

Ordinance Committee

Wednesday, April 24, 2024

Video of meeting can be found at <https://youtu.be/E5iVATsDX08?feature=shared>

Members present in person: Chair Israel Rivera, David Bartley, Jenny Rivera, Meg Magrath-Smith

Members present on Zoom: Vice Chair Linda Vacon

Other councilors present: Carmen Ocasio, Patti Devine

I. Rivera called the meeting to order at 6:34 PM

Motion was made and seconded to take a roll call vote that for the purposes of this meeting would be applicable to all motions to remove an item from the table, place items on the table, package items, open or close a public hearing, or suspend the rules, unless there is an objection. Motion passed.

Bartley made a motion to remove item 1 from the table and open the public hearing. J. Rivera seconded the motion. Motion passed.

Item 1: PUBLIC HEARING 3-6-24 Zone change application from IG to DR for Holyoke Housing Authority at 662, 666, 674, 680, 702, and 710 South East Street (029-09-009 through 019) to build rental and homeownership units.

---> Public hearing closed, laid on the table, 5-0.

DISCUSSION:

Matthew Mainville, Executive Director of the Holyoke Housing Authority, provided a presentation of their plan. He then explained that they were looking for a zone change as part of their South Holyoke Homes project. He added that it was a three phase project, with the first phase already complete and fully occupied with 12 residents. He then stated that a parcel was identified for housing that was currently zoned industrial, and they were hoping to change it to downtown residential as part of the city's redevelopment plan. He noted that they already had the support of the Redevelopment Authority as well as the Planning Board. He noted that the parcel was already across an alleyway from downtown residential zoning. He then explained that they were hoping to do a combination of homeownership and rental on the property. He noted that the rental

would not need a zone change but a duplex homeownership style did. He then explained the presentation illustrating the three phases of the project. He explained that they had a contractor under contract and had started environmental work on the phase 3 property. He added that they planned to have a funding application completed in the fall.

I. Rivera asked to confirm that the zone change would be for phase 3.

M. Mainville stated that was correct. He noted that work completed with Mass Works had anticipated some level of housing so water stubs and electrical access were already in place.

Bartley asked if the committee needed to hear from the Planning Board prior to taking a vote.

Vacon stated that the committee had often held the hearing jointly but was not sure what was happening with this zone change request with the Planning Board at that point. She then explained that the committee would need to wait for their recommendation.

Bartley asked what the planned timeline was on the project.

M. Mainville stated that they had not yet been able to complete on site investigation because they did not yet have access to the property. He then explained that they hoped to finish the design and submit a funding application that fall. He then explained that the Planning Board approved the zone change the previous night.

Bartley stated that a written confirmation was usually provided. He then asked if it would be an issue if it were delayed for a month.

M. Mainville stated that it would not ne.

Bartley expressed his support for this as a zone change that made sense. He noted that nobody was in attendance that would have been noticed. He noted that an email had been sent by Atty Mantolesky earlier that day about a private developer who had purchased a vacant lot at 736 Dwight Street with a plan to put in 6 townhouses. He added that it would be for low-income residents. He added that another 80 units would be provided at John Aubin's building.

Admin Asst Anderson-Burgos confirmed that the Planning Board had approved the zone change the previous night and were working on sending over the signed recommendation letter.

I. Rivera stated that the plan was to hold the hearing and then take a vote at the next meeting.

Ocasio expressed pride in having been a part of the project, including doing interviews. She then expressed her support and excitement to see the project come to life.

M. Mainville thanked Ocasio for her outreach and assistance in the community.

Vacon expressed support for the project, adding that it was great to see a project that had come through a collaboration with the Redevelopment Authority.

Bartley made a motion to close the public hearing. J. Rivera seconded the motion. Motion passed.

Bartley made a motion to lay item 1 on the table. Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(11:00)

Bartley made a motion to remove item 2 from the table and open the public hearing. J. Rivera seconded the motion. Motion passed.

Item 2: PUBLIC HEARING 3-6-24 MAGRATH-SMITH -- That Section 8.1.9 be amended to include the following language after the last sentence: Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

---> Public hearing closed, laid on the table, 5-0.

DISCUSSION:

Magrath-Smith stated that this came from the City Solicitor's office after being contacted by the state to do this required update to the flood ordinance. She added that the language was provided by the state. She noted that Bartley was planning to offer amendments. She then stated that while she had been informed that the terms "city" and "town" were interchangeable in terms of legal ramifications, she suggested it still made sense to change "town" to "city."

Bartley stated that after doing research on this, he was clear on the intent. He then stated that he would provide verbiage for an amendment. He added that he had contact information for the relevant departments of the Commonwealth, as well as FEMA region 1. He then suggested that rather than needing to readvertise for every public hearing, he was going to suggest some draft language that the Conservation Commissioner can make

amendments without a public hearing as long as they gave notice to the Council and Mayor at least 90 days in advance. He noted that the contact information would change periodically and it would be good for that to be able to be changed without a public hearing. He then expressed desire to see the public hearing closed, and then he would work with the Law Department on draft language.

Magrath-Smith noted that the state suggested not making it too specific because of that fluid situation with names and contact information.

Bartley, noting that Magrath-Smith was in contact with the state, suggested she take a look at the draft language and make appropriate edits. He then made a motion to close the public hearing. J. Rivera seconded the motion. Motion passed.

Bartley made a motion to lay item 2 on the table. Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(16:45)

Bartley made a motion to remove item 3 from the table and open the public hearing. J. Rivera seconded the motion. Motion passed.

Item 3: PUBLIC HEARING 12-19-23 MALDONADO VELEZ -- Zoning ordinance change proposal to allow cannabis businesses beyond the IG zone and allow priority for social equity applicants and those negatively impacted by war on drugs.
*Continued from 2-28-24

---> Public hearing closed, laid on the table, 5-0.

DISCUSSION:

I. Rivera stated that the Planning Board has not yet been able to discuss this and would prefer the committee to be tabled. He then suggested closing the public hearing and tabled until hearing back from the Planning Board. He then made a motion to close the public hearing. J. Rivera seconded the motion. Motion passed.

Bartley made a motion to lay item 2 on the table. Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

I. Rivera stated that there were many things waiting on language and in the queue. He then stated that the Planning Board provided updates about a couple other items basically stating that they were waiting on additional information.

Meeting adjourned at 6:55 PM

LAID ON THE TABLE:

Discussion may not may not take place

- Item 4: 2-21-23 JOURDAIN -- Ordered, that the Ordinance relative to the payment of city lifeguards be revised so as to make sure we are being competitive to other communities in the highly competitive employment of Summer lifeguards. Moreover, that the Aquatics Director and/or other reps from the Recreation dept be invited to the Ordinance Committee to help us review and change as appropriate.
*Tabled 3-13-24, 3-27-24, 4-10-24
- Item 5: 10-17-23 MCGEE -- Ordered, That the DPW Commission return to reviewing and setting the Sewer Rate.
*Tabled 2-7-24, 3-13-24, 4-10-24
- Item 6: 4-5-22 VACON, JOURDAIN, PUELLO -- Ordered, That a Legal opinion be issued to clarify allowed uses of marijuana impact fee money. For example, if odor from a facility is a problem in the community can the money be used for mitigation?
*Tabled 11-29-22, 3-13-24, 4-10-24
- Item 7: 2-20-24 SULLIVAN -- Ordered, That the Vacant Building fee be adjusted to take into account the size (SF) of the building. Currently, a flat fee is assessed which is not reflective of the burden to the city and its taxpayers.
*Tabled 4-10-24
- Item 8: 1-22-24 (Referred back 4-2-24) DEVINE, GIVNER, J. RIVERA -- Ordered, to add the position of City Engineer to the Ordinance under Schedule A, Grade 13.
- Item 9: 8-1-23 (Referred back 4-2-24) JOURDAIN — Ordered, that the City Council review and adopt the Mayor’s proposal for the city’s financial policies by ordinance.”
- Item 10: 10-4-22 MURPHY-ROMBOLETTI -- Ordered that the City examine and study the Schedule A increases that were recommended by the salary study completed in 2014, so that we can implement salary adjustments that are competitive and more aligned with neighboring municipalities in order to retract and retain City employees.
*Tabled 4-25-23, 2-7-24, 3-13-24, 3-27-24
- Item 11: 5-2-23 MURPHY-ROMBOLETTI -- Ordered, That schedules B and C of ordinance 2-35 be updated as appropriate with competitive salaries to attract and retain employees.
*Tabled 3-27-24
- Item 12: 4-18-23 MCGEE -- Ordered, that the position of Chief Administrative and Financial Officer be created and added to Schedule A
*Tabled 2-7-24, 3-13-24, 3-27-24

- Item 13: 12-19-23 MALDONADO VELEZ -- Ordered, Order that the city creates a Housing Committee tasked with creating policy suggestions and implementation of office of tenant protections, office of returning citizens and homelessness liaison. Roles and committee to be created by Ordinance while bylaws to be created by the committee. The committee should included at least one of the following - 1 tenant in market rate housing, 1 tenant with section 8 voucher holder, 1 tenant with MRVP or continuum of care, 1 tenant of HHA, 1 tenant representative of local organization working on housing issues, 1 home owner, 1 landlord.
*Tabled 2-7-24, 3-13-24
- Item 14: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance, Section 7.8 WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS, be amended to include Small Wireless Facilities.
*Public hearings held 4-25-23, 5-23-23, 8-22-23, 11-28-23, 1-23-24.
Tabled 1-23-24, 3-13-24. Pending Planning Board recommendation.
- Item 15: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance be amended to add a section for Short Term Rentals, in addition to amending Section 2 DEFINITIONS, and any other sections that may apply to this use.
*Public hearings held 4-25-23, 5-23-23, 8-22-23, 10-24-23, 1-23-24.
Tabled 1-23-24, 3-13-24. Pending Planning Board recommendation.
- Item 16: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance be amended to add a Section for Tiny Houses, in addition to amending Section 2 DEFINITIONS, and any other Sections that may apply to this use.
*Public hearings held 4-25-23, 9-26-23, 11-28-23, 1-23-24.
Tabled 1-23-24, 3-13-24. Pending Planning Board recommendation.
- Item 17: 3-21-23 JOURDAIN -- Ordered, The City of Holyoke develop a personnel policy for the handling of administrative leave and codifying the rules into Ordinance as recommended by the Personnel Dept including but not limited to when employees should or should not be placed on paid leave or unpaid leave. The current process appears lacking objective standards. Taxpayers should also be protected to ensure people who should not be out on paid administrative leave are placed on unpaid administrative leave.
*Tabled 5-23-23, 6-27-23, 9-12-23, 10-24-23, 12-12-23, 3-13-24
- Item 18: 2-21-23 PUELLO — in accordance with the city charter, create ordinance language that confirms, no sitting city councilor shall become a member of any board or commission in city government during the term of office. To Ordinance Committee
*Tabled 11-28-23, 12-12-32, 3-13-24
- Item 19: 11-21-23 PUELLO — That we consider crafting an ordinance stipulating requirements for expenditure of funds of the police special events line and requirements. Example: committee organized event, private businesses participating, alcohol served, who is profiting etc.
*Tabled 11-28-23, 12-12-23, 3-13-24
- Item 20: 6-6-23 PUELLO -- Ordered, That speed humps be placed on South Summer St.
Petition attached.
*Tabled 6-27-23, 3-13-24

Item 21: 3-21-23 PUELLO -- That the following entry be added to the City Ordinances Sec. 86-325. - Schedule IV: Stop streets, this will be directed to the Ordinance Committee to be heard.

Street Stopped/ Vernon St
Direction of Travel/ Southerly
Intersection/ Main St

*Tabled 4-25-23, 3-13-24

Item 22: 4-6-21 Petition for Speed hump at Argyle Ave.

*Tabled 6-21-21, 2-28-23, 3-13-24

Item 23: 10-4-22 GIVNER, ANDERSON-BURGOS, PUELLO -- Ordered, Collaborative order to create "don't block the box" painting and signage to accommodate traffic flow on Beech St at CVS entrance/exit.

*Tabled 2-28-23, 3-13-24

Item 24: 11-15-22 From Mayor Joshua A. Garcia, letter of Veto regarding order on reporting damages:

The Committee on Ordinance to whom was referred an order That an ordinance be created that requires a department head to report (with an incident report explaining the cause) of any loss in their department over \$250 in value to the City Council and Mayor within 30 days Recommended that the order be adopted, as amended for losses over \$500.

*Tabled 11-29-22, 3-13-24

Item 25: 1-18-22 MALDONADO VELEZ -- Order that we look into creating an ordinance around trash pick up that is similar to when it snows, where residents, business owners, and the city are responsible for the trash on their property.

*Tabled 5-11-22, 3-13-24

Item 26: 5-18-21 VACON, BARTLEY, MCGIVERIN, LISI -- Ordered, that the setting of the sewer rate be returned from the City Council to the DPW Commission where it had been previously determined.

*Tabled 6-29-21, 1-25-22, 6-7-23, 3-13-24

Item 27: 4-6-21 MURPHY, LISI -- Ordered that the city council consider adopting a wage theft ordinance for all contractors doing projects for the city or receiving special tax incentives by the city similar to Easthampton and Springfield with the following purposes: prevent misclassification of employees as independent contractors; assure that employers are paying all payroll taxes and workers compensation premiums; comply with state laws governing the payment of prevailing wages; assure that contractors provide opportunities for Holyoke residents, veterans, people of color and women.

*Tabled 5-25-21, 6-22-21, 9-28-21, 11-9-21, 11-23-21, 3-13-24

Item 28: 5-16-23 (referred back 2-6-24) MURPHY-ROMBOLETTI -- Ordered, that the City Council amend Ordinance 2-336(a) and (b) to reflect a streamlined process for disposition of tax title properties and other properties not needed by the City for municipal purposes and to add a new section for the creation of an Abutter Lots Sale Program.