

AGENDA FOR THE CITY COUNCIL
JUNE 18, 2024

PUBLIC HEARING

PUBLIC COMMENT

LAI ON THE TABLE

COMMUNICATIONS

1. From Mayor Joshua Garcia, letter reappointing Hayley Dunn of 199 Northampton St. to serve on the Board of Registrar of Voters. Ms. Dunn will serve a three year term that will expire on March 31, 2027.
2. From Mayor Joshua Garcia, letter reappointing Kenneth Harstine of 56 Nonotuck St to serve as a Commissioner of the Solider's Memorial. Mr. Harstine will serve a three-year term expiring on June 30, 2027.
3. From Mayor Joshua Garcia, letter reappointing Beth Gosslein of 1070 Northampton St. to serve on the Local Historic District Commission for Fairfield Ave. Ms. Gosselin will serve a three-year term expiring on July 1, 2027.
4. From Florin Muradian, Request to withdraw special permit application for Home Occupation at 42 Arnodale Ave
5. From David Weinberg, information regarding MiFA/Victory Theater
6. From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, minutes from the May 21, 2024 meeting.

PETITIONS

7. From residents of Woodland St, petition for installation of new storm drain

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

8. The Committee on Ordinance to whom was referred an order Petition of Blue Fox Brands, Inc. for a special permit for a Marijuana Manufacturing Establishment at 1 Cabot St.
Recommended that the special permit be granted with the following conditions:
 1. That the owner of the building always pay the commercial property tax rate to the extent allowed by federal, state, and local laws for the duration of the Special Permit.
 2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
 3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke.
 4. There shall be no marijuana consumption allowed on site.

5. That the hours of operation be Monday - Friday, 6am-12am, Saturday and Sunday, 7am-2pm.

6. That the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission.

7. That the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit.

8. That if substantial progress has not occurred within 2 years of issuance of the Special Permit, an extension shall be required.

9. That items 2a and 2b on the Planning Board letter, dated May 31, 2024, be adhered to.

9. The Committee on Ordinance to whom was referred an order With community support, order that \$15 pothole claims fee be reduced to \$0 to reflect practices of neighboring cities and towns. Charging a fee to residents for a service paid for by taxes seems redundant. Introduced by ordinance in 2018, this nominal fee generates +/- \$400 annually.

Recommended that the order be adopted.

10. The Committee on Ordinance to whom was referred an order 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.

Recommended that the order has been complied with.

11. The Committee on Ordinance to whom was referred an order for the removal of the handicap parking sign currently installed at 36 Northeast Street. The tenant, Lori Bresnahan, has relocated to Easthampton, making the presence of the handicap sign unnecessary at the specified location.

Recommended that the order be adopted.

12. The Committee on Ordinance to whom was referred an order that an ordinance be established to address the 2/3 majority vote of the body for votes. Legal please provide the language necessary for review.

Recommended that the order be adopted.

13. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, FIVE HUNDRED AND 00/100 Dollars (\$500) as follows:

FROM:

15101-51203 PAY-BOH SUBSTITUTE NURSE \$500

TOTAL: \$500

TO:

15101-51300 PAY-BOH OVERTIME \$500

TOTAL: \$500

Recommended that the order be adopted.

14. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, FIVE HUNDRED AND 00/100 Dollars (\$500) as follows:
FROM:
12201-51105 FIREFIGHTERS \$500
TOTAL: \$500
TO:
12201-51301 ARSON OVERTIME \$500
TOTAL: \$500
Recommended that the order be adopted.
15. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SEVEN THOUSAND SIX HUNDRED FIFTEEN AND 42/100 Dollars (\$7,615.42) as follows:
FROM:
11521-51104 PERSONNEL-HEAD ADMIN CLERK \$7,615.42
TOTAL: \$7,615.42
TO:
11522-53009 PERSONNEL-CONTRACTED PROF SERV \$7,615.42
TOTAL: \$7,615.42
Recommended that the order be adopted.
16. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, NINE THOUSAND AND 00/100 Dollars (\$9,000) as follows:
FROM:
11751-51223 OPED-DEVELOPMENT SPECIALIST \$9,000
TOTAL: \$9,000
TO:
11751-53010 OPED-OTHER CONTRACTED SERVICES \$9,000
TOTAL: \$9,000
Recommended that the order be adopted.
17. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY FOUR THOUSAND FIVE HUNDRED SEVENTY AND 00/100 Dollars (\$24,570) as follows:
FROM:
1376-10400 SMART GROWTH ZONING \$24,570
TOTAL: \$24,570
TO:
GRANT -VOTE FY 2023 SAFE STREETS \$24,570
TOTAL: \$24,570
Recommended that the order be adopted.
18. The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2023 SAFE STREETS AND ROADS FOR ALL, \$197,850, LOCAL FUNDS

\$24,570/IN KIND MATCH \$15,000" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.
Recommended that the order be adopted.

19. The Committee on Finance to whom was referred an order that DPW and Sewer put together a study and present on the potential benefits of adopting a sewer maintenance program similar to the one run at the Water Department.
Recommended that the order be referred to the Board of Public Works

20. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SIXTEEN THOUSAND THREE HUNDRED AND 00/100 Dollars (\$16,300) as follows:

FROM:

12101-51312	HPD-SNOW REMOVAL OVERTIME	\$6,300
12101-51915	HPD-EDUCATION PLAN	10,000
TOTAL:		\$16,300

TO:

12101-51321	HPD-SPECIAL EVENTS OVERTIME	\$16,300
TOTAL:		\$16,300

Recommended that the order be adopted.

21. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND AND 00/100 Dollars (\$21,000) as follows:

FROM:

12101-51107	PATROLMEN	\$21,000
TOTAL:		\$21,000

TO:

12102-52100	ENERGY	\$21,000
TOTAL:		\$21,000

Recommended that the order be adopted.

22. The Committee on Finance to whom was referred an order WHEREAS:: Mass. General Law, Chapter 440, Section 5B authorizes a municipality to create a stabilization fund for a specified purpose and to appropriate amounts thereto, provided that such action is effective for at least three years and;

WHEREAS: Chapter 77 of the General Acts of 2023 eliminated the minimum three year provision and authorizes a municipality to terminate a specialized stabilization fund at any time and;

WHEREAS: the City of Holyoke,through its City Council, had voted in June, 2023 to create such a fund to accumulate revenue received from the Massachusetts Statewide Opioid Settlement and;

WHEREAS; The City of Holyoke now wishes to terminate the Opioid Settlement Stabilization Fund and the dedication of revenues received from the settlement as authorized under Chapter 77 of the Acts of 2023.and to create a special revenue fund

for ongoing opioid settlement revenues as authorized by the Department of Revenue (as per attached DOR Bulletin-2023-7).

NOW THEREFORE BE IT ORDERED;

The stabilization fund created in June, 2023 to receive opioid settlement funds and the dedication of any revenues thereto is hereby terminated as authorized by Chapter 77 of the Acts of 2023 and under MGL Chapter 40, Section 5B.

Recommended that the order be denied.

23. The Committee on Finance to whom was referred an order That the City Treasurer please provide the City Council with a review and analysis of the Pacific Legal foundation report (<https://homeequitytheft.org/massachusetts>) that states that \$83,000 in home equity from 13 Holyoke homes was inappropriately taken from our residents pursuing Holyoke property tax liens. Please provide us the details on these 13 properties and how this could happen to Holyoke residents; including the names of any entity pursuing our liens. Please advise the City Council if Holyoke has done business with Tallage Davis LLC. Please notify the City Council if proper safeguards are in place so we only collect back taxes and not allow the city or anyone purporting to be acting on our behalf to take residents' home equity.

Recommended that the order be referred to the Treasurer.

24. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, THIRTY THREE THOUSAND AND 00/100 Dollars (\$33,000) as follows:

FROM:

12941-51104	PAY-TREE CLIMBER	\$15,000	
14101-51105	PAY-SR CIVIL ENGINEER	12,000	
14251-51105	PAY-POWER SHOVEL OPERATOR		6,000
	TOTAL:	\$33,000	

TO:

16942-52500	R&M EXHIBIT HALL	\$1,000	
14222-52504	R&M PELLISSIER BUILDING		5,000
14222-52505	R&M SENIOR CENTER	10,000	
14222-52509	R&M POLICE STATION	12,000	
14222-52510	R&M CENTRAL FIRE STATION		1,000
14222-52512	R&M HIGHLAND FIRE STATION		2,000
14222-52514	R&M W HOLYOKE FIRE STATION		2,000
	TOTAL:	\$33,000	

Recommended that the order be adopted.

25. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SIXTEEN THOUSAND AND 00/100 Dollars (\$16,000) as follows:

FROM:

14251-51105	PAY-HIGHWAYS POWER SHOVEL OPERATOR	\$16,000	
	TOTAL:	\$16,000	

TO:

14301-51102	PAY-REFUSE HMEO	\$16,000	
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TOTAL: \$16,000

Recommended that the order be adopted.

26. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows:

FROM:

12101-51103	CAPTAINS	\$40,000
12101-51117	DISPATCHERS	80,000
12101-51920	QUINN BILL	30,000

TOTAL: \$150,000

TO:

19412-57630	CLAIMS & DAMAGES	\$150,000
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TOTAL: \$150,000

Recommended that the order be referred to City Council without recommendation.

27. -- The Committee on Finance to whom was referred an order Acting DPW Superintendent please provide the City Council & Parking committee the following report: for the prior 5 years (need to consider pre/post pandemic usage changes), amount of meter revenue and amount of parking garage revenue. Please provide total usage % (used spaces divided total spaces) at both parking garages annually. Please also provide any analysis of cost to get all meters fully operational. Please provide the expected life cycle of the new meters if purchased. Please also provide us the current amortization schedule for the Mayor Taupier Suffolk Street Parking Garage
Recommended that the order be referred to the DPW for a report back in 90 days.
28. -- The Committee on Finance to whom was referred an order That Cook and Company be invited to a future finance subcommittee meeting to review their recent health insurance analysis for the city.
Recommended that the order has been complied with.
29. -- The Committee on Finance to whom was referred an order That the City Council Personnel Director conduct a comprehensive study of employee safety for the benefit of our Holyoke municipal employees and our taxpayers. ~~The City Council~~ The Personnel Director should invite in ~~the Personnel Director~~, our Workers' Comp representatives, Mayor, law department, department heads, union leadership, and others as needed to gather all of the information ~~we~~ she needs to study the root causes of employee injuries, how they are handled, how are they mitigated, how are we handling risk management to avoid future losses. Our goal should be to keep employees safe, reduce lost hours, productivity and overall cost to the city. We need to collect all relevant data including a prior 3 year report tracking injury claims, workers' comp claims, injured on duty claims, and related. Ideally, the ~~City Council~~ Personnel Director will produce a report within 6 months on its findings in conjunction with all key stakeholders.
Recommended that the order be referred to the Personnel Director
30. The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Catherine Pratt of 11 Lexington St. to serve on HEDIC. Ms.

Pratt will replace Rosa Pantoja and will serve a three-year term, expiring June 30, 2027.
Awaiting disposition

31. The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Lauren Niles of 40 Lexington, to serve as a Commissioner of the Planning Board. Ms. Niles will replace Mr. Nathan Chung and will serve the remainder of his term expiring on June 30, 2027.
Awaiting disposition
32. The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Ms. Astrid deSoete of 13 O'Connor Ave. to serve as a member on the Recycling Advisory Committee. Ms. deSoete will replace Meg Magrath-Smith and will serve the remainder of her term expiring August 1, 2026.
Awaiting disposition
33. The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Mr. James P. O'Connell of 25 Brookline Ave. to serve on the Recycling Advisory Committee. Mr. O'Connell will replace Ms. Markeysha Dawn Davis and will serve the remainder of her term expiring August 1, 2026.
Awaiting disposition
34. The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter reappointing Mr. James Sutter of 30 Fairfield Ave. to serve as a Commissioner on the Gas and Electric. Mr. Sutter will serve a six year term expiring July 1, 2030.
Awaiting disposition
35. The Committee on Development and Governmental Relations to whom was referred an order Special permit application for a home occupation at 42 Arnodale Ave (124-00-077) for a driveway sealcoating business (Homeowner: Dylan Bradford, business owner: Florin Muradian)
Recommended that the special permit be denied.
36. The Committee on Development and Governmental Relations to whom was referred an order Petition of Felix Rivera Soto Jr, application for a Street Vendor License
Recommended that the license be granted.
37. The Committee on Development and Governmental Relations to whom was referred an order Petition of William F. Sullivan & Co Inc, of 107 Appleton St. for a Junk Dealer's License
Recommended that the license be granted.
38. The Committee on Development and Governmental Relations to whom was referred an order Petition of William F. Sullivan & Co Inc, of 1-3 Jed Days Landing. for a Junk Dealer's License
Recommended that the license be granted.
39. The Committee on Development and Governmental Relations to whom was referred an order From, David Weinberg, communication regarding Victory Theater
Recommended that the order has been complied with.

40. The Committee on Development and Governmental Relations to whom was referred an order MiFA response to Mr. Weinberg letter and addendums.
Recommended that the order has been complied with.
41. The Committee on Development and Governmental Relations to whom was referred an order that the City Council approve a license agreement between the City of Holyoke and Verizon for relocation of cables at the Anniversary Hill Park project located at Scott Tower Road in Holyoke, MA.
Recommended that the order be adopted.
42. The Committee on Charter and Rules to whom was referred an order that the City Council amend its rules to create a Vice President position in the City Council.
Recommended that the order be adopted.
43. The Committee on Charter and Rules to whom was referred an order That a digital time clock be provided to the President of the City Council, in the City Council budget for the purposes of keeping time for Public Speak and City Council rule addition to Rule #6C.
Recommended that the order be adopted.
44. The Committee on Charter and Rules to whom was referred an order that Section 34 of the Holyoke City Charter be amended to establish a Police Commission by virtue of a Special Act in Accordance with the provisions of Articles of Amendment, Article II, Section 8 of the Massachusetts Constitution.
Recommended that the order be given a leave to withdraw.
45. The Committee on Charter and Rules to whom was referred an order From City Solicitor letter re: Provisions of charter impacted by implementation of a Police Commission
Recommended that the order be referred to the Public Safety Committee.
46. The Committee on Joint Committee of City Council and School to whom was referred an order that the School dept provide the City Council with a report on their plan to use the remaining \$13 million in ESSER funds by September 30, 2024. Also provide us a report on how the \$44 million thus far spent was used.
Recommended that the order has been complied with.
47. The Committee on Joint Committee of City Council and School to whom was referred an order that the Joint Committee on City Council and School Committee review the process for the naming of the new middle school replacing Peck Middle School at the same location; including, the apparent desire by some to possibly change the name from Superintendent William R. Peck who was Superintendent of our Schools from 1920-1963 and a World War 1 Naval Veteran and had this middle school named for him by the city in 1970. That the Joint Committee and Law Department also review our ordinances and rules on naming Holyoke owned facilities and buildings specifically Chapter 12 of our Ordinances so that we ensure we are following the proper procedure for the naming of the new school which is a city owned municipal building.
Recommended that the order has been complied with.

48. The Committee on Joint Committee of City Council and School to whom was referred an order From the School Committee - Draft Plan for Renaming PECK Recommended that the order has been complied with.
49. The Committee on Joint Committee of City Council and School to whom was referred an order that City Council rule 10.D be revisited in discussion. D. Every month the City Council invite in a Holyoke School Student to lead in the Pledge of Allegiance. Recommended that the order be referred to the Joint City Council and School Committee Recommended that the order be adopted and be referred to the School Committee

MOTIONS, ORDERS AND RESOLUTIONS

50. Anderson-Burgos- Ordered that the City Council issue proclamations to the headliners at this year's PrideFest on June 22nd: Grammy nominated artist and MTV VMA Winner, Mary Lambert, as well as contestant from season 10 of RuPaul's Drag Race, Yuhua Hamasaki.
51. Devine- ORDERED that a sign be put up designating BARBARA BERNARD WAY at the Pine Street entrance of the Holyoke Senior Center.
52. Devine - ORDERED that the Building Department separate their "inspection lists" into several categories including but not limited to 3 family residences.
53. Devine - Order that the Law Dept look into the legality of the City altering the divider preventing a left hand turn off Whiting Farms Rd into Kmart property.
 1) Is there an existing ordinance preventing the left hand turn?
 2) Is this on Kmart property?
54. Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWELVE THOUSAND ONE HUNDRED TWENTY FIVE AND 00/100 Dollars (\$12,125) as follows:
 FROM:
 14102-53010 ENGINEERING SERVICES \$12,125
 TOTAL: \$12,125
 TO:
 14101-51101 ENGINEER \$12,125
 TOTAL: \$12,125
55. Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND FOUR HUNDRED NINETY TWO AND 48/100 Dollars (\$21,492.48) as follows:
 FROM:
 12101-51107 PATROLMEN \$10,999.32
 12101-51105 SARGEANT 10,493.16
 TOTAL: \$21,492.48
 TO:
 12101-51180 INJURED ON DUTY (PAYROLL 6/8/2024) \$21,492.48
 TOTAL: \$21,492.48

56. Devine - Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2025 MUNICIPAL COMMUNITY MITIGATION FUND, \$219,500, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.
Sec 2-509 - Grant Reporting
Any city department, of which has received grant funding by approval of the city council pursuant to Massachusetts General Laws, or any other authorizing criteria, shall within a reasonable period of time, but no later than 60 days from the conclusion of said grant, generate a detailed report which outlines the planned outcomes with the documented actual results. Said report shall be submitted to the city clerk for addition to the city council's next agenda.
57. Givner - Per constituent request, Order that handicapped parking sign be removed from in front of 1205 Dwight St by the new owner, Anthony Case.
58. Magrath-Smith, I. Rivera, Givner, Murphy-Romboletti, J. Rivera, Sullivan - Ordered, that Section 34 of the Holyoke City Charter be amended to establish a Police Commission by virtue of a Special Act in Accordance with the provisions of Articles of Amendment, Article II, Section 8 of the Massachusetts Constitution.
59. Murphy-Romboletti- Ordered, that Rule 1 of the City Council be suspended for the purpose of the City Council going on Summer Recess and that the July 2, July 16 and August 20, 2024 meetings be canceled.
60. I. Rivera, J. Rivera - Order for installation of a Perimeter Fence and Implementation of a Pay-to-Park System at the Main Street Parking Lot Across from 299 Main Street as well as the Canal St lot across from GTI. Additionally, to provide paid parking permits to businesses located on Main Street and Canal St.
61. Vacon- ORDER: that the sunken manhole cover near 292 Westfield Rd be repaired. Refer to Veolia & DPW
62. Vacon- ORDER: that a temporary speed hump also be placed at the top of Apremont on the hill going toward Rock Valley Rd.
63. Vacon - ORDER: That the City Solicitor issues the annual report of the law department in accordance with section 2-154 of our ordinances.
Sec. 2-154. - Annual report.
The department shall, annually, in the month of January, transmit to the mayor and city council a report of the business done by the law department concerning any claims or suits against the city during the preceding year, describing the suits pending at the time of such report.
64. Vacon, Sullivan - ORDER: That city council executive session minutes be provided to the city council as required by the open meeting law.
The Open Meeting Law requires public bodies to create and approve meeting minutes, whether for open or executive session, in a timely manner. G.L. c. 30A, § 22(c). The Attorney General's Open Meeting Law regulations provide that "timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for

further delay." 940 CMR 29.11; see OML 2018-48. Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133.

LATE FILED ORDERS AND COMMUNICATIONS

Addendum:

Per City Council rule 2B, meeting shall end by 10 PM unless an extension is approved by a two-thirds majority of those present. If any items remain, those items will be added to the beginning of the next regular meeting.

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting.

Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law

City Clerk