

AGENDA FOR THE CITY COUNCIL
May 4, 2021

PUBLIC HEARING

*** Meeting will take place remotely and can be accessed via www.zoom.us
<https://us02web.zoom.us/j/82860233568?pwd=Mm9rL01JUThlRTh2YzQ4ZVc4bENBdz09>
Meeting ID: 828 6023 3568 Meeting Passcode: 806413 or by call in at 1 (646) 558-8656 with the same Meeting ID and Passcode. ***

1. PETITION FOR POLE AND WIRE LOCATIONS

The GAS AND ELECTRIC DEPARTMENT requests permission to locate a line of wires, cables, poles and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way or ways :•

One(1)pole on Valley Heights near 36 & 39 Valley Heights, Holyoke MA •Verizon willremove backyard poles afterall partieselectrical & communicationservicesarerelocated to the street . Removals will occur as soon as possible and may require permission from private land owners for temporary removal of existing structures, such as fences or other obstructions ,in order to access the back yard poles

2. Verizon New England, Inc. and Holyoke Gas & Electric Department, request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners , along and across the following public way or ways:

Valley Heights Street: Place one (1) jointly owned pole numbered T.8-3/E.1-1N on the easterly side of Valley Heights street at a point approximately three hundred (300) feet northerly from the center line of Lincoln St .

Valley Heights Street: Place one (1) jointly owned pole numbered T.8-4/E.1-2N on the easterly side of Valley Heights Street at a point approximately four hundred fifty (450) feet northerly from the center line of Lincoln St .

Valley Heights Street: Place one (1) jointly owned pole numbered T.8-5/E.1-3N on the easterly side of Valley Heights Street at a point approximately six hundred ten (610) feet northerly from the center line of Lincoln St .

Valley Heights Street: Place one (1) Jointly owned pole numbered T.8-6/E.1-4N on the easterly side of Valley Heights Street at a point seven hundred fifty five (755) feet northerly from the center line of Lincoln St .

Valley Height Street: Place one (1) jointly owned pole numbered T.8-7/E.1-5N on the easterly side of Valley Heights Street at a point approximately nine hundred (900)

feet northerly from the center line of Lincoln St.

Valley Heights Street: Place one (1) jointly owned pole numbered T.8-8/e.1-6N in the middle of the cul-de-sac at the northerly end of Valley Heights Street at a point approximately nine hundred seventy (970) feet northerly from the center line of Lincoln St.

Reason: Place six (6) jointly owned pole on Valley Heights Street to provide the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current.

LAIID ON THE TABLE

3. Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, FIVE THOUSAND NINE HUNDRED FIFTY SEVEN AND 00/100 Dollars (\$5,957.00) as follows:

FROM:		
11512-53010	SPECIAL COUNSEL	\$5,957.00
	TOTAL:	\$5,957.00
TO:		
11511-51101	CITY SOLICITOR	\$5,957.00
	TOTAL:	\$5,957.00

4. Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, FIVE THOUSAND ONE HUNDRED NINETY SIX AND 00/100 Dollars (\$5,196.00) as follows:

FROM:		
11512-53010	SPECIAL COUNSEL	\$5,196.00
	TOTAL:	\$5,196.00
TO:		
11511-51101	CITY SOLICITOR	\$5,196.00
	TOTAL:	\$5,196.00

5. Petition of Mimi Mai. for a renewal of a second hand license at 324 Appleton St.
6. The Committee on Ordinance to whom was referred an order that marijuana industry activities be allowed by special permit in the DR Downtown Residential zone Recommended that the order be given a leave to withdraw .
7. The Committee on Ordinance to whom was referred an order that medical marijuana deliveries be allowed in the city by special permit . Recommended that the order be adopted.

8. The Committee on Ordinance to whom was referred an order that the buffer for all aspects of marijuana manufacturing be reduced from 500 ft to 200 ft. Recommended that the order has been complied with .
9. The Committee on Ordinance to whom was referred an order that the City Council amend its marijuana ordinances regarding deliveries . Here's the solo section of the current ordinance that pertains to deliveries : 7.10.6 Application Procedure and Requirements 1) Application Requirements: An application for a special permit shall include the following: a) The name and address of each owner of the marijuana establishment. b) Copies of all required registrations, licenses and permits issues to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment. c) Evidence that the Applicant has site control and right to use the site for a marijuana establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and establishment's organization Chief Executive Officer and corporate attorney disclosing all of its designated owner , including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses . If any of the above are entities rather than persons , the Applicant must disclose the identity of all such responsible individual persons . e) A description if all activities to occur on site, including but not limited to: cultivating and processing or marijuana and marijuana infused products (MIPs), on-site sales, delivery or marijuana and related products to off-site facilities, offsite direct delivery to patients, distribution of educational materials, and other programs or activities. f) A written notice from the Chief of Police shall be submitted to the City Clerk stating that an acceptable Security Plan has been reviewed and approved . The Security Plan shall include the location and details of all security measures for the site , including but not limited to lighting , fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity. g) Details of all proposed exterior security measures for the marijuana establishment. h) A Development Impact Statement containing all the information required under Section 10.1.6 (1) of the Zoning Ordinance . i) A Traffic Impact Statement containing all of the information required under Section 10.1.6 (2) of the Zoning Ordinance. j) A special permit fee in the amount of \$500.00. Recommended that the order be given a leave to withdraw .
10. The Committee on Ordinance to whom was referred an order That the City Council consider amending the Marijuana Ordinance to allow Marijuana Cultivation/Manufacturing Facilities to operate on a 24-hour basis. There have been several applicants already who have expressed interest in operating a business model that includes three shifts and that translates to additional jobs for our residents. Recommended that the order has been complied with .
11. The Committee on Ordinance to whom was referred an order that the city council consider revising the special permit requirement for marijuana related uses . Recommended that the order has been complied with .

PUBLIC COMMENT

COMMUNICATIONS

12. From Acting Mayor Terry Murphy letter re-appointing Richard A. Ahlstrom, 215 Madison West to serve as a member of the Historical Commission for the City of Holyoke: Mr. Ahlstrom will serve a three-year term; said term will expire on May 1, 2024.
13. From Acting Mayor Terence Murphy letter reappointing Preston Macy , 72 Shawmut Ave. to serve as the Republican Member for the Board of Registrars for the City of Holyoke; Mr. Macy will serve a Three year term; said term will expire on March 31, 2024.
14. From Todd McGee, Acting Mayor, letter re: Temporary Appointment as City Solicitor with City of Holyoke for Attorney Lisa Ball .
15. From Brenna Murphy McGee, MMC and Jeffery Anderson-Burgos, Admin. Ass't to City Council minutes of April 20, 2021
16. From Anthony Soto, Acting Superintendent/ Receiver, letter regarding verdict of Officer Derek Chauvin
17. From David Conti, Manager of the Holyoke Water Works , letter re: American Rescue Plan.
18. From Uriel Molina, Census Specialist, Secretary of the Commonwealth of Massachusetts, Census Division information on Local Re-Precincting and Reprecincting in Massachusetts .
19. From Riverside Cannabis, LLC a proposed marijuana cultivator and Blossom Flower , LLC delivery operator a Community Outreach Meeting for May 5, 2021 at 1 Cabot St.
20. From Thomas J. O'Connor Director's report-First Quarter (Jan-Mar 2021).
21. From Board of Fire Commission minutes of March 18, 2021.
22. From Sec. of the Commonwealth William Galvin , Local process for re-precincting

PETITIONS

23. Petition of David Greenberg , for a renewal of a pawnbroker license at 448 Appleton St. (Pawn Depot)
24. Petition of David Greenberg for a renewal of a second hand license at 448 Appleton St.

25. Petition of ECOATM, LLC for a new second hand license at 2261 Norhtampton St.
26. Petition of ECOATM, LLC for a new second hand license at 250 Westfield Rd.
27. Petition of ECOATM, LLC for a renewal of a second hand license at 50 Holyoke St.
28. Petition of Hampden Papers Inc, modification of a Special Permit for a Marijuana Manufacturing Establishment at 28 Appleton St.
29. Petition of Hampden Papers Inc, Special Permit application for a Marijuana Manufacturing Establishment at 100 Water St.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

30. Ordinance Committee Reports (if any)
 - 30A. The Committee on Ordinance to whom was referred an order that the zoning on the west side of Main Street from the northerly side of Sargeant Street to the southerly side of Hamilton Street be changed from BH (business highway) to BC (central business). Recommended that the order be adopted .
 - 30B. The Committee on Ordinance to whom was referred an order that handicap spaces on Ivy Ave. be condensed to one space in front of 8 Ivy Ave, to be located on the East side of the street, 90 feet north of Dwight St Recommended that the order be adopted.
 - 30C. The Committee on Ordinance to whom was referred an order that the Holyoke Code of Ordinances 7.10 "Marijuana Facilities" be reviewed and amended: including any amendments to definitions , zone requirements, and changes to the permitting process. Recommended that the order be adopted .
 - 30D. The Committee on Ordinance to whom was referred an order that the city of Holyoke adopt the truck exclusion law for West Franklin . Recommended that the Engineer's report to not pursue be accepted .
 - 30E. The Committee on Ordinance to whom was referred an order Holyoke ordinance Sec. 86-211. be amended by adding Washington Ave . from Northampton St. to Chapin St. and by adding Chapin St. from Washington Ave. to South St. Recommended that the Engineer's report to not pursue be accepted .
 - 30F. The Committee on Ordinance to whom was referred an order That the City Council create an ordinance for a revolving fund for marijuana impact fees . Recommended

that the order be given a leave to withdraw

30G. The Committee on Ordinance to whom was referred an order that the Mayor and City Council petition the General Court to enact legislation to allow , in the City of Holyoke, the sale of marijuana products , as those terms are defined in G.L. c.94G, §1, for consumption on the premises where sold . Recommended that the order be given a leave to withdraw .

31. Finance Committee Reports (if any)

31A. 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 "COVID-19 VACCINATION CAPACITY AND CONFIDENCE IN PRIORITY COMMUNITIES RESPONSE, \$151,192, 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. Recommended that the order be adopted .

31B. 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 "FY2021 FIREFIGHTER SAFETY EQUIPMENT GRANT PROGRAM, \$19,512.22, 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 . Recommended that the order be adopted.

31C. 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 "MASSDOT SHARED WINTER STREETS AND SPACES PROGRAM, \$72,000, 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 . Recommended that the order be adopted.

31D. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2021, ONE HUNDRED THOUSAND AND 00/100 Dollars (\$100,000) as follows:

FROM:

12101-51107 PATROLMEN \$100,000

TOTAL: \$100,000

TO:

12101-53000 OVERTIME \$100,000

TOTAL: \$100,000 Recommended that the order be adopted .

31E. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2021, ONE THOUSAND AND 00/100 Dollars (\$1,000.00) as follows:

FROM:
12401-51110 PAY-LOCAL BUILDING INSPECTOR \$1,000.00
TOTAL: \$1,000.00
TO:
12401-51300 PAY-OVERTIME
TOTAL: \$1,000.00 Recommended that the order be approved .

- 31F. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2021, TWO HUNDRED THOUSAND AND 00/100 Dollars (\$200,000) as follows:

FROM:
12101-51107 PATROLMEN \$130,000
12101-51900 TRAINING 20,000
12101-51590 COURT 20,000
12101-51920 INCENTIVE 30,000
TOTAL: \$200,000
TO:
12101-51300 OVERTIME \$200,000
TOTAL: \$200,000 Recommended that the order be returned to the Auditor .

32. Public Safety Committee Reports (if any)

33. Public Service Committee Reports (if any)

- 33A. The Committee on Public Service to whom was referred an order From Acting Mayor Todd McGee, letter appointing Mr. Brian G. Smith, 48 Holy Family Road. to serve as a member of the Retirement Board for the City of Holyoke . Mr. Smith will replace Bellamy Schmidt and will serve a three year term ; said term will expire on January 1, 2024. Recommended that the appointment be approved .

- 33B. The Committee on Public Service to whom was referred an order From Acting Mayor Todd McGee, letter appointing Ms. Patricia C. Devine, 58 Magnolia Avenue. to serve as a member on the Commission for the Department of Public Works . Ms. Devine will replace Mr. Quinn T. Lonczak and will serve a three year term ; said term will expire on February 1, 2024. Recommended that the appointment be approved .

- 33C. The Committee on Public Service to whom was referred an order that the leadership of Holyoke Rows and the parks and recreation director parks commissioners meet with the public service committee to develop a plan to allow more Holyoke youngsters the chance to participate in their summer programming . Can we develop a plan to reduce the \$100 weekly fee for a child, and if so, by how much? If not, can we seek out sponsors to provide this opportunity for youngsters despite their inability to pay. Recommended that the order has ben complied with .

34. Development and Governmental Relations Committee Reports (if any)

35. Charter and Rules Committee Reports (if any)

36. Joint City Council and School Committee Reports (if any)

MOTIONS, ORDERS AND RESOLUTIONS

37. VACON -- the end of Rock Valley Rd from Southampton Rd as you proceed toward Southampton is impassible in places and a liability to the city. It needs to be repaired/resurfaced as soon as possible .
38. VACON -- Parking on Rt. 202 near the Appalachian trail signs is creating a safety hazard. Invite conservation/state and other parties to meet to locate a safe parking area for hikers and consider removing trail signs from roads where parking is prohibited .
39. VACON -- that a start date be determined and provided by DPW for the Sunset/Ashley road project that was unanimously approved by the City Council in 2019.
40. VACON -- that the Acting Mayor and City Council President present a plan and target date for opening city hall and resuming City Council meetings at City Hall.
41. BARTLEY -- The City of Holyoke ordain a No Left Turn sign into the former K-Mart Plaza from Whiting Farms Rd. (As background, the sign was installed years ago; HPD's issued many tickets that Judges have dismissed because Holyoke never ordained the sign into law.) Refer to Ordinance Committee, Law Dept for legal language.
42. BARTLEY -- DPW install an age-appropriate sign for the adult resident with autism living near 236 South St. This is a constituent request. Refer to DPW with a copy to the disabilities commission .
43. BARTLEY -- The disabilities commission for the City of Holyoke consider creating signage that is age-appropriate for resident who require it. For example, a sign that reads, "SLOW, Autistic Child" is not appropriate for a person in her mid-thirties. Holyoke can and should be a leader in this regard. Refer to Public Safety Committee and copies to Disabilities Commission , DPW and acting Mayor.
44. MCGIVERIN -- Ordered: That loan order of the City Council adopted on March 2, 2021, and approved by the Mayor on March 9, 2021, which order appropriated, by borrowing, \$1,216,500 for the purchase of Department of Public Works and Fire Department vehicles , is amended to also permit the expenditure of any funds in excess of

the amounts needed to purchase the vehicles originally described therein, to purchase a front end loader.

45. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, FIFTEEN THOUSAND ONE HUNDRED SEVENTY THREE AND 35/100 Dollars (\$15,173.35) as follows:

FROM:
12101-51104 LIEUTENANT \$3,807.08
12101-51107 PATROLMEN 11,366.27
TOTAL: \$15,173.35
TO:
12101-51180 INJURED ON DUTY \$15,173.35
TOTAL: \$15,173.35

46. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, FOUR THOUSAND THREE HUNDRED NINETY ONE AND 81/100 Dollars (\$4,391.81) as follows:

FROM:
12201-51105 FIREFIGHTER \$4,391.81
TOTAL: \$4,391.81
TO:
12201-51180 INJURED ON DUTY \$4,391.81
TOTAL: \$4,391.81

47. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, FOURTEEN THOUSAND TWO HUNDRED SIXTY NINE AND 07/100 Dollars (\$14,269.07) as follows:

FROM:
12101-51104 LIEUTENANT \$3,807.08
12101-51107 PATROLMEN 7,166.01
12101-51107 SERGEANT 3,295.98
TOTAL: \$14,269.07
TO:
12101-51180 INJURED ON DUTY \$14,269.07
TOTAL: \$14,269.07

48. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, ONE THOUSAND FOUR HUNDRED THREE AND 00/100 Dollars (\$1,403.00) as follows:

FROM:
11751-51109 SENIOR PLANNER \$1,403.00
TOTAL: \$1,403.00
TO:

11712-53020 CT RIVER CHANNEL MARKER
\$1,403.00

TOTAL: \$1,403.00

49. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, SIX HUNDRED EIGHTY NINE AND 00/100 Dollars (\$689.00) as follows:

FROM:

11211-51103 AIDE TO MAYOR \$689.00

TOTAL: \$689.00

TO:

11511-51101 CITY SOLICITOR \$689.00

TOTAL: \$689.00

50. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, THREE THOUSAND SIX HUNDRED EIGHTEEN AND 96/100 Dollars (\$3,618.96) as follows:

FROM:

12201-51105 FIREFIGHTER \$3,618.96

TOTAL: \$3,618.96

TO:

12201-51180 INJURED ON DUTY \$3,618.96

TOTAL: \$3,618.96

51. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2021, TWENTY ONE THOUSAND FIVE HUNDRED SIXTY NINE AND 00/100 Dollars (\$21,569.00) as follows:

FROM:

12101-51590 COURT \$21,569.00

TOTAL: \$21,569.00

TO:

1116-10400 FY19 SUSTAINED TRAFFIC ENF

\$4,308.24

1166-10400 FY19 PEDESTRIAN/BICYCLIST SAFE

871.51

1348-10400 2018 MEMA HOMELAND SECURITY

3,779.38

1397-10400 EMD & TRNG 1,258.44

1436-10400 FY20 TRAFFIC ENFORCEMENT

343.87

1446-10400 DIVERTING JUVENILES 5,349.06

1447-10400 2019 TRAFFIC ENFORCEMENT & EQUIP

3,056.50

1461-10400 2018 TRAFFIC 2,353.46

1462-10400 2018 SUS TRAFFIC ENFORCEMENT
248.54

TOTAL: \$21,569.00

Addendum:

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

Brenna Murphy McKeel

City Clerk