

## **FINANCE CONTROL BOARD, May 11, 2007**

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

### **Public Speak-out**

City Clerk Wayman Lee: ...seconds and 10 seconds notice. Each person will get three minutes to provide comments to the board. The first person that signed up is Miss Lois Smith.

Lois Smith: Gentlemen, I'd like to ask your indulgence. I'm having a breathing problem. OK, starting. The subject: contracts. Springfield's Superintendent of Schools [Joseph Burke]. There are those who have reason for rushing the process and changing the rules. Obviously, the control board has to approve all monetary and contractual issues. The soon-to-be-appointed board, the new board, will have to work with this individual and should make the choice. An interim superintendent is the answer. No rush to judgment is to have no judgment. Several notable industry leaders have expressed an interest in serving on an impartial and non-conflicted citizen selection committee with a public format. An impartial committee would review the candidate's background, ask key questions, and the committee would do an in-depth study to check the veracity of the candidate's statements. Foremost in any relationship is trust, truth, and character.

The decision determines the most important appointment this city will make. There's an unrest in this city. A major television network survey noted 80 percent of the respondents wanting Dr. Burke to leave, and a sparse 13 percent wanting him to stay. These are your stakeholders. The impartial SQI/Jarvis Jordan [sic] [study](#), for which we [paid](#) \$25,000, gives a scathing review of this administration. Will you ignore or disregard it?

The School Committee voted eight out of ten points for Dr. Burke, with Ms. [Antonette] Pepe abstaining. Independent study with 185 in-depth interviews gave him a sparse two out of ten points. Does that wave a red flag?

I want to thank the City Council at the past Council meeting for informing me that I could not present a file submitted by Dr. Burke in Florida. They were correct. An independent selection committee could ask, and verify for accuracy, to the answers given to some key questions. Too often, school districts take the word of candidates who aren't truthful on their application questionnaires. This could be an example question that that committee could ask: Have you ever been convicted, or admitted committing, pleaded no contest, or are you awaiting trial, for any crime, excluding minor traffic violations, that do not involve allegations of alcohol, drugs, or reckless driving? Have any civil charges, previously or pending involving allegations of child abuse or spousal abuse? You must answer yes if true, even if the matter was later dismissed, deferred, reversed or vacated. If you answer yes, you must provide dates of the proceedings, the name and address of the

court where the proceedings occurred, and the statements of the accusation against you, and the final disposition of the case.

We all know that our dropout rate is horrendous; our proficiency rate two out of ten by tenth grade, not including the 50 percent who dropped out; this administration has an abysmal record. We all know that there is no plan for the things that enrich children's lives, and make them want to go to school. We all know that other school districts as diverse as ours, and as limited in household finances, are turning out college-bound students in droves. I have proven it to this district. In the last decade, every ch—[Clerk Wayman Lee calls the time limit]—thank you.

I want to conclude with one statement. In the last decade, every child murder in every school across this nation, autopsy indicates positive for the very drugs we give children in school. The FDA makes them label them that these drugs can produce suicide, violence and psychoses. If only one percent of these kids getting these drugs react with suicidal, violent and psychotic tendencies, we will continue to have a plethora of child murders in our schools and on our streets. Yesterday, another 14-year-old girl was [murdered](#). How in any conscience can a man who has ignored the well-being of our children be considered as an icon leader for our 26,000 school children?

Please, today, vote with a conscience. This administration clearly has to go. Thank you so much.

Wayman Lee: Our second speaker is School Committee person Antonette Pepe.

School Committee member Antonette Pepe: Good morning. Thank you for the opportunity. I, along with two other members of the School Committee, voted no to extending the superintendent's contract. And before you make any more decisions or discussions, and if you decide to meet with our Vice-Chair, I am the Chairperson of Legislative and Contract Committee, and I have not been included at all in any discussions prior to meeting with the committee the other night. First and foremost, you have a contract here that I find is ridiculous. Secondly, if there was any rank and file member of the Springfield School Department, or anywhere else, who could use their contract to get 22 vacation days, then go to another contract, and use their fringe benefits to allow himself another ten vacation days—fringe benefits, when I've negotiated contracts, are not part of vacation time. Fringe benefits means something altogether different.

I really encourage, and am asking you all, to take a look at this. And there was a comment that I had Attorney Pat Markey look at this, and a good contract—and this is the response from Pat Markey—is one whose terms are clear on its face. The vacation terms in these contracts are not at all clear. You have your [assistant superintendents](#), and the superintendent—and I feel that it's almost bordering on thievery; that's the way I look at this, because they're getting an extra \$18,000 a year. So, not only to mention that we have the largest dropout rate—and if you think that we are any better off than we were six years ago, then you better give him a contract. If not, then you shouldn't be giving

him a contract. Because we are no better off, six years ago, education-wise, than we were. So I do hope that you do include the chairperson, and that we get this over with. Thank you very much for your time. [Scattered applause]

WL: The next speaker is Timothy J. Rooke, City Councilor.

City Councilor Timothy Rooke: Good morning gentleman; Madame [City Council] president. I'll be brief. I came here today just to thank each one of you for serving the city of Springfield. And although I'm alone today, I can assure you my voice is shared with the business community and the citizens of Springfield that truly care about turning the city around. I wanted to thank each and every one of you, and Councilor Kateri Walsh, and every other member who served previously, to get exposed to the type of government that the city really needs. I think what each of you have demonstrated is that if people truly care enough about the city, they'll make the right decisions, and we can turn it around. I know Tom Trimarco is not here, but he was another great member, and he's done some terrific things for the city, as each and every one of you have done, and many people don't realize. So I just want to say thank you very much, appreciate having served with you, and receiving an education, and wish you all the best and it was great working with you. Thanks, guys.

WL: The next speaker is Sheila McElwaine.

Sheila McElwaine: I'd like to second Tim's remarks and thank all of you for the focus and the rationality and the responsibility you've brought to government in Springfield. It was really a wonderful, wonderful change for us, and you've set a high standard for our elected officials and all those who come after you.

I'm here today also to make a plea for high standards of service for exterior maintenance of the grounds of our public buildings. That includes fire stations, schools, libraries, and properties owned by the SHA [Springfield Housing Authority]. The churches know how to do it; the funeral homes know how to do it. Surely, the city can keep the same standard: keep the trash out of the gutters, keep the lawns trimmed without reminders, and keep the crabgrass from growing in the gutters, and the trash from accumulating in the landscaping. Think you can do that, even on a restricted budget? Thank you.

WL: Our next speaker is Mr. Leon Moultrie.

Leon Moultrie: Good morning, my name's Leon Moultrie; I live in the city of Springfield. My concern is plain and simple: I'm a parent. I don't know what came over Attorney Shea in trying to offer Superintendent Burke a contract. Superintendent Burke has failed as poorly as did Dr. Negroni, who stayed here for eleven years. We couldn't afford him for eleven years, and we can't afford Dr. Burke one more year. If you look at the way he played musical chairs with principals, I've yet to see someone—if I was running a professional football team, I wouldn't move a coach who couldn't coach my worst team, and then put him to run my organization. That's what he's done. I would not

work with your director on negotiating a contract with teachers, which reduce parental power in terms of what they could do in terms of Chapter 70 on 59C, which talks about school council, which we have SCDM teams.

We are going backwards in this city in terms of education. My children—I have four of them—we go through the Springfield school system. I remain in the Springfield system not because I have to. It's because I want to. My children, I can tell you right now, with the help of God and a hard-working mother, and constantly being involved a lot more than I think I should be, because I'm rehearsing this same tune over and over again, and getting very little results. And that's the kind of feedback you get from parents. Parents are very frustrated with this system. Believe me when I tell you that people want better, but we have poor direction, poor leadership, and poor follow-through. And if you look at the performance of our test scores, of our dropout rates, of any number of issues, there's no way in God's name would you give somebody another contract under those conditions. We should have fired him already.

So, I'm very adamant about that. We should figure out a way to get rid of those people who thought they should support him. I'm not necessarily in support of the control board, but I'm hoping that you will use a higher educational standard for determining qualification than the standard that the School Committee [used](#) the other night. Thank you very much. [Scattered applause]

WL: Our last speaker of public comment is Allen Agnitti.

Allen Agnitti: Good morning, my name's Allen Agnitti. I live at 161 Longhill Street here in Springfield. I have two children in the public school system. They started several years ago. As a result of that, I was on the SCDM team at Sumner Ave. Elementary School. I'm here to report to this board that Superintendent Burke, as far as my opinion, has not been doing his job. I will just give you a few examples of the work we were trying to do at Sumner Ave. Elementary School, and for which we received no support from the school superintendent's office.

We did have a couple of assistant superintendents visit the school, and basically, their role was creating obstacles for the work that we were trying to get done. There was never any assistance. What were we trying to get to? We were trying to get a healthy building. We had the Mass Board of Health do a study on our building. It's one of these newer buildings. There's a lot of ventilation problems there, mold build-up, a lot of severe problems. We notified the superintendent's office; we worked with then-mayors, or tried to work with Mayor [Michael] Albano's office at the time, and it wasn't until Patrick Sullivan came in that we finally had these problems addressed—several years after we started the efforts.

We've had a problem with the safety evacuation plan from Sumner Avenue School, in terms of an intersection with Sumner and Longhill Street. We contacted the superintendent's office; we never received any support from him.

Let me just clarify that I'm no longer on the SCDM team at Sumner Ave. My older son started there when he was in kindergarten; he's now in sixth grade. In that period of time, I worked for four years on the SCDM team at Sumner Ave., so I'm very familiar with this.

We also had a problem in terms of—there's a lack of land at Sumner Avenue School. There's an unused parking lot at Friendly's, the establishment right next to the school. We have approached the superintendent's office; we've also approached the various mayor's offices, and finally, again, with Mayor Ryan in the last year, we have some possibility of movement there. But again, we've done all this without any help from the superintendent's office.

As a parent, I would just like to say I do not think this man should be in any way kept on here, because there is no accountability in this system, having dealt with members in central office, these people are not doing their job. They're not doing their job, because he's not doing his job. His job is to make sure these people are supposed to do what they're supposed to do. They should be accountable. They haven't been. The system has been allowed to go on with no supervision from the top. It really is shameful that our children are being treated to a second-class system, when there are ideas out there—which Superintendent Burke has played some role bringing in, with the Expeditionary Learning School—but there are models of schools that work in this country. How come we haven't had more of them introduced to our system, other than through this Expeditionary Learning system?

There's so much to be done, and he hasn't been doing the job. The School Committee, even, voting four to three to renew his contract, is an insult to the people of this city. They should be held accountable by the voters; unfortunately, they're not. I would ask that you seriously consider, with whatever power you have, to make sure that we get a new superintendent, somebody that does a good job. [Applause]

WL: That's going to conclude the public comment portion of the meeting. We will reconvene at 11:00 for the business meeting

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Chairman Alan LeBovidge: I'd like to call the control board meeting to order. I don't think we're going to need an executive session today. So right now, we'll have a meeting, and the plan is not to have an executive session. If we need it, we'll have to announce it....OK?

Mayor Charles V. Ryan: Sure.

AL: ...call the control board meeting to order. I don't think...Is that OK to say it that way?

WL: You can do it at the end...

CVR: Sure. If you have the need, you can do it. Yeah.

AL: All right. Let's go on. I'll...The first item on the agenda is the approval of the minutes of the March meeting.

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

AL OK. The March 30 minutes are approved, and I'll turn the meeting over to Mr. Puccia so he can walk us through the agenda.

### **Chapter 157 Veterans Benefits for Accidental Disability Retirees**

Phil Puccia: Thank you Mr. Chairman and board members. I'd like to start with Item III which is approval of Chapter 157 for additional benefits for disabled veterans. It was a motion that approved—it should be Item III, sir—on my agenda. You should have a book right there, sir. Pardon me. It should be tabbed.

AL: Gee, we finally get these things tabbed.

PP: We finally get them tabbed, now that you're leaving. [laughter] It is a.... [to Jake Jacobson:]Yours is not tabbed?

Jake Jacobson: But I'll manage.

PP: Under the law, the pension board, the local pension board needs to vote acceptance, and then acceptance needs to be ratified by the legislative body, which in this case is the Springfield Finance Control Board. It was an item recommended by Mr. Gloster, and if you have any additional comments, sir....

Tom Gloster: This is an attempt to allow disabled veterans who retire through a disability retirement the addition of up to \$300. a year in additional benefits that was not heretofore provided. It has to be done, as Mr. Puccia says, through the pension board and the local legislative body, which is us. And, as I understand it from the staff at the pension board, it will entail some \$37,000. a year of additional benefits being paid out to the disabled veterans. There is another provision in the statute which provides that these benefits may be granted retroactively, I believe, to the time when the original \$300. bonus to non-disabled veterans was granted. That would entail a one-time payment of some \$643,000. based on the set of numbers I was given. The board did not...the pension board did not vote to apply this retroactively. If that is to be done, it will have to be done through the...in the future through another couple of votes anyway. So I move that we grant this \$300. a year....up to \$300.a year benefit to the disabled veterans.

City Council President Kateri Walsh: I would be happy to second it.

TG: Excuse me, Mr. Clerk. I was advised by the very conservative city solicitor that I probably should not vote in this, so if someone else would make the motion, I'd appreciate it...having voted on it at the board.

AL: I'd be happy to make the motion. We can't give too much to disabled veterans.

\*\*MOTION PASSES 4 to 0 (one abstention)

### **Mass Highway / State Street Agreement**

PP: Mr. Panagore? Thank you, Mr. Chairman [inaudible]...related to real estate and economic development. Mr. Panagore will go through them with you, beginning with Item IV.

Economic Development Director David Panagore: Mr. Chairman, board members, good morning. You have before you a proposed executive order adopting rules of the road for the State Street Corridor Project—that's a formal sort of state title, federal title. The \$13million of roadway improvement to State Street corridor is in its final moments of being prepared and ready to go out in the following month or so. In order to proceed with the project and to enter into an agreement with the state and with the federal government, you have before you a series of rules of the road relating to stop signs, right turn lanes, left-hand turn lanes, no left turns and so forth which need to be approved.

These have been reviewed by Mass Highway Department, by our consulting firm of VHB and by the director of the DPW. And we are asking this morning for the approval of the control board waiving the advisory report requirement by the city Traffic Commission in order for us to proceed in a timely manner and get this out on track for this summer. Questions on the matter?

KW: Why didn't you want to get any input from the Traffic Commission and where do all the...this was as a result of a study, all these changes, all the rules of the road?

DP: This, this has been the result of three years of work which have involved the neighborhoods, the Mass Highway Department, the federal government. These have all been reviewed and approved by all the city, state, federal and local agencies and neighborhood associations. It's just...it's the series of...predominantly, it's a series of where we're going to put stop signs, where are they currently, and it's a requirement in order for us to receive the grant funds that we enter into this sort of arrangement and that we provide this sort of agreement.

KW: There has been city input.

DP: Oh, it's extensive, and DPW director Al Chwalek just yesterday put his final *imprimatur* on it.

CVR: I think this exhibit or this vote is indicative of the enormous amount of work that is part of this project and I'm delighted not only with the fact that it's moving along, but that I'm so very impressed with the work of our city people and I guess DPW is the main one that's in this project. Just the sheer examination of this shows what a tremendous impact the State Street Project has on the central part of the city.

AL: Any other discussion?

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

### **Eminent Domain Taking**

DP: The next item on the agenda, Item V, there will be two items, both of them....Oh, actually, there will be four items: two are related to the Memorial Industrial Park improvements. that project is proceeding apace. For folks who have driven by Roosevelt Avenue, they see that PFG (Performance Food Group) is under construction, ready to be open this September. In order to facilitate that development, what we have before the board this morning is a series of roadway project improvements and eminent domain takings that are always necessary whenever one does roadway improvements. The first item is the executive order requesting an appropriation of funds for eminent domain takings for construction easements and permanent easements for Roosevelt Avenue. These are the off-site improvements from the 291 exit at Page Boulevard proceeding down to Roosevelt Avenue, taking a left-hand turn on Roosevelt Avenue and proceeding down to Performance Food Group.

This is a project whereby the city is responsible for the design and eminent domain activities, and then the Mass Highway Department is responsible for the actual construction. With this approval pending before the board this morning, we would be in position to go to the state for the state to begin work on the actual construction. If there are any questions, I'm prepared to answer them, and I believe Kathy Breck of the city law department who prepared these orders should be here as well.

AL: This is 05-11-05A?

DP: Yes, 5-11-05A. And then, after that, just to presage is 05-11-0B [sic] which would be the actual orders of taking. The first is appropriating the funds, the second, of course, would be the actual orders of taking themselves.

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

AL: 05B.

DP: 05B is the proposed orders of taking permanent easements and construction easements necessary for the construction of the roadway. As you can see, there is a large number of parcels and each of the owners have been contacted, spoken to, and outreach has happened with each of those owners in the last probably about 60 to 90 days.

AL: Are all people OK with this?

DP: There are...the...as you see by the first order of appropriation, there are...some of them have been donated. There are \$90,000. set aside for takings, and there are some owners who we are continuing negotiations with down Roosevelt Avenue towards Bay Street regarding the impact on their properties.

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

DP: The next item...Clerk Wayman Lee, I believe you have the packet for the board. There are three special orders. This is related—Wayman, if you would pass those out—these are orders also related to the Memorial Industrial Park. These are on-site eminent domain taking proposals to complete the access road through the site. It's in order to complete the construction of the access road running to the rear of the site, there's a certain series of takings which are necessary related to a small amount of property related to Performance Food Group, a larger amount of property related to Smith and Wesson. We have been in continuing negotiation with Smith and Wesson.

Smith and Wesson has agreed that the approach that we are proposing today of doing eminent domain takings they're in agreement with. We are continuing negotiating the finer details of that, but the eminent domain takings in main are a 4700' left-turn lane which would help us align the access road into the site known as Performance Food Boulevard with International [sic] Street, International [sic] Avenue across the street and a series of construction easements on Smith and Wesson's property to allow us to separate the drainage service between our property (the Memorial Industrial Park II) and the Smith and Wesson property. Have I forgotten anything, Kathy?

Assistant City Solicitor Kathy Breck: No, I think you've got it.

DP: Thank you.

AL: There's no number.

DP: Kathy, could you run through the numbers?

KB: If you don't mind, could we number the appropriation order as 05C, then the order authorizing the eminent domain taking of the temporary construction easement as 05D, and then the order of taking for the eminent domain taking of the permanent easements, we could number that 05E.

AL: We just passed those in a little different order.

KB: The appropriation order has to precede the order of taking so...

AL: Any discussion?

KW: I'd just like to ask you, attorney, is there any [unintelligible] we need to know about this whole process?

KB: No, I think Mr. Panagore has explained it. The reason it was done separately is the project was divided into an on-site component and the off-site component. And we had different people working on the project on it. The appropriation is for both the temporary and the permanent easements. The order for the temporary easement is for a single temporary easement for Smith and Wesson and the permanent easements--there are three of them—two are for the Springfield Food Service property and one is for the Smith and Wesson property.

DP: And, if I might, I would, during this, like to thank Mass Development and the law department here Bob Warren for the work in the past week in being able to pull this together for the board.

CVR: And also thank you, Mr. Panagore and Miss Breck for the great job you've done.

**\*\*MOTIONS PASS UNANIMOUSLY.**

AL: OK. Go get that land.

CVR: I hope you're going to hang around afterwards so we sign everything the right way. OK great.

### **Appropriation of Bond Premium**

Control Board Deputy Director Steve Lisauskas: Thank you, Mr. Chairman. The item 05-11-06 is a request to appropriate \$135,000 from bond premium. As the board is aware, in January of this year, the city issued bonds for which it received a bond premium. During the issuance, the vast majority of the money has been...will be used...will be requests for appropriations subsequent to this meeting to use the rest of that money, but \$135,000. is being...is requested for appropriation for some high priority planning and analysis projects to be operated...to be used at the discretion of Mr. Panagore for some specific economic development projects he has on-going. I would obviously defer any questions to Mr. Panagore with regard to those projects.

AL: Just give us a brief summary of the high points of how you'll spend this money.

DP: Stemming from the Urban Land Institute study and the priorities study, what we're looking for is to be able to begin work today on the South End. I will name them first and then go back: the South End, Chapman Valve, and continue the zoning program that we're undertaking right now and then provide a small amount, approximately \$15,000. to be held in reserve for unexpected contingencies.

As I'll go through later in the program this morning, the Urban Land Institute Boston program has been here working on the South End. As a next step in the process,

we're partnering with Mass Development on a 50/50 cost basis to prepare a detailed redevelopment program based upon the recommendations of the Boston ULI team. Funds will be made available from here to help fund that study and that plan, program. Second, to the...to move forward...we are moving forward...the bond authorizing...the board authorized last December bond funds for the demolition of Chapman Valve. We now need to begin work on a redevelopment plan for the Chapman Valve properties. And then, third, the zoning program that the city has been working on, going into further details. As we've gone through the program, we've recognized that we need to spend more money for...to continue the public meetings, the citizens advisory meetings, and so we ask for an appropriation, and it's approximately \$25,000. of these funds to be able to complete the zoning program work which we anticipate having a draft for public comment probably this September.

AL: Any questions?

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

AL: OK. Spend it wisely.

JJ: If he goes on any big vacations.... [laughter]

AL: Check his expense account from now on. OK. Mr. Puccia

### **Borrowing from Fiscal Recovery Trust Fund**

PP: Thank you, Mr. Chairman. Executive Order 5-11-07 is a request under Chapter 169 for the board to authorize the borrowing of \$22,287,416 from the Springfield Fiscal Recovery Trust to be placed in an account for economic development purposes.

AL: So this represents basically the balance of the \$52million, \$50million loan that the state authorized; is that correct?

PP: That's correct, sir.

AL: And it's going to be restricted to what it can be used for.

PP: Yes.

SL: Under Item VIII, we'll actually execute the restriction. Item VII is the authorization of the draw-down for the purposes that have been identified. The restriction of the use will occur under number VIII.

AL: The interest free loan from the state. OK. What happens to the interest on the loan? Well, if you draw this down, what happens to the interest...

SL: ...to the interest earnings? It inures to the general fund.

AL: Pardon me?

SL: It inures to the general fund of the city. So the city invests or chooses not to invest it...the city happens to chose wisely to invest the money and it earns interest and it becomes part of the general fund pursuant to the provisions of Chapter 169.

AL: It doesn't go to the economic stabilization fund.

SL: Oh, in this instance, it would, so it would stay in the economic stabilization fund.

PP: That's right. On previous...if I could just clarify, on previous borrowings where there was time, the money was placed in an account and the city did earn interest, and that interest did go to the city's general fund.

CVR: It didn't sit around.

PP: No, it did not sit around. It was used. This will stay in an economic development fund, and that's where...both...and the interest will go there as well.

TG: Did I understand this is the entire balance of the loan...of the [unintelligible] loan?

PP: No, there will be another order.

TG: I think that's what Alan said.

PP: I'm sorry, well, there were There's another order following the draw-down, the appropriation, and there'll be another order for \$2,486,000. OK? And those two number combined will represent the entire remaining balance...OK?...of the loan fund.

AL: OK. Kateri?

KW: I had a question about the interest. The interest is never used to pay back or reduce the size of the loan?

SL: Under...well, the city can...on a normal borrowing from the trust fund, the city can...the city could appropriate for any valid municipal purpose. Under the proposal that we have here, because it's going to a stabilization reserve fund, the money is restricted...the interest is deposited back into the stabilization reserve fund and is restricted to the purposes of that stabilization reserve fund.

AL: So if it's never used, you would use it all to pay back the loan.

SL and PP: Yes.

AL: So, in effect, it would amortize the already existing balance, because if you pay it back plus you'd have interest income., because hopefully, you'll use it for economic development.

SL: That's the idea, yes, yes, sir.

PP: Does that answer your question, counselor?

KW: It's probably a good time for me to state my concerns about some of the things that we're voting on today, particularly regarding the loan--and this is the balance of the loan. Have there been any discussions with our state delegation about any of the things we're voting on today...regarding the loan since they created the act?

PP: No, there have not been. My interaction on this item has been with the board members and the Secretary of Administration and Finance who, for my purposes, is my direct report.

CVR: And, who, under the terms of the legislation passed by the unanimous vote of the House and Senate, is the designated state authority who is in control of this money and who we are directed by terms of our legislation to work *with*. So we're doing exactly what the legislation required in getting the approval of the Secretary.

AL: And, if I understand this correctly, this money is not drawn down by June 30, it's gone.

KW: Right..

PP: That's correct.

AL: And there would be no money to draw down, so we're trying to preserve the flexibility for the city to have access to these funds by doing this. And if it went to July1, it would be too late.

PP: I'm also under the impression, counselor--I don't know this independently—that the economic development plan that is being contemplated by the governor and, ultimately in conjunction with the board and the mayor, has been shared in some fashion with the delegation. Whether they're in those discussions or not, I don't know, but I would expect communication between them.

KW: I don't know either, and my position is that I think in order for the city of Springfield to be successful, we need to have a strong partnership with the state. I would feel more comfortable if our delegation had input on this. I don't disagree with the idea or the concept. I just think that since it was the legislature that created the act establishing the control board, they should have input into this, and I am not comfortable supporting it without having our delegation have a voice in...Does it have to be voted on today? Can it wait? Can it wait for the new board?

CVR: In the time, we could lose this money very easily.

PP: Just, counselor, I would just argue that the vote of the legislation which was unanimous and included the members of the Springfield delegation, expressly dictated how the money would be drawn down and ultimately how it could be spent. I think we are in conformance with the legislation and the terms of it. That is completely consistent with the intent of the legislature in creating this trust fund, but I understand your view.

KW: [unintelligible] And I also wonder how doing something like this without the legisla--the will of the legislature—is this going to impact the bill to extend the terms of the loan. I don't know if this will have a negative impact on that. I would be concerned about that. too.

CVR: I had a meeting, two meetings yesterday afternoon in Boston. The first one with the Secretary of Administration and Finance for about an hour and then, secondly, a meeting with the Governor and the Secretary together for another hour. The Governor of Massachusetts is privy to and wants this passed, made it very, very clear. And he knew it was being voted on today, and it has his full approval.

I'm sure you also know, because the governor has made it very clear, that he intends to sponsor an economic development package for the city of Springfield that's very, very exciting. My understanding is he shared that intent with the members of the delegation, and that the also are very happy with this. All this is doing is, under the Governor's direction to the Secretary of A & F, the cooperation with the this board through Mr. Puccia is to actually do the ministerial act of making the money available, setting it aside in a reserve fund for the express purposes of an economic development program. He anticipates it's happening today, and I certainly intend to carry out his wishes.

KW: Am I incorrect in thinking that only the legislature can change the terms of the loan?

PP: You are not incorrect. That is a factual statement.

CVR: That's a law. Oh, they can modify the pay back if that's what you're talking about, and I think, again, that both the executive branch and the legislative branch are on the same track, and we anticipate that that's going to happen also. That has not yet been voted on.

AL: Any other discussion? Do I have a motion on 05-11-07? All in favor?

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

AL: OK Four to one.

TG: I'm abstaining.

AL: OK, we have three, one and one. It's passed.

CVR: That was 07, right?

PP: Now what I'd like to do is a second draw down for a separate purpose, and then we will do the appropriation orders next, OK? So, if you turn your page to 5-11-07A...

WL: [unintelligible] ...to interrupt. [To TG} Are you abstaining? And the reason you're abstaining?

TG: I'm not supporting it.

WL: Oh, well, this is an appropriation order and will require a two-thirds vote of the members. In this case...

JJ: Two-thirds of five is four...

WL: Is four, yeah.

JJ: ...in case you're struggling with that one. [laughter]

TG: This guy is the guy's in charge of state revenue.

JJ: I was just going to say...

TG: Let me express what my problem is, and I will vote with it, for it if we need to do so. The Mayor indicated that the Governor has an economic development plan that he intends to describe at some future time, and that the state delegation has been told about it. I have not...I have not been told...I don't know anything about it. I understand the virtue to the city of having an interest free loan to do economic development. I would much have preferred to have been briefed by the Governor or whoever on the elements of the plan. I think it's not the way to go about doing things, but in order to...I don't want to stop this appropriation, because I do think there is some obvious benefit to the city. I just don't know exactly how it's going to play out. So, I'm gong to change my vote based on your two-thirds requirement, Mr. Clerk.

AL: It's four to one.

**\*\*MOTION PASSES 4 to 1.**

KW: I believe that's exactly how the delegation is going to feel.

TG: But they're not part of the appropriation process.

AL: OK, Phil, what's the next item.

## **Borrowing from Fiscal Recovery Trust Fund**

PP: 5-11-07A...

CVR: 07A?

PP: 07A, it's the next page, sir, if you can see it, sir. I believe it should be in your packet as the next ...

CVR: I've got 07A right here, yeah.

PP: It is a draw down, again, from the balance of the trust fund for \$2,486,000. for the continued operations of the Springfield Finance Control Board. It can... (to Steve Lisauskas) Do they have the broad outlines of the ...

SL: Yes, in the front pocket of...

AL: This is the revised...

SL: Yes, the front pocket of each binder has the budget lain out by purpose.

AL: Oh, that's a memorandum?

PP: Yes.

SL: It's the two-page document. It's the longer of the two is you're looking for, Mr. Chairman.

PP: Right there. It gives you broad categories for the continued operation of the control board which is totaling \$2,486,000., of which \$545,000 are personnel and benefits, and then a variety of items related to economic development, legal fees and the like.

JJ: Is this... and you've reviewed this with Secretary Kirwin?

PP: Secretary Kirwin has approved this document as I've provided. As you will see, there should be this page as well with an initial...with a memo from me to Secretary Kirwin outlining the expenses and their purpose.

AL: OK, so you want us to vote...

PP: I want a vote to approve...

AL: Can I ask a question on this? If some other money becomes available, OK, and we don't need to spend this money, what happens to this money?

PP: If the...in the appropriation order which we will get to as 5-011-08 and 08A deals with that issue specifically which is to restrict the use...which is to provide that it would go into the loan fund should other additional operating funds...I'm sorry, *the economic stabilization fund*. So what we're asking the board to do is approve these two draw downs for these purposes, and then the appropriation orders which will follow in 5-11-08 and 5-11-08A.

AL: Is this a two-thirds vote?

CVR: Well, OK, again, I'm still trying to understand. We have in the book 07A—six lines, OK? Now, are you saying that some of this in this memorandum becomes a part of this vote, or is this just supplementary or to enable us to...

PP: It's a second vote.

AL: Is that just something that...

CVR: That's a second vote?

SL: That is supplementary, sir. That provides the explanation to you as to where the...

CVR: Yeah, but is that a *vote*?

SL: No, sir.

CVR: That's just information.

SL: That's correct.

CVR: The *basis* for this vote.

PP: That's correct, just back-up data for you to know where this money is going to be spent.

AL: All in favor?

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

AL: OK, it's four to one.

\*\*MOTION PASSES 4 to 1.

JJ: Couldn't vote against this one. [unintelligible] has a certain deliciousness to it. [laughter] I don't know.

AL: OK, next?

PP: OK. The next two items are the appropriation orders for the draw downs the board just approved. As you will see in 5-11-08, it stipulates how the \$22,487,000 is placed into an economic development fund.

AL: And so it can't be used for anything else.

PP: That's correct.

AL: This is not for general operations...

PP: And any future board would have to amend the order to spend it n anything other than economic development, and, secondly, any future board will have to determine what those economic development projects are.

TG: You haven't mentioned interest in here. Is that sufficiently [unintelligible]

SL: It is. Chapter 40, Section 5B which authorizes the creation of stabilization reserve funds dictates that the interest become part of the corpus of funding.

AL: Do you do this every night?

PP: He does.

SL: I do, actually...under my pillow, Mr. Chairman.

CVR: Must be exciting.

AL: You need help. [laughter]

SL: I do; I also need coffee.

AL: All right, any discussion or questions?

AL: All in favor?

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

AL: Another four to one.

KW: Not that I think it's a bad idea, I just feel the delegation....

\*\*MOTION PASSES 4 to 1.

PP: 5-11-08A is the appropriations order for the continued operations of the control board. And if you look into the last line: "furthermore in the event that state funds are

otherwise provided or appropriated, such funds or remaining portion shall be transferred into the economic development fund.”

AL: Any discussion?

\*\*MOTION PASSES 4 to 1, KW voting “no.”

PP: Mr. Panagore again, please.

### **Urban Land Institute Presentation**

AL: This is not a vote; this is an update.

PP: Yes.

DP: Mr. Chairman, board members, this is a presentation following on the work that’s being done across the city with the...across the city with the Urban Land Institute, with the administration regarding the Urban Land Institute, the funds which are just appropriated for economic development placed on reserve fund. What I’m a vote to go forward with you here is an overview of the Urban Land Institute study and progress made to date since its issuance last month. This is the plan of work for the city, for the business community, and we expect, for the state administration as well.

I’d just take a moment to recap. When we, as a body, chose the ULI to come to Springfield, it was because their resources in urban planning, growth and development, and how objective they were—they’ve got outside eyes—the fact that they have been doing studies for well over 50 years across the world, and that their reputation is excellent. They make the commitment; they are pragmatic, financeable recommendations. The program we would enter into would be one with 150 interviews and it was consensus-driven. One of the difficulties, of course, you run into in any community, is being able to come to a *consensus* for a program, to create a set of priorities. We viewed the ULI as a way to create a set of priorities, from a series of competing interests, for number ones.

The goals were, as I mentioned, an inclusive, community-based plan and to be able to put our local and state efforts behind the right projects, to recognize what assets we have, and keep the equity in our neighborhoods and our downtown that we like so much, and have a plan for *now*, not a master plan that we develop in five years. And we’ve also used this as a way to forge a partnership with the business community and the Chamber [of Commerce]. Fifty percent of the funds for this study were paid for by local businesses, who have been meeting on this regularly, since the issuance of the report.

They covered four different areas we summarize this morning. There were many, many recommendations across the report, and I do recommend folks viewing at home to read the [report](#) (PDF); it’s online at the city’s Web site; but we’ve divided the report into

four areas: Cross-sector leadership, Capitalize on strengths, Downtown market potential, Neighborhood preservation.

In the cross-sector leadership, they call for effective local government support. They call for an extension of the control board; they call for a re-evaluation of state funding for Springfield—they view those as critical for economic development. They call for civic pride, and pride in the community, pride regionally; and they call for participation from local businesses. They call for outside developers, and developers from inside the city, to work with the city to create a new vision for the city. And they also call for a reassessment of Springfield's role in the region, that Springfield is viewed as a plus, not a minus.

In particular, as I mention, Extend the term of the Finance Control Board, Work to increase state appropriations, Create and promote guiding principles for good government, Celebrate diversity and seek inclusiveness.

We'll be coming back before the board and the City Council in the coming months for discussions on the guiding principles for good government. And they also state that they think it's critically important for the city to celebrate its diversity, to embrace its diversity, and to find ways, through economic development, to increase the inclusiveness of consensus for a program, to create a set of priorities. We viewed the ULI as a way to create a set of priorities, from a series

Capitalizing on its strengths, they see that we have exceptional—with the highway access of the Mass Turnpike, 291, and 91—we have great regional access, location towards Hartford and New York and Boston. There's a great mix of use, in particular our cultural institutions in the downtown. As they put it in a phrase, other cities would kill for the downtown we have. We have architecturally significant buildings in our neighborhoods and our downtown; we need to preserve those that are fiscally viable, and be able to move forward on those. There's good parking in the downtown. And we need to promote our 350-year history in the city, with Shay's Rebellion and the Armory: Springfield has a lot of pluses there as well.

In terms of strategies, they recommend that the city think like a master developer: across the city, across the downtown, promote plans and programs; that we also establish criteria set out in the report, and I'll be coming back to, as I mentioned, the control board and the council for criteria for evaluating projects. And they say there's a variety of planning, development and enforcement tools, which I won't go into this morning, that they recommend that we should be following through on. And that we should begin immediately to inventory and repackage our vacant land.

I had neglected in terms of my discussions this morning about \$135,000. for economic development, part of that would go towards creating an inventory of our vacant land in the city which I know on a daily basis is critical for our work.) When developers call, we need to have an inventory of what's available.

In terms of our downtown, they think we should be maximizing our assets and minimizing our liabilities. We have a historic downtown with cultural attractions, but there is large office vacancies and commercial, and there is continuing perception, a strong perception they believe, of crime and, in particular, civil disorder, which is to the detriment of our downtown.

In particular, they recommend that we need to be working on a marketing program for the city, that we need to be building on the Volk [study](#) (PDF) that was done prior to their being here, that we need to convert some Class B and C office space to market-rate housing. We need to be expanding retail opportunities, in conjunction with market-rate housing, so that folks down here have places to shop. They suggest American Apparel as an example of a firm that focuses on downtowns like Springfield. In addition, we need to look at what sort of market we have for downtown living, in particular, young professionals and empty-nesters. And then we need to work in general to raise the occupancy and commercial space in the downtown, and focus on the *downtown* for commercial space when folks want to come here for their businesses.

- In terms of particular projects, they have identified three short-term projects, which we have spoken of: the redevelopment of 31 Elm, on Court Square; the re-use of the old federal building; and the demolition of the York Street Jail. (If the board has any questions, I'd be glad to answer them, on any of those projects.) Mid-term, working on the Main Street and State Street corridor improvements, which will both begin this summer; working on the vacant downtown parking lots, that about the downtown; and they've identified the Apremont Triangle area as an area ripe for redevelopment. Knowing that it will take many years to accomplish, they recommend that we begin working—but make it not our immediate focus, in terms of expecting immediate turn-around, Union Station.

In the neighborhoods, they [had] long conversations with us about the housing stock in the neighborhoods in the city, and the great, rich “bones” of the city and how affordable it is. They have identified the South End as an area of primary focus.

As I've mentioned, the Boston ULI chapter has been in town since the past month, focusing on the South End, and we've held meetings with stakeholders in the community. Mid-term priority projects are targeting the neighborhood improvements—that we focus in particular areas, such as also the Old Hill. The Smith Carriage Company district, they think, is an area ripe for redevelopment, and the area in the community resources in and around East Columbus Avenue they think is a critical area as well. And that there are vacant houses of worship throughout Springfield that need our particular attention. In terms of future development, they identified the [former] Mason Square Fire Station, former Chapman Valve site, and Memorial Industrial Park; that we need to continue working on those.

In summary, they call for attracting leadership from throughout the community, and we're working with the neighborhoods; we're working with the business community to provide opportunities for leadership in a variety of ways. That we need to focus on our downtown to make it a place for people to live, work and play; that it be the cultural center of the Pioneer Valley; and that we work to maintain the neighborhoods, and the quality of the neighborhoods that we have today, which is a strength in the City of Homes.

Moving forward, I mentioned that the ULI was featured prominently in the *New York Times* article this past week, and we do believe that it was one of the reasons why the *Times* did focus on Springfield. The ULI report has given us very good cache locally and nationally in terms of recognition that we have a plan. The Boston chapter of the ULI has been here in the past month, focusing two technical assistance programs on Hollywood and the downtown. And that concludes my comments on the ULI.

But what I would like to bring to your attention is that there are two more matters before the board which Phil will probably mention in a moment...

### **Approval of Property Transfers**

PP: You can do it, David.

DP: ...which are requests for two property transfers furthering the work in the presentation on the York Street Jail and on 31 Elm.

PP: It's 5-11-10A...

DP: ...and 5-11-10B.

CVR: I have a question. David, I was just reading the wording here, and in our conversation, we talked about doing these votes in connection with potential conveyance to the SRA. I'm not sure—is your wording in the last, right at the bottom—that's not *broader* than the SRA, is it? In other words, what we're talking about—"execution of deeds or deeds of conveyance of these parcels"—isn't that restricted in your contemplation to just a deed to the SRA—or is that wording...technically broader than that

DP: It's including, but not limited to.

AL: (to media reps clustered at the back of the room) I know we have freedom of speech by the press, but could we kind of hold it down so we can hear what's going on?

CVR: Why wouldn't we want to limit it to...?

DP: The intent of the wording was not to expand it any other bodies, but there may be documents beyond a deed or a deed of conveyance that we're not aware of would give

you the authority to execute going forward. It was not intended to be broader than the SRA. And if I point you to the second line, it was “to execute any and all agreements with the Springfield Redevelopment Authority necessary.” And so therefore, I would suggest the intent of the wording is “documents related to agreements between the city and the SRA, any and all.”

PP: Could you just say “all agreements exclusively with” or...? [to the Mayor] Would that make you more comfortable?

CVR: I just think it’s important to make sure this is a *restrictive* vote with really the SRA...I don’t think anybody should be given the power today beyond a deed to the SRA.

PP: So that’s right you wouldn’t be able to transfer the property to anyone but the SRA.

CVR: That’s right....without official vote of the board.

DP: Then maybe if I might then after the last line “conveyance of city-owned parcels...”

AL: Where are you?

DP: Last line on the page...if I could, Mayor, “the city-owned parcels” and then insert “to the SRA”?

CVR: Yeah.

AL: So it’s “city-owned parcels before otherwise” and then insert “to the Springfield Redevelopment Authority”

CVR: Yeah. That’s fine, and the same with the next one, too.

PP: So...but we do need a vote on this one first the order as amended.

CVR: Yeah.

AL: OK. Any further questions? Do I have a motion?

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

AL: Now what do we have to amend on the next one before we vote on it?

DP: On 5-11-10B on the second page, second-to-the-last full line after the phrase “conveyance city-owned parcels to the Springfield Redevelopment Authority.”

PP: And now, David, if you could explain what this transfer is for?

DP: This transfer is related to the 31 Elm Street project. The city owns and has identified in the board request the city-owns 31-13 Elm Street, 92-96 State Street, unaddressed State Street 98, and 37-3 Elm Street. These are parcels which are in the urban renewal plan and would be transferred to the Springfield Redevelopment Authority as part of the 31 Elm Street redevelopment program.

CVR: We can amend it?

PP: Yes, sir. It's to accept 5-11-10-B as amended.

CVR: OK, fine.

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

AL: Do you have anything else?

PP: Yes, sir, an item under new business.

**Contract for School Superintendent Burke.**

TG: Mr. Chairman, as you know, the School Committee voted on May 9 to enter into a contract with Superintendent Burke, and we...I...we [unintelligible] contract should be amended in certain ways. A new revised contract has been submitted to us. The principal change from the prior form is that the term will be for one year only. There are some other changes in the form. Now, would you [addressing PP] suggest I proceed as a motion to approve this executive order...?

PP: Yes.

AL: With our revised contract attached to it?

PP: I'd also just like to confer with the clerk for a moment. This is the order we've drafted and what we're asking the board to do is to vote this amendment to the superintendent's contract, I believe. Mr. Pikula, am I accurate in my statement?

City Solicitor Ed Pikula: Well, you're altering the *vote* of the School Committee that was taken on May 9.

PP: Yes.

EP: And this vote, this alteration, uses your powers under Chapter 169 as specified in here Sections 18, Section 8 and Section 20. And it makes an affirmative vote of a new terms—and I don't know if you have new terms...

PP: We do.

EP: We do, so this would be an affirmative vote for those terms as set forth specifically...

TG: The contract needs to be attached to the...

EP: The term would be changed, essentially, commencing July 1, 2007 and ending June 30, 2008, and then subject to the terms in the attachment.

CVR: But aren't we going to do two things? One is to vote to amend.

EP: No, I think just one vote.

CVR: Well, except that this one vote here...

EP: You vote this one executive order...

CVR: Well, it says it "approves an employment contract for one year, July 1, 2007 to June 30, 2008 and as otherwise set out in the contract terms attached hereto." We've got to deal with "the contract terms attached hereto."

EP: Oh, yes.

CVR: That's my point.

PP: But, sir...

CVR: You can't incorporate something by reference that's never been voted on by anybody.

TG: I thought there was an extant revised contract.

CVR: Yes.

TG: That's what we need to attach to this.

PP: We're attaching...

CVR: To me, this is step two. Step one is to amend the contract.

AL: I'll do whatever.

CVR: ...which thought I saw a proposed vote.

TG: It's an affirmative alteration pursuant in terms of the order motion says "permanent alteration pursuant in terms of the order."

CVR: Yeah. "hereby alters it..."

PP: Yes, it sets the term.

TG: It alters the term of the contract by the School Committee so that the contract becomes a contract attached to this *order*.

PP: That's correct....which has been shared with the board.

AL: Could you just...let's get this procedural thing done.

PP: I, I...on the procedural part of this, I need to defer either to Mr. Pikula, Ed or Mr. Lee.

EP: Well, let's make sure that everyone understands the proposed contract that is attached hereto. And I would think that...

[confusion; many voices]

CVR: I want to see the words.

PP: It's right there.

CVR: Where is it?

AL: Take us through in substance.

PP: I will take you in substance.

AL: It's on the other side of your packet. In substance, as I understand it, is the contract that was voted on by the School Committee, is that right, Phil? Phil, is this the contract that was voted on by the School Committee and the substantive change is to make it a one-year only contract and not make it a multi-year contract. And it fixes the salary of \$180,000 and it has then technical performing amendments in the contract to make it fit with this revised

TG: And there are other changes which are less substantive, but nonetheless some changes.

PP: That's correct. Would you like me to articulate those? OK. The changes that we are asking the board to approve are as follows; the document will be here in a moment

KW: Because I don't have one.

PP: Kateri, no one knew we'd have I'm sorry, councilor, we only have them from this morning. OK? The changes are as follows.

CVR: So is Ed going to pass those out?

PP: Ed should be passing them out or Ed will pass them out shortly as we discussed...we discussed just prior to the entrance into this room.

The changes are as follows: In Item 1, which was the term of employment was changed from what the school committee voted on to language that says that the term will be from July 1, 2007 to June 30, 2008, and both parties will agree by December 1 to mutually determine whether there should be an extension or not. That is the change in Paragraph 1, the language is forthcoming. OK?

The change in Paragraph 3 (or Section 3) deletes any reference to pay beyond June 30, 2008.

AL: Is that one year?

PP: Yes. In Section 6--I'm doing this from memory, OK?—in Section 6, it contemplates an additional reference to termination related beyond the contract period that we've just discussed on June 30, 2008. That has been deleted, OK? There is one other reference, I believe, in Section 3 which I neglected to discuss which I will do so now which says any discussion of goals in the attachment, which is exhibit one, are only applicable should the contract be extended to subsequent years. Otherwise, the contract itself is the same.

JJ/AL: Say the last part again.

PP: The exhibit contemplates that the superintendent could be employed by the Springfield Public Schools beyond 2008. There are goals related to MCAS, student proficiency and the like which go beyond 2008 which is the contemplated term of this contract.

AL: So you're taking those out.

PP: Rather than re-write the entire exhibit, OK, what we have said is the exhibit will only apply if the contract term is extended beyond 2008. And the exhibit only...and the items can...

JJ: [unintelligible]

PP: ...only those portions...and, I'm sorry...the document is forthcoming. Only those portions beyond 2008 would apply if the contract is extended.

TG: We do not want to have a contract that expires by its terms in the year 2008 and then have incentives payable in 2009...

PP: That .go beyond 2009.

TG: We had to do something just simplistically to conform that and make it clear that they apply only if the contract is extended. It's just a drafting thing.

JJ: Got it.

PP: Yes, councilor.

KW: How about the compensation? Has that changed?

PP: The compensation that the School Committee recommended for June 2007...I'm sorry...July 1,2007 until June 30, 2008 is the same which I believe is \$180,000. It's the same salary recommended by the School Committee. What the...what the board is really doing is amending the term of the contract to end on June 30, 2008.

CVR: Striking out any reference to what compensation would have been had it gone into a second year.

KW: But that's higher than he's being paid now, right? \$180,000?

CVR: \$178,00 or something like that.

AL: Phil, what is the current compensation of the superintendent?

PP: I thought...

JJ: Getting to \$180,000 was a 2% increase, the way I calculate it. So if we back it's \$176,000 and change some hundreds or something.

PP: It's a 2% increase which is consistent with the previous contract that this board (minus Councilor Walsh) had previously agreed to.

AL: Any other questions or discussion items before we...?

PP: If you like, Mr. Chairman, I could walk you through the language change if required.

AL: No, I don't feel ...

KW: So, are we taking one or two votes?

PP: You're taking one vote.

TG: You want to designate the number for this?

PP: This would be 5-11-12, Executive Order, 5-11-12.

CVR: Well, I think we should start with a motion or a couple motions to amend these specific clauses in the contract that was voted two nights ago. And I think that the executive order is the "belt and suspenders," but that comes Number Two.

PP: I only practice law on tv, sir.

AL: I don't care. I think it's fine. If it legally makes it better, we'll...

CVR: Well, I don't...

AL: That's fine...I mean I...

CVR: Do you want to make motions, Tom or...?

PP: Let me see...I'm reason...

TG: I'm willing to be led by Phil as to the exact language...clause by clause. I can't do it off the top of my head.

PP: Yeah. OK. I guess...let me see if I could phrase it this way, Mayor. We would vote to replace Section 1 of the School Committee contract with Item 1 on employment in term as provided herein...OK?...in this revised version. OK? We lift the language, just as you're looking at it, you can vote it.

CVR: If you go to amend a contract, you say words to the effect that "we strike the language in Paragraph 1 of the contract and we substitute therefore this language."

PP: New Paragraph.

CVR: The same thing with Number 3. What? [to TG]

TG: You're not really amending a contract, because there is no contract. It's not been signed and delivered. There's no contract.

CVR: No, but it's the *vote*. It hasn't been signed, but it's the vote.

PP: We're amending the vote. We're altering the vote.

TG: I'll do anything you want, but I ...this order does the trick, and I think Mr. Pikula agrees.

PP: We need a lawyer here.

EP: Well, we're altering their vote. I would agree that there is no existing contract, that we are altering a vote, a decision of the School Committee pursuant to the power.

CVR: My conservative way of thinking: if you're going to alter a vote, you've got to do it specifically. You don't do it by incorporation of referents, but you do it specifically. You meet it head-on, and if we can't do that, then I'm going to make a motion to just

plain rescind the contract and then we start from the ground up. I don't think we need to do that, but I thought that...

TG: Let's do it that way.

EP: Everyone needs to be clear on the terms of how this differs from the one that...

AL: How would you word it?

PP: How are you recommending to the board that...?

KW: I'd like to be recorded as being...as agreeing with the Mayor and yielding to his many years in the legal community that this should be specifically altered before we vote on it. There should be two votes: one on altering, changing the terms, and then ultimately voting on the contract itself. I would feel more comfortable that way.

EP: Just let me just ask. Is the clerk of the opinion that we would have at this point probably adequate grounds to go to executive session?

WL: It appears now that the discussion is at the point that you're actually talking about the actual terms and conditions of the contract, and that's ripe for an executive session. You can go in there and you can beat out and determine what section you want to amend and either you can come back or you could...

AL: I mean, if that is what the legal view is, then I would ask the clerk to take a roll if there is no other business...

PP: There is no other business.

AL: A roll call vote to say we are going into executive session and then we will return from executive session and vote. OK?

**\*\*MOTION TO GO INTO EXECUTIVE SESSION PASSES UNANIMOUSLY.**

AL: Don't go too far. Hopefully, it won't take too long. OK. We shall return.

**Note:** The cable crew taping the session didn't understand that the board would return within a short time so they turned off the lights and began taking apart the cables. They did hook things up again, but the second session wasn't captured on our tape. Thanks to Heather Brandon and the Urban Compass for this summary captured on her live blog of what happened after the executive session.

## **One Year Extension of School Superintendent's Contract**

At [the May 11] Springfield Finance Control Board meeting, a [vote passed](#) to extend Schools Superintendent Joseph Burke's contract by one year, with some amendments proposed by Mayor Charles Ryan, read aloud before the vote.

"Paragraph one, under the amendment," Ryan said, "would provide that the committee hereby employs Joseph P. Burke as superintendent of the Springfield school district, and the superintendent hereby accepts and agrees to such employment, for a term commencing July 1, 2007 and ending June 30, 2008. The parties agree to enter discussions commencing on or about December 1, 2007 to determine whether a new employment contract, or extension hereto, may be entered into on terms mutually acceptable to the parties."

This language would preempt the language the School Committee earlier voted on, and passed, Ryan added.

"Paragraph three, in the new language," he continued, "would say: the superintendent should be paid a salary as follows: the superintendent's base salary will be \$180,000 for the period July 1, 2007 through June 30, 2008. The parties shall mutually agree upon, and set forth in writing, certain performance measures for each school year of the term. The goals, for fiscal year 2008, are attached as exhibit one. Performance goals listed in exhibit one for subsequent years will apply to the extent that this agreement is extended to such years."

Moving on to paragraph six, Ryan stated, "The superintendent may terminate this agreement before the end of the term by giving 90 calendar days' notice to the committee. Said notice shall be effective on the date received, when sent by registered mail, return receipt requested, to the School Committee, Springfield Public Schools, 195 State Street, Springfield. In the event that the superintendent gives such notice to the committee and does not remain in his position as superintendent for the entire 2007-2008 school year, the superintendent shall not be entitled to any incentive payment as provided for in paragraph three of this agreement."

The incentive payment is described in the exhibit.

City Council President Kateri Walsh wanted to make a comment before the vote about the extension of the superintendent's contract. "I am concerned about the evaluation of our Springfield schools," Walsh said. "I am concerned about the state rankings of our students. I have listened to what parents have said to me. It's very clear to me that the superintendent would rather be in Florida, and not Massachusetts. So I am going to vote 'no.'"

Chairman Alan LeBovidge also made a comment. "I would have liked to have done it another way," he began, "but the reality is, it's May 11, 2007, and you need to have some stability in the school system. If you were going to undertake a search for a person, you're not going to realistically have that person in place by September. We're kind of past, in my mind, a national search time. And so I think for the good of the

stability of the system, a one-year extension is a good compromise, and I'm willing to support the one-year extension, and we'll see what happens after that."

It appeared as though both Kateri Walsh and Jake Jacobson voted against the extension, whereas LeBovidge, Mayor Ryan and Thomas Gloster voted in favor. This effectively overrules the [vote](#) of the School Committee earlier this week to extend the contract by about two years, to September 30, 2009, which City Solicitor Ed Pikula explained.

"We met in executive session," Pikula said, "to review the differences in the contract terms that were the subject of the vote of the School Committee on Wednesday night, and the new contract terms, which are the subject of this vote, to alter that decision."