

REGULAR MEETING OF THE CITY COUNCIL
May 4,2021

The meeting was called to order by President McGee at 06:01 PM.

The Clerk called the roll. Absent members: 0 Present Members 13 (Anderson-Burgos, Bartley, Greaney, Hernandez, Leahy, Lebron-Martinez, Lisi, McGee, McGiverin, Murphy, Sullivan, Tallman, Vacon).

The name of Councilor Anderson-Burgos was drawn to head the roll call voting.

President McGee observed a special guest was in attendance, adding that there was a unanimous vote at the previous meeting to invite them in.

Councilor McGiverin stated that it was a great honor to introduce Charlie Lotspeich, noting there had been a vote to issue a proclamation to him. Stated that he had received communications from the Holyoke Merry-go-Round, the Children's Museum, and from the Volleyball Hall of Fame to inform that Mr. Lotspeich was about to retire. Stated that he deserved recognition, noting that he had been a supervisor at Holyoke Heritage State Park for 32 years, overseeing the crew that maintained the park even through many budget cuts over the years. Stated that he had been in charge of the Visitor's Center, adding that he had put together many exhibits himself. Read the text of the letter from Maureen at the Merry-go-Round:

Observed that being born in Holyoke is not needed to be called a Holyoker, adding that Charlie takes that to a higher level. Stated that he has always promoted the city in a positive way. Observed that Charlie quietly oversaw many events at the Merry-go-Round, the Children's Museum, and the Volleyball Hall of Fame, including Celebrate Holyoke, as well as many concerts. Observed a recent visit made to Donahue School to talk to children about the heritage of the park, adding that many schools officials always saw him as a welcome voice. Recalled that Charlie was often the voice introducing many bands, several of national prominence, during the many events in the area. Offered thanks to Charlie for offering his voice, his knowledge, and passion to the city.

President McGee stated that former city councilor, Patti Devine, was honored to offer her calligraphy skills to writing the proclamation, which was read for the record:

"Be it resolved that the City Council extends its congratulations to you for 32 years of dedicated service at the Holyoke Heritage Stare Park, and be it resolved that the City Council extends its best wishes for continued success, and that it is signed by the City Council President and the City Clerk, this day, May 4th, 2021."

Stated that he would work to get the proclamation to him soon, and offered his thanks to everyone he had done for the city.

Lotspeich offered his thanks to the Council, the city, and the community for supporting the park since 1985. Also stated he was proud to have participated in the facility's care and adding to the life of the community. Expressed that there was no other city or town he would have rather served than Holyoke.

Councilor Lisi noted that while it may have been his job and career, he gave of himself generously. Observed that she had been taught much about the city because of him, adding her appreciation that he had always been a friendly face to see.

Councilor Tallman thanked Lotspeich for his work for the city, describing him was an ambassador for the city. Recalled many events in the park where he had a chance to see his love for the city.

Councilor Leahy observed that while serving on many boards, he had dealt with Lotspeich many times. Stated that he is always there to listen, adding that the place had been in great shape and well taken care of.

Councilor Lebron-Martinez stated he would be missed, adding that he had given many opportunities for youth to work over the summers.

Lotspeich thanked Councilor Lebron-Martinez for her support as the ward councilor.

President McGee offered him best wishes in his retirement.

PUBLIC HEARING

(14:00)

Motion was made and seconded to suspend the necessary rules to take items 1 and 2 as a package, as well as to open the public hearing.

President McGee stated that he expected the items would be taken up in the Public Safety Committee and asked if the will of the body was to take up in the committee or table until the next meeting.

Councilor Murphy noted that the petitioners had visited the neighborhood to make people aware of what they were planning and to clarify misconceptions, with a plan to report back if there were concerns. Suggested that the items could be taken up in committee prior to the next full Council meeting, adding that he intended to hold a Public Safety meeting in two Wednesdays.

President McGee stated they could be taken up in a public hearing at the next meeting, and anyone with concerns could take them up at that time.

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 will remove backyard poles after all parties electrical & communication services are relocated 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
---> Received and referred to the Public Safety Committee. Public hearing scheduled for May 18th.

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.

---> Received and referred to the Public Safety Committee. . Public hearing scheduled for May 18th.

L Aid On The Table

MCGIVERIN Ordered, that 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

---> Received and laid on the table.

MCGIVERIN Ordered, that 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:

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TOTAL: \$5,196.00

---> Received, copy to Law department for legal opinion.

From Councilor Linda Vacon, communication regarding transfers of appropriation

---> Received and referred to the Law Department.

UNDER DISCUSSION:

President McGee read the content of the late file:

Councilors:

Per our Charter we are required to have 2/3 vote of the body for financial transfers. Therefore, the first reading of the two transfers within the legal department at the Special City Council meeting on April 26, 2021 should have been a roll call vote needing 9 votes to pass.

Per Robert's Rules: the motion to lay on the table cannot be used at a special meeting that has been called to address a specific issue.

So the motions to pass the two transfers from Special Counsel to City Solicitor have failed to be passed according to section 49 of our City Charter.

Sec. 49. - Transfers of appropriations; authorization of expenditures without appropriation; approval of bills, pay rolls and vouchers; fiscal year.

No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liabilities incurred by or in behalf of the city until an appropriation has been fully voted by the city council, sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation, except in accordance with the recommendation of the mayor to the city council, approved by the yea and nay vote of two-thirds of the council: provided, however, that after the expiration of the financial year and until the passage of the annual appropriations liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not

exceeding one third of the total of such appropriation for the preceding year. Every bill, pay roll or other voucher covering an expenditure of money shall be approved by the signatures on the back of such bill or voucher of the majority of the board or committee having control of or incurring such expenditure, and after such approval such bills, pay rolls or vouchers shall be turned over to the auditor. The financial year shall begin with the first day of December in each year.

Thank you for your review of this matter,
Linda

Councilor Vacon stated that the reference to rule 43 pertains to a special meeting called for accomplishing a decision by the body, adding that under the rule, the items could not be tabled. Stated she referenced Robert's Rules, noting that in a special meeting, you have to act to pass the matter or not pass it, adding that an additional rule requires 9 votes (2/3rds).

Councilor McGiverin made a motion to pass the second reading. Councilor Tallman seconded the motion.

Councilor McGiverin reiterated that the two transfers were for back pay to Atty Barnes for performing duties of the City Solicitor when there was a vacancy. Noted there had been a history of allowing senior solicitors to perform the duties of the City Solicitor when there were vacancies without the mayor making appointments. Stated that the back pay is for the salary that should have been automatic, adding that the salary was not being adjusted or increased. Observed that Atty Barnes acted as the attorney during city council and subcommittee meetings, oversaw the staff of the department, and worked with staff to assure responsibilities were handled. Recalled advice on reading and interpreting the Charter, noting that understanding it requires referring to Mass General Laws, special acts by the City, understanding what Laws supersede the Charter. Stated that 2/3rds votes are required when paying bills from prior years or when two readings are passed the same night. Observed that in many special meetings, items have often been referred. Stated that the matters now originated at a regular meeting when questions came up about which mayor signed the orders. Reiterated that the intent of the orders was to pay someone who did the job.

Councilor Bartley asked the Chair for a ruling in light of the information detailed in the communication from Councilor Vacon, noting rule 43 makes clear that the City Council has adopted Robert's Rules which state that an item cannot be tabled in a special meeting. Recalled that a quorum had been present and a motion to table failed on a 6-4 vote, adding that the Ward 1 councilor returned to the meeting didn't know what the vote was. Stated that motions to table are non-debatable. Observed that the Finance Chair stated that there are not enough votes, and to vote to table. Reiterated the request to rule on the motion. Stated that the last meeting was out of order and reiterated that the motion to table was out of order.

Councilor Greaney stated that the two orders are illegal and should not be before the Council due to the history.

Councilor Vacon asked for a ruling on the point of order.

Councilor McGiverin stated that when the motion to table was made, a 6-4 should have passed as that was a majority of the members present. Recalled that Councilor Lebron-Martinez returned and that a quorum check was requested due to some members not being on video and being unclear who was there. Recalled that Councilor Lebron-Martinez returned and was unclear on what the vote before the body was. Stated that regarding rule 43, Roberts Rules are referred to when the body's rules lack clarity on a matter. Recalled that in special meetings, items have been referred and tabled many times, and reiterated that the matters had come up in regular meetings.

Councilor Bartley stated that in rulings from the Chair, the majority is considered a majority of the elected body, not of the members present.

President McGee read rule 66:

A Quorum of the Council or any of its committees shall consist of a simple majority of the entire membership.

All votes of the Council requiring a majority shall require a majority of the entire membership.

All votes of a Council Committee requiring a majority shall require a majority of those members present.

All votes of the Council or any of its committees requiring a 2/3 or more super majority shall require that same super majority of the entire membership.

President McGee stated that when the Council had met in Council chambers, when a councilor left temporarily, they were given the chance to vote on any matters they missed. Recalled that when Councilor Lebron-Martinez returned to Zoom, she asked what was up for vote and he was required to tell her. Stated his ruling was that the orders could be acted on, adding that he believed a special meeting does not bar the body from tabling or not acting. Stated that the body could vote on the ruling if they disagreed.

Councilor Vacon asked for a clarification, noting it appears that the President was setting aside the rule where the body would refer to Robert's Rules where the matter is silent in the body's rules. Noted that Robert's Rules clearly states that matters for which a special meeting is called cannot be tabled.

President McGee suggested that a legal opinion could be sought.

Councilor Vacon made a motion to suspend the necessary rules to allow Atty Wellhoff to address the Council. Councilor Bartley seconded the motion. All councilors voted in favor.

Atty Wellhoff stated that she would require more time to look into the matter.

Councilor Bartley made a motion to table. Councilor Vacon seconded the motion. Motion failed on a show of hands vote.

Councilor Vacon requested that a legal opinion be submitted regardless of the outcome of the vote.

Councilor McGiverin asked if the orders could be filed as late files the same evening if the orders ended up being tabled.

Atty Wellhoff stated she would need more time to look into the question.

Councilor McGiverin stated the intent of his question was to make the point that he could file them as late files. Noted that a half hour had already been spent on the items.

Councilor Lisi suggested that tabling would be an appropriate step in order to have the time to receive a legal opinion, noting that Atty Wellhoff was new in the position and hadn't had the information readily available.

Councilor Bartley made a motion to table. Councilor Vacon seconded the motion. All councilors voted in favor.

Councilor McGiverin stated his intent to refile the orders as late files.

Petition of Mimi Mai. for a renewal of a second hand license at 324 Appleton St.
UNDER DISCUSSION:

Councilor Murphy stated that he researched and learned that there were pending legal proceedings against the establishment. Expressed that renewing the license would not be appropriate, adding that the legal matters would likely be a lengthy process.

Councilor McGiverin suggested that more information is needed to make a decision.

Councilor Murphy stated that there was a raid at the address, noting that close to \$1 million in goods that had not been appropriately attained and other charges pending with other businesses that the same organization runs in other cities, all under federal investigation.

Councilor McGiverin stated he was satisfied with the explanation.

---> Petition was received and recommendation to deny was adopted.

PUBLIC COMMENT

(41:25)

Kevin Jourdain, 18 Raymond Ave, joined by Odette Czaplicki of 8 Ivy Ave. Referring to item 30B, stated that two people on Ivy Ave have handicap placards, Jose Negron Velez and Odette Czaplicki. Observed that he had the first sign installed in 2002 and added two additional signs in 2007 because of need. Stated that there were no issues until the Ward 6 councilor filed an order in 2018 to remove both signs on the west side as well as to move the sign for Odette 40 feet. Questioned the claim that the councilor

spoke with everyone in filing the order, reiterating it would have removed one sign and moved the other one further down the street. Stated that the order was a harassment of seniors and handicapped people, noting that eight photos had been submitted showing the third space was in regular use. Stated that visitors and future residents could need the third sign and removing one would create musical chairs with the two who are currently using them. Suggested that the action would be cruel and that they should be left alone.

Don Voner stated he was representing Verizon and asked when items 1 and 2 would be taken up. President McGee clarified that there would be a public hearing on these items at the next meeting scheduled for May 18th at 7 PM.

Denis Sanchez, 16 Valley Heights, stated that his question had been answered, noting that he would plan to attend on May 18th. Stated that he and around a dozen residents were against the pole petitions.

COMMUNICATIONS

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.

UNDER DISCUSSION:

Councilor Lisi made a motion to refer to the Public Service Committee. Motion failed for a second.

Councilor Murphy stated that he had been scheduling meetings with commissioners to discuss their experiences and to seek suggestions on how to make things better.

Councilor Bartley noted that in past experience, if a councilor expressed an interest in referring nominations to committee for discussion, their request was usually respected.

Councilor Lisi stated she would be comfortable with passing the nomination, noting she hadn't realized it was a reappointment.

---> Received and appointment confirmed.

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.

---> Received and appointment confirmed.

From Todd McGee, Acting Mayor, letter re: Temporary Appointment as City Solicitor with City of Holyoke for Attorney Lisa Ball.

UNDER DISCUSSION:

Councilor Vacon expressed her support for the appointment. Asked about a pending order to transfer fund to cover the salary, noting the two tabled orders to transfer funds into the salary account for Atty Barnes. Observed that the order appeared to make it appear that there were not enough funds to cover the salary.

President McGee stated that order was to assure that in getting a new City Solicitor in right away, the negotiated salary required transferring funds into the account.

Councilor Vacon stated that if the transfers were approved, the funds would be in the account to cover her compensation.

Councilor Murphy expressed a hope that the appointment and transfer would be approved right away, noting that the goal was to have Atty Ball start the next day.

President McGee observed that the transfer had been recommended by the Auditor, adding that as Atty Ball would be in the role for several months, any additional funds in the account would remain there after she transitions out.

Councilor Vacon stated her point was that the funds remain encumbered but would be freed up to pay the salary if the transfer orders were not passed.

Councilor Bartley expressed support for the appointment. Also expressed appreciation to President McGee for the work to get important nominees in front of the Council during his brief tenure as Acting Mayor. Stated that Atty Ball is respected and experienced in the position. Observed that he would normally support referring to committee but respected the value and need in approving her appointment right away.

Councilor McGiverin expressed that he made the motion to refer to committee due to having questions he wanted to address, adding that he had no issue with her character, integrity, or her ability to perform the job.

Councilor Leahy expressed support for her appointment, adding that it would be difficult to find better choice.

President McGee stated that the intent was to get someone experienced in right away, given the department only had one remaining attorney following Atty Barnes' exit. Clarified that work was done to assure there were no conflicts or other issues, and that the Auditor was involved in putting together the transfers. Observed that fees for outside counsel have been high, adding that when Atty Ball was with the department before, she drastically reduced those fees. Reiterated that many city departments are in need of help.

Councilor Greaney noted the importance of approving a qualified attorney to take care of the legal issues of the city.

Councilor Lisi offered thanks to President McGee for finding appointees on short notice for open positions. Emphasized the need to bring in the structure and expertise of someone who has already been the city solicitor, adding that the appointment could be approved and still have a committee receive a copy in order to have a discussion.

Councilor Tallman stated that the appointment should be done that night, expressing that Atty Ball is a fine appointment.

Councilor Lisi made a motion to approve the appointment and a send a copy to the Public Service Committee. Councilor Murphy seconded the motion.

Councilor McGiverin stated that a councilor with questions has often been deferred to when asking to send an item to committee. Asked if was being denied that right.

President McGee stated that a copy would be sent to committee.

Councilor McGiverin stated the purpose of having an appointee in would be to ask questions prior to a vote.

---> Received and appointment confirmed.

From Brenna Murphy McGee, MMC and Jeffery Anderson-Burgos, Admin. Ass't to City Council minutes of April 20, 2021

---> Received and adopted.

From Anthony Soto, Acting Superintendent/ Receiver, letter regarding verdict of Officer Derek Chauvin Councilor Greaney asked for the letter to be read into the record, noting the letter was accurate in its characterization of the actions of Derek Chauvin. Stated that items at the end of the letter regarding to establishing equity indicators needed to be addressed and defined, adding a need to discuss themes of systemic racism and racial fatigue.

President McGee suggested that the letter could be referred to committee for discussion.

---> Received and referred to the Joint Committee of School Committee and City Council.

From David Conti, Manager of the Holyoke Water Works, letter re: American Rescue Plan.

---> Received and referred to the Public Service Committee.

From Uriel Molina, Census Specialist, Secretary of the Commonwealth of Massachusetts, Census Division information on Local Re-Precincting and Reprecincting in Massachusetts.

---> Received and referred to the Development and Governmental Relations Committee.

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.

---> Received and referred to the Ordinance Committee.

From Thomas J. O'Connor Director's report-First Quarter (Jan-Mar 2021).

---> Received and referred to the Development and Governmental Relations Committee.

From Board of Fire Commission minutes of March 18, 2021.

---> Received.

From Sec. of the Commonwealth William Galvin, Local process for re-precincting

---> Received and referred to the Development and Governmental Relations Committee.

PETITIONS

(1:08:45)

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

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0--Absent 0.

Approved by the mayor.

Petition of David Greenberg for a renewal of a second hand license at 448 Appleton St.

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0--Absent 0.

Approved by the mayor.

Petition of ECOATM, LLC for a new second hand license at 2261 Northampton St.

---> Received and referred to the Finance Committee.

Petition of ECOATM, LLC for a new second hand license at 250 Westfield Rd.

---> Received and referred to the Finance Committee.

Petition of ECOATM, LLC for a renewal of a second hand license at 50 Holyoke St.

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0--Absent 0.

Approved by the mayor.

Motion was made and seconded to suspend the necessary rules and take 28 and 29 as a package

Petition of Hampden Papers Inc, modification of a Special Permit for a Marijuana Manufacturing Establishment at 28 Appleton St.

City Clerk Brenna McGee noted that there was a typo, clarifying that Hampden Paper should read as Rise Holdings, Inc.

Councilor Leahy made a motion to amend the items to read as Rise Holdings, Inc. Councilor Vacon seconded the motion. All councilors voted in favor.

---> Received and referred to the Ordinance Committee.

Petition of Hampden Papers Inc, Special Permit application for a Marijuana Manufacturing Establishment at 100 Water St.

---> Received and referred to the Ordinance Committee.

PRESIDENT'S REPORT

(1:12:50)

President McGee stated that he had a report prepared but did not have it in front of him and would plan to offer it at the next meeting.

Councilor Murphy stated that he would interviewing candidates for the Personnel Director. Also stated that he was finalizing the budget and expected to call a special meeting the following week. Noted that some adjustments had been made on the Community Development block grants. Observed that additional funds had been made available to sewer and storm drain rehab, façade improvement program, elderly disabled meal program, Boys & Girls Club, YMCA, Safe Neighborhoods, and Homework House. Also noted that Margaret's Pantry as well as the Farmer's Market had also received increases. Observed that there had been a business meeting. Stated that plans were discussed to streamline the process of starting new business. Stated that he spoke with the bond counsel to balance the sewer fund, while using funds to avoid substantial sewer fee increases with tax increases. Stated that June 1st would be the target date for City Council to begin meeting in City Hall again, as well. Stated that the Senior Center and Library may reopen June 7th, with some capacity limits. Stated that the plan for resuming in person meetings would be a hybrid, with councilors meeting in Council chambers and the public still watching and participating via Zoom.

(1:18:05)

REPORTS OF COMMITTEES

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).
have considered the same and Recommended that the order be adopted.

Committee Members:

Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

UNDER DISCUSSION:

Councilor Lisi stated that the order was to change the zoning on one block, noting that setback requirements on the block were overly burdensome and restrictive for the area. Stated that by rezoning to BC, Central Business, it creates an opportunity for more dense development projects and an enhancement to the neighborhood. Stated that no property owners expressed concerns for the changes and that the changes would be favorable.

Councilor Murphy noted that two vacant lots could not be built on due to prohibitive restrictions. Stated that additional buildings may have to come down, but the hope would be that with investment, the buildings could be renovated.

---> Report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --

Yeas 12--Nays 1 (Vacon)--Absent 0.

Approved by the Mayor.

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

have considered the same and Recommended that the order be adopted.

Committee Members:

Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

UNDER DISCUSSION:

Councilor Lisi stated that the street currently has four handicap parking spots with two in active use. Noted that the legal form has three parts:

The first part would delete the spot on the East side and move it twenty feet.

(*This detail is corrected later in the discussion.)

The second part removes a spot on the West side that is not presently in use.

The third part notes that there is an additional spot in the ordinances that does not have a sign on the street.

Stated that two spaces would remain for the individuals who were actively using the spaces. Noted that during public comment, photographs were discussed. Stated that it had not been clear if the street was Ivy Ave, where the vehicles were parked, or if the vehicles had handicap placards. Also noted that Councilor Anderson-Burgos submitted several images to demonstrate that the spots to be deleted were not being utilized.

Councilor Anderson-Burgos noted that the order had been filed in September of 2018 as a result of residents' complaints that there was not adequate parking on the street, adding that neither spot in front of 9 Ivy Ave had been in use at the time. Clarified that this was the reason for the language in the original order, adding that this had changed in the time since. Stated he spoke with all residents throughout the street, as well as the owner of the building at 9 Ivy Ave who noted that only one resident at that address was actively using one of the spaces. Also stated that in speaking with the City Clerk about the applications for the street, he learned there had been one. Reiterated that the order was filed on behalf of the residents, noting that the change since then accounted for one new resident who had been using a space. Stated that in speaking with the Disabilities Committee, they clarified that their role was to review applications for approval and were not involved in the decision to remove spaces. Noted that emails from that department had been provided. Stated that in doing this work, he would not attempt to take away what someone needs. Asked for respect for the work he had done to address the concern of his constituents.

Councilor Leahy expressed that he respected the work Councilor Anderson-Burgos had done. Expressed concern about moving the space that the residents on the East side of the street was using.

Councilor Vacon reiterated statements made in the committee, noting that she had never moved a space over the objection of residents on the street. Noted that there were four spaces on the books, one not on the street that everyone supporting eliminating. Stated that there had been credible statements from residents that three spaces were in use. Observed that it had been reported that the third space was not used at all times but was in use. Asked about the value of removing a space that would create a competitive situation for use of the spaces.

Councilor Anderson-Burgos clarified that the spot on the East side was not being moved, noting that there had been discussion of moving it closer to the home, but that the City Engineer recommended against that to preserve parking on the street.

Councilor Lisi corrected her previous statement, noting that the legal form shows that the space is not being move but just being corrected to remove handicap placard ID information.

Councilor Anderson-Burgos stated that he had visited the area may times while getting gas nearby, observing that the additional spot was not in use. Reiterated that residents repeatedly complained that the spots had not been in use. Questioned the statement that he had not spoken with the resident of 8 Ivy Ave, noting he had spoken with her on multiple occasions.

Councilor McGiverin stated that there were many examples of handicap spaces causing parking issues in neighborhoods, noting that Ivy Ave, Clinton Ave, Beech St are among them. Stated that the Council relies upon the City Engineer for measurements. Stated his understanding that the one spot for 8 Ivy Ave would remain on the East side and that one resident lives on the West Side would use the second spot, and that no other residents were in need of one. Observed that he had been interested in hearing from the Disabilities Commission on what is required. Expressed that his benchmark for a decision was based on overnight parking. Reiterated his interest in hearing from the Disabilities Commission.

Councilor Greaney expressed understanding that research was done and agreed with removing the unmarked spot not in use, adding that the third one may be used a few hours a day and should remain. Stated he understood there is some misuse of spaces, but if people with disabilities use the spaces, they should remain.

President McGee clarified the language of the order, noting the legal forms make three changes. Stated he understood one was a matter of housekeeping, adding that the other two are about removing. Asked how people should expect to vote on one order with three parts.

Councilor Lisi note that with any order, amendments can often be made in committee through the discussion. Stated that the agenda has the language of the original order. Reiterated that there are four spots, one only existing within the ordinances, and there are two people who live on the street with handicap placards.

President McGee questioned the wisdom of voting on the three parts as a package, noting that there was consensus on removing the one spot that only exists on paper.

Councilor Lisi reiterated that no signs were being removed and one more was being removed that was not being used and had not been applied for. Noted that there had only been one application for the entire street, suggesting that there were three spaces for one person. Stated that the order would leave two spaces on the street for the people who need them.

President McGee clarified his concern that if someone had to vote on the entire package, they may not vote for it.

Councilor Vacon offered the point that there was an amendment offered in committee to approve the elimination of the paper space, noting it was voted out as an entire package.

Councilor Vacon made a motion to amend the report to vote separately on the "paper spot." Councilor Murphy seconded the motion.

President McGee clarified the language of the amendment:

Deleting:

Location: Ivy Ave, Side: West, From: A point 80 feet north of Dwight St, To: A point 20 feet farther north, Type: Handicap parking placard #P90164146 exp. 6-16-08

Councilor Lisi suggested voting on each part as sections 1, 2, and 3.

Councilor Murphy noted that the first part does not change the spot, just changes it from having a placard number to just being designated as a handicap spot. Clarified his understanding spots cannot be designated for specific placards, and that the first part changes the legal language to where it should be. Expressed his concern that there is use by someone who did not apply, adding his suggestion that the other parts be tabled to allow the resident to apply for the spot. Reiterated that the process would be that someone applies, and the Disabilities Commission does their work to approve the space.

Motion was made and seconded to suspend the necessary rules to allow Councilor Anderson-Burgos to speak for a third time.

Councilor Anderson-Burgos observed that one person was advocating for all three spaces. Also noted that the images submitted were taken from the window of the person. Stated that he submitted an email from the owner of the building at 9 Ivy Ave, adding that this was followed up by a concerning call from the former Ward 6 councilor.

President McGee offered a reminder of the rules, noting that people cannot be called out by name.

Councilor Anderson-Burgos noted that the City Council has much work to do, adding his concern that the discussion of the space had lasted at least half an hour. Observed that many people were likely watching the meeting, and that the City Council could be doing other work for the city.

Councilor McGiverin noted he still had an interest in hearing from the Disabilities Commission. Observed that the original procedure had placard information labeled in the ordinance and put on the sign. Noted that the state informed the city that Mass General Laws do not allow a city to designate a space for an individual. Observed that here had been an agreement to leave placard information the ordinances to allow the Disabilities Commission to recognize that when people leave, the sign would no longer be necessary. Stated that it is councilors who file an order stating that a person needs a sign on a street. Expressed belief that the Disabilities Commission should be determining how many spots are needed.

Councilor Hernandez asked for a clarification on the process, noting that in the application, the order needs the handicap information for the resident asking for it.

President McGee confirmed that is the process.

Councilor Hernandez observed that the Disabilities Commission had not been involved when the Council was voting to remove a space when either the person or the neighbors had informed the City Council they moved, and the space was no longer needed.

Councilor McGiverin clarified that he was interested in the Disabilities Commission to determine how many spots are needed. Stated that handicap parking spaces are not for people who may come and go, but those who need the spot overnight and do not have off street parking.

Councilor Lisi observed the understanding that two people on the block need the spots and that the orders would leave those spots in place. Expressed her belief that Councilor Anderson-Burgos had done the work to identify that one person on each side needed a spot.

Councilor Vacon noted it has been understood that the residents of 9 Ivy Ave have parking behind their building and that there has not been competition for parking there.

President McGee observed that parking on Ivy Ave had been an issue for many years, including during his time as the Ward 6 councilor. Also observed that Councilor Anderson-Burgos had been doing work on behalf of constituents who asked for him to address a concern. Reiterated his concern that the one order has three parts, adding that the items could be separated for individual votes.

Councilor Lisi made a motion to table the remaining two parts of the report. Councilor Anderson-Burgos seconded the motion.

Councilor Vacon offered a reminder that a motion was still on the floor to remove the "paper space."

---> Motion was made and seconded to pass the 1039 amendment to Chapter 86 (deleting an expired handicap placard at 8 Ivy Ave.)

In City Council, on May 5, 2021, the report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --
Yeas 13--Nays 0--Absent 0.

Motion to table 1036 amendment to Chapter 86 and 1037 amendment to Chapter 86.

The Committee on Ordinance to whom was referred an order that the city of Holyoke adopt the truck exclusion law for West Franklin.

have considered the same and Recommended that the Engineer's report to not pursue be accepted.

Committee Members:

Rebecca Lisi

Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

---> Report of Committee received and recommendation adopted.

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.
have considered the same and Recommended that the Engineer's report to not pursue be accepted.

Committee Members:
Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

UNDER DISCUSSION:

Councilor Lisi stated that the City Engineer studied traffic for the locations of the truck exclusion requests, noting there were thresholds required based on number of trucks on the street and the percentage of trucks compared to over all traffic. Stated that the trucks did not reach the thresholds.

---> Report of Committee received and recommendation adopted.

Motion was made and seconded to suspend the necessary rules to take items 30C, 30F, 30G, as a package, as well as take items 6, 7, 8, 9, 10, and 11 off the table.

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.
have considered the same and Recommended that the order be adopted.

Committee Members:
Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

UNDER DISCUSSION:

Councilor Lisi stated that the many orders are due to outstanding questions that were discussed while awaiting a legal form. Stated that the plan was to pass one ordinance. Observed that many orders had been filed based on experience and understanding of how permitting was being done, as well as that of applicants and the Planning Department and Planning Board. Noted that there were few changes. Stated that the City Council would remain the permitting authority after some consideration. Stated that the marijuana facilities remain in the IG zone. Observed that expanding manufacturing into the IP zone was considered, adding that the consensus was that the change should be its own discussion with proper notice. Also stated there as an order to consider expanding into an overlay zone, adding that this proposal was thought to be better taken up on its own as well. Noted that changes extended manufacturing hours to 24 hours, adding that this could be changed through conditions. Also noted that retail operation hours would be limited to 8 AM - 11 PM. Also noted that buffers and setback requirements had been reduced to 200 feet for all manufacturing operations, noting that permitting doesn't distinguish between cultivation and manufacturing. Stated that retail operations cannot be within 500 feet of schools or places where children congregate, defined as a door-to-door measurement. On site consumption was considered, adding that the state requires a ballot initiative. Observed that the committee was often getting incomplete applications, and that the changes would create a pre-application meeting as well as

site plan review by the Planning Board. Suggested voting on 30C as the ordinance change, adding that all of the other orders were addressed as individual parts of the ordinance whether added, considered, or given leave to withdraw.

Councilor Vacon noted having received many versions of the legal form, asking for clarification that 7.10.4 only had a section a. Also asked if section 3 showed a 200 foot buffer zone.

President McGee confirmed that both items were as described in the final legal form.

Councilor Murphy stated that he had not seen the ordinance, adding that he was okay with how the ordinance was described but was uncomfortable with voting blind.

Councilor Lisi stated that an email had been sent that morning with the legal forms that were being considered.

Councilor Lisi made a motion to separate out 30C adoption. Councilor Hernandez seconded the motion.

City Clerk McGee stated that there was an email sent the previous Friday with all of the forms.

Councilor Lisi stated that the form was what the Ordinance Committee approved, noting that Councilor Murphy was a member of that committee.

---> Report of Committee received and Denied on a call of the roll of the yeas and nays --Yeas 7 (Anderson-Burgos, Hernandez, Leahy, Lebron-Martinez, Lisi, McGiverin, Tallman)--Nays 6--Absent 0. Motion was made and seconded to reconsider action on 30C and lay the item on the table.

President McGee asked for a clarification on the number of votes required to pass.

Councilor Lisi stated that it was an ordinance change, not a zone change.

Councilor Vacon stated that passage required 9 votes.

President McGee stated that 7 votes was needed.

Councilor Vacon read Council Rule 38:

Every ordinance shall be considered as adopted by final action of the Council only after passing the following three votes: (1) Motion to pass the first reading, by a majority of the full Council, (2) Motion to pass the second reading by a majority of the full Council, and (3) Motion that the Legal Form be Ordained, by a 2/3 super majority of the full Council voting in a recorded roll-call vote.

President McGee clarified that was the purpose of his question.

Councilor Vacon stated her objection was that a member had not had the opportunity to review the legal form, adding that she had made the request repeatedly to be given enough notice to review legal forms.

City Clerk McGee reiterated that the legal form had been sent the previous Friday.

President McGee stated that the vote had been 7-6, observed that there had been a question on what was required, adding that legal could weigh in if the body desired it.

Councilor Bartley asked for a clarification of the President's ruling on 30C.

President McGee stated that his belief was it would need 9 and was advised that it would need 7. Added that following Councilor Vacon's reading on of rule 38, the vote appeared to fail.

Councilor McGiverin made a motion to reconsider item 30C. Councilor Murphy seconded the motion. All councilor voted in favor.

Councilor McGiverin made a motion to table in order to get advice from legal. Councilor Murphy seconded the motion. All councilors voted in favor.

Councilor Lisi made a motion to amend the committee report on item 7 from adopted to complied with, noting that the legal form was filed with item 30C. Councilor McGiverin seconded the motion. All councilors voted in favor.

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.

*Amended to Recommended that the order has been complied with.

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.

have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

---> Report of Committee received and recommendation adopted.

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.

have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon
Terence Murphy
Libby Hernandez

---> Report of Committee received and recommendation adopted.

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.

---> Received and adopted.

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 complied with.

---> Received and adopted.

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.

---> Received and adopted.

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.

---> Received and adopted.

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.

---> Received and adopted.

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.

---> Received and adopted.

(2:37:50)

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 by the Mayor)

have considered the same and Recommended that the order be adopted. .

Committee Members:

Joseph M. McGiverin

Peter R. Tallman

Michael J. Sullivan

James M. Leahy

David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin stated that the grant is round 2 of the grant, noting that it would be used to provide more access to vaccinations for the residents of Holyoke. Observed that Sean Gonsalves of the Board of health provided details on sites, how the funds would be spent and accounted for.

Councilor Murphy stated that a mobile vaccine has been scheduled to be help at Veterans Park that Thursday and Friday.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays -- Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

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 by the Mayor)

have considered the same and Recommended that the order be adopted.

Committee Members:

Joseph M. McGiverin
Peter R. Tallman
Michael J. Sullivan
James M. Leahy
David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin stated in the discussion, the Fire Chief broke the grant down into three parts: new hoses and apparatus equipment, iPads for the department's vehicles, and airbags for Truck #2. Stated that the department understands the funds must be spent by June 30th.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays --
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

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 by the Mayor)

have considered the same and Recommended that the order be adopted.

Committee Members:

Joseph M. McGiverin
Peter R. Tallman
Michael J. Sullivan
James M. Leahy
David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin stated that it is an addition to Valley Bike program, noting a state effort for developing shared travel spaces. Clarified that the grant is an enhancement to the program to cover the expenses to the city as a result of the Valley Bike partnership.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays --
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

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 by the Mayor)

have considered the same and Recommended that the order be adopted.

Committee Members:

Joseph M. McGiverin
Peter R. Tallman
Michael J. Sullivan

James M. Leahy
David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin noted that three officials from the Police Department discussed the transfer. Observed that Acting mayor Murphy had been working with the department to reduce expenses in respect of the entire city budget. Stated that the transfer was a substitute from a previous request of \$200,000, and that the funds would cover department needs through the end of the year. Observed there is a pending order to raise the cap on reserve officers which could reduce the need the costs of paying overtime.

Councilor Tallman observed that there was an expectation of added activity with the warmer weather, requiring the attention of law enforcement.

Councilor Murphy stated that he would be appointing new reserve officers shortly, as well as hiring many current reserve officers to be full timer patrol officers. Added that he had been in discussions to understand the seasonal factors requiring additional need for staff hours.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays -- Yeas 12--Nays 0--Absent 0. Councilor Leahy did not vote or participate in discussion on this item. Approved by the Mayor.

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 by the Mayor)

have considered the same and Recommended that the order be approved.

Committee Members:

Joseph M. McGiverin
Peter R. Tallman
Michael J. Sullivan
James M. Leahy
David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin observed that the Building Commissioner identified a surplus due to a temporary vacancy, adding that the overtime was for a code enforcement officer under contract.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays -- Yeas 12--Nays 0--Absent 0. Councilor Leahy did not vote or participate in discussion on this item. Approved by the Mayor.

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

have considered the same and Recommended that the order be returned to the Auditor.

Committee Members:
Joseph M. McGiverin
Peter R. Tallman
Michael J. Sullivan
James M. Leahy
David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin stated that the Police Department asked to withdraw the request based on negotiations with the Mayor.

--> Report of Committee received and recommendation adopted to return to the Auditor.

Councilor Lisi asked for a clarification of the final action on item 30C.

President McGee stated it was tabled with a request to hear from legal.

Councilor Lisi expressed surprise that an ordinance change requires a two-thirds vote for approval, conceding that the marijuana ordinance is a zoning amendment. Questioned if that rule is how it had always been done.

Councilor McGiverin questioned if a two-thirds vote for ordinance changes such as a handicap sign.

Councilor Vacon noted that most ordinance changes are non-controversial.

President McGee noted that there had been a question as to whether all ordinance changes require two-thirds, leading to the decision to table for a legal opinion.

Councilor Lisi observed that rule 38 does stipulate two-thirds majority, and asked if a rule change had been implemented.

President McGee stated he read the rules at the beginning of the term as they were written, adding that he was unsure when they were last amended.

Councilor Vacon observed that the Council doesn't often think about the super majority requirement as most ordinance votes are unanimous.

(2:56:10)

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.

have considered the same and Recommended that the appointment be approved.

Committee Members:
James M. Leahy
Libby Hernandez
Rebecca Lisi

UNDER DISCUSSION:

Councilor Leahy observed that Mr. Smith had been with the city as a former City Auditor, adding that he understands the position and what should and should not be done. Expressed that he would be fantastic in the position.

Councilor Lisi noted that Mr. Smith had a strong understanding of the role and function of the Retirement Board, noting the importance of managing the pension fund.

Councilor McGiverin observed that Mr. Smith performed well as the City Auditor, noting that the position made him an ex-officio member of the Retirement Board. Recalled that he had detailed understanding of the balances in the fund.

Councilor Vacon stated she could not attend the meeting but had let him know that she was in support of the appointment.

Councilor Tallman stated that while he was not at the meeting, he knew Mr. Smith well and expected him to do well in the position.

Councilor Greaney expressed that Mr. Smith would be a great addition and that he would be in support.

---> Report of Committee received and recommendation adopted.

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.

have considered the same and Recommended that the appointment be approved.

Committee Members:

James M. Leahy

Libby Hernandez

Rebecca Lisi

UNDER DISCUSSION:

Councilor Leahy stated that Ms. Devine attended and gave a great interview, noting that she would be serving on the board where her father had worked. Observed that her organizational and managerial skills would serve her well.

Councilor McGiverin expressed support for her appointment, noting that she was well prepared in the interview. Observed she expressed an interest in assuring that meeting records were publishing on the website. Also observed that she understood some of the issues with the sewer rate and collection of sewer fees.

Councilor Anderson-Burgos observed that Ms. Devine has many commendable personal qualifies and that she was well-deserving of the position.

Councilor Greaney stated that he expected she would work to keep the City Council updated, and work to maintain transparency.

Councilor Tallman recalled her work on the City Council, adding that she had done much for the city in the time since.

---> Report of Committee received and recommendation adopted.

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.

have considered the same and Recommended that the order has been complied with.

Committee Members:

James M. Leahy

Libby Hernandez

Rebecca Lisi

UNDER DISCUSSION:

Councilor Leahy observed that while the city has 11 miles that runs along the Connecticut River, there is only one space with access to the river. Stated that the fee is \$100 because the program fills up quickly, adding that Holyoke people should get priority over other communities.

Councilor Murphy expressed his hope that some of the funds from the coming Covid funds could go to helping local kids participate in the program and enjoy the outdoors and recreation. Noted that the fee may be an economic hardship for some, and that it should be available to more Holyoke kids.

Councilor McGiverin commended the program, adding the great value in expanding the program. Observed that South Hadley has many more points of access to the river. Stated that the order should lead to many more having the opportunity to utilize the river.

---> Report of Committee received and recommendation adopted.

ORDERS AND TRANSFERS

(3:08:35)

VACON Ordered, that 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.

Councilor Murphy stated that he spoke with bond counsel about road and sidewalk repairs, noting that the city is on a five year plan. Stated that he asked about the possibility of bonding for the repairs in anticipation of receiving Chapter 90 funds to get more work done without waiting. Stated that it appeared to be a possibility so that the work could be done within 18 months.

---> Received and adopted. Referred to the DPW.
Approved by the Mayor.

VACON Ordered, that 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.

Councilor Vacon stated that the parking issues started after signage had been put in, and desired a way to locate safe parking.

---> Received and referred to the Public Safety Committee. Copy to Conservation, DCR.

VACON, Greaney, Jr. Ordered, 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.

---> Received and adopted. Referred to the DPW. Copy to Mayor.
Approved by the Mayor.

VACON Ordered, 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.

Councilor McGiverin suggested referring to committee so that councilors can participate in the discussion on safely reopening City Hall and Council chambers.

---> Received and referred to the Public Safety Committee.

BARTLEY Ordered, that 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.

---> Received and referred to the Ordinance Committee. Copy to Law Department.

BARTLEY Ordered, that 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.

---> Received and adopted. Referred to the DPW. Copy to Disabilities Commission.
Approved by the Mayor.

BARTLEY Ordered, that 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.
---> Received and referred to the Public Safety Committee. Copy to Disabilities Commission, DPW and Acting Mayor.

MCGIVERIN Ordered, that 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

Councilor Bartley made a motion to amend the original motion to refer to the Finance Committee in order to copy to the Acting Mayor and the Bond Counsel. Councilor Vacon seconded the motion.

Councilor Bartley noted that amendments to bonds require City Council approval, adding concern that the request appeared to be too open-ended and that he would prefer to hear from the Acting Mayor and Bond Counsel.

Councilor McGiverin stated that the Acting Mayor would almost always be at a Finance Committee meeting, adding that they may be coming back to City Council due to finding some savings with the original purpose and identifying additional uses for the funds.

---> Received and referred to the Finance Committee.

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated that the four transfer orders are for accounting purposes to make a distinction of safety officials who are receiving their salary while not available to perform the service due to being injured on duty. Added that there were additional orders due to these items being skipped at the previous meeting.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0-- Absent 0.

Approved by the Mayor.

MCGIVERIN Ordered, 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

To the City Council:
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0-- Absent 0.
Approved by the Mayor.

MCGIVERIN Ordered, 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

To the City Council:
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0-- Absent 0.
Approved by the Mayor.

MCGIVERIN Ordered, 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

To the City Council:
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

---> Received and referred to the Finance Committee.

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

---> Received and referred to the Finance Committee.

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0-- Absent 0.

Approved by the Mayor.

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 4, 2021.

Terence Murphy, Mayor

---> Received and referred to the Finance Committee.

LATE FILED ORDERS & COMMUNICATIONS

LEAHY Ordered, that That the DPW contact the new owners of Lynch School to receive some of the bricks from the building.

Councilor Leahy stated that a couple pallets should be saved, with the suggestion of holding a fundraiser for charity.

---> Received and adopted. Referred to the Mayor and DPW.
Approved by the Mayor.

MCGEE Ordered, that Mackenzie Stadium Lease Agreement

---> Received and referred to the Finance Committee.

MCGEE Ordered, that That the City Council give a proclamation to Noelia Colon for over 20 years of service to the City of Holyoke.

---> Received and adopted.

Adjourn at 10:38 PM.

A true record

ATTEST:

City Clerk
