that time feel disappointed, to feel shortchanged and that. But I don't think the fact that *a* candidate from some place else disappointed you means that *any* candidate from some place else will *always* disappoint you. Otherwise you would never do anything other than promote from within. You would *never* consider candidates from outside.

And I have to say on the record that I have consulted with people I consider to be expert in this matter about process, and they can't even *conceive* that as important a decision as this would be made without the ordinary course of interviews and comparisons with anyone else. And I have to say and I'm being slightly emotional here for one second and say there were a couple of comments you made in the two presentations you made that—you know, I think I join in member Morton's point in saying this. Our asking to have an appropriate process where we would actually sit and meet with this candidate and others candidates being interviewed is not a disrespect of your views. And I'm disappointed you call it out as a coming down on as to whether we respect those views or not. Our job as appointees to this group is not to respect anybody's views. They're to do our job to the best of our ability. I have never interviewed the Deputy Chief. I would be *giving up* my responsibilities in saying "Why not just send a proxy in on everything?" to say, you know "Well, I'm told we should do this." What I'm told is it's the most important job in the city.

Now I'd also be a *fool* not to say that when the current mayor and the mayor-elect agree on something (and they don't agree on everything; hence there was an election), that's pretty powerful. When the sitting city council president says here and many others

do. When people testify who I'm told haven't always thought police chiefs before were sensitive to community needs do. These are all important data points, and I think they weigh heavily for us. And I hope... I have to think you have to assume that we get that and give us that benefit of the doubt.

I think we've tried to compose an [in audible] process that's brief, but is respectful, that recognizes the lessons learned from the past, that is efficient, and at the end of the day that I think is the right thing to do, and so... You know, Mayor, you said something you liked about Deputy Chief Fitchet was that he told you it would be disingenuous for him to sit there and disagree and not speak up? So I'm living up to his standard in not being disingenuous?

CVR: That's fine. OK. You rose a few notches, too. [laughter]

CG: I don't want to make light of how important this is. I do hope that Deputy Chief Fitchet does recognize how seriously we take his candidacy. I do hope he recognizes that we realize that his sense of duty that has kept him here even though he's been disappointed last time that we're relying on that in this process. We do hope he's a candidate, we do expect him to be a finalist, we're going to propose him as a finalist. But having listened to all of this, I guess I've made pretty clear, I've made pretty clear what my own views on it are.

So, with respect to we discussed Robert's Rules or whatever I think that I would propose that we vote first on...

****MOTION FAILS: NO: Morton, Nunes and Gabrieli YES: Ryan and Walsh**

CG: Before moving the specific motion that we have before us that the finance control board enter into a search for the police commissioner's job, that the board appoint a five-member committee, delegating...those appointments to be delegated to me, that that committee would review qualifications of the applications and recommend to the board, the Springfield finance control board, one candidate for that position. Specifically that's the motion--I want to make clear what the executive director has put forward. If there are any *features* of, for example: the committee, the deadline, the process that anyone would like to comment on--although I think you're asking for broad delegation--I would welcome that, because I think the process is *very* important.

CVR: Well, I'm confused on what you've read though. If you say that this subcommittee is going to come back with one recommendation. You also said in your remarks, and I think that Mr. Lisauskas did too, that Deputy Chief Fitchet is a finalist? So, do you come back with one person which would be the candidate against Fitchet or, I mean...?

CG: I'm asking this...I would be asking...we would be asking this group of five to come back with one single name.

CVR: One name.

CG: And that group of five take as one of the finalists for that job, Deputy Chief Fitchet.

CVR: Oh, I see, OK. I got you. OK.

CG: I'm not...we're not asking that committee to make the decision. This control board needs to make that decision. We can reject the candidate recommended.

CVR: OK.

CG: Does that make sense?

CVR: I got it, yeah.

CG: But we would not propose to subject Deputy Chief Fitchet to qualifying round of interviews or anything else. He would be assessed as a finalist. We would perform our assessment of the finalists: interview, reference check and assessment interviews, reference checks today sitting here.

CVR: How do you...how do you propose cast your net out? By advertisements? And then how do you propose to winnow down the field? Is this the subcommittee's going to do that?

CG: We propose to use the committee in combination with staffing from the executive director and he asks in this memo for the right to hire, if necessary, a consultant with expertise in the field, not a search consultants, but a consultant with expertise in this field. I think part of the reason...you know, you mentioned earlier I think the finance control board does have to vote to approve the final candidate. I think it's important they be well-informed, and I think they should have the opportunity to interview the recommended finalist or beyond that, depending on the conversation. Nevertheless, I think the idea of putting together a search committee is to bring some public safety expertise into the process which is not actually in abundance.

CVR: Well, I would offer an amendment then that, in the event the one name that comes back is not Deputy Chief Fitchet, that Deputy Chief Fitchet, before a decision is made is interviewed by the entire finance control board.

KW: I'll second that amendment.

RN: Well, there's no motion on the floor.

CVR: No, there isn't a motion yet. There's not a motion.

WL: I have at least in my notes, that Fitchet was going to be one of the finalists. Did I

miss something?

RN: Be a finalist within the search committee.

SL: And the search committee would recommend a candidate.

WL: After he's a finalist.

RN: Yes.

WL: OK. So I misunderstood you.

RN: Recommend one candidate to the control board.

JM: And from what I understand from Mayor Ryan's proposal is that two individuals would be recommended for us to meet with us and discuss. And one of the two would be Deputy Chief Fitchet and whoever the other finalist is.

CVR: That's another way of saying it. You come back with just Fitchet. I guess the way I said it was better: that if it's somebody other than Fitchet, that I would... You know, you talked about the ability to compare—compared to what? Well, Jeez, if it's Joe Murphy from New Haven, you know, and Fitchet's still sitting up there in the station and the board hasn't met with Fitchet and Murphy looks great... That doesn't, you know, that really doesn't really do the job in my opinion, so I... What I'm saying is that if you want to do it through the committee...*at least* I would hope that this board, before it made it's decision would...*the board*, not its representatives would interview [the Deputy] Chief.

CG: Well, I would rather do it a different way. This proposal does contemplate the committee making *one* recommendation regardless, and I don't think it's right to say "except if it's not the one we voted for" anyways. I think we should...what I would welcome and I totally support is any member of this committee—since we've already said Deputy Fitchet would be a finalist—I think we do take seriously that recommendation, taking that opportunity. I, for example, do not expect to serve on that board and I would like to do that, and I think any member of this committee should be able to do that.

CVR: To do what?

CG: To interview Deputy Chief Fitchet.

CVR: Oh, I see. OK, fine.

CG: For a variety of reasons, I think, one needs to understand the context here in Springfield.

KW: And I would like to add the amendment that we follow the dictates of the city

ordinance Chapter 2 Section 58 that the mayor be the sole appointing authority.

RN: Well, whoa. There's no second to that? No second.

CG: I did have an original motion. Can I have a second on that?

WL: Could we go back to your original motion so I can make sure I have it right?

CG: [reads] The Springfield Finance Control Board enter into a search to fill the job of police commissioner, the board appoint a five member committee comprised of five appointees of the chairman of the board to review qualifications of applicants and recommend to the board one candidate for the position.

RN: So moved. Mr. Chairman, on that, it does not prohibit any member to participate in the process...on their own?

CG: Correct, and I very much the Mayor's point is correct. Ultimately we will have to vote and need to inform ourselves.

RN: Right. And, for the record, let the record show that I will be involved in the process, maybe not as an official member, but I will be briefed and will be part of the process...on my own time.

CVR: Good.

KW: I'd like to be recorded as no.

WL: We'll take a vote.

CG: Yes, if we could please.

WL: This is on the motion that the board, acting through its chairman, will recommend a five member panel to review the applicants. The control board staff will provide staff to the selection panel and will assist the selection if they want to hire a consultant. for one candidate to be recommended and evaluated.

CG: One candidate to be recommended, yes.

****MOTION PASSES: YES: Morton, Nunes and Gabrieli NO: Ryan and Walsh**

CG: I just want to close by saying that accepting appointment to this or being elected to this board does not always mean that one can readily agree even though one has great respect for ones colleagues. And I do appreciate the necessity—I thank my fellow members for stating very clearly and, you know, without any hesitance, their full points of view, and I hope that we can continue to be focused on doing our jobs. When the votes come in, I'm more used to losing votes than winning them, so....

Adjournment to Executive Session

Meeting adjourned to executive session to discuss litigation, real estate and personnel matters and not to reconvene.