

**REGULAR MEETING OF THE CITY COUNCIL**  
**April 20,2021**

The meeting was called to order by President McGee at 07:03 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.

Councilor Anderson-Burgos addressed the passing of Mary Birks, recounting her positive influence in his life and of others in the community, and asked for a moment of silence.

President McGee expressed that it had been a shock to learn of her passing and offered condolences to her family.

A moment of silence was observed for Mary Birks.

**PUBLIC COMMENT**

President McGee provided instructions for members of the public to be acknowledged.  
No members of the public sought to be heard.

**COMMUNICATIONS**

(4:05)

From Acting Mayor Todd McGee, letter reappointing Ms. Frances Welson, 1421 Northampton St. to serve as a member of the Historical Commission for the City of Holyoke: Ms. Welson will serve a three year term; said term will expire on April 16, 2021.

President McGee noted the term expiration should be a different year.

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

Councilor Vacon noted that appointments received at the previous meeting would need to come before the Council due to his Acting Mayor status.

President McGee stated they would be on for late files.

From Brenna Murphy McGee, MMC and Jeffery Anderson-Burgos minutes of April 6, 2021.

---> Received and adopted.

Motion was made and seconded to suspend the necessary rules and take items 3-5 as a package  
From Tanya Wdowiak, City Auditor re: General Fund & Sewer Enterprise Budget Reports through March 31, 2021.

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

From Tanya Wdowiak, City Auditor re: Grant Fund Balances.

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

From Tanya Wdowiak, City Auditor re: Payments in Lieu of Taxes (PILOT) through March 31, 2021.

---> Received and referred to the Finance Committee

.From Aaron Vega Director, Office of Planning & Economic Development letter re: Cannabis Industry Impact statement.

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

From Alicia Zoeller, resolution to City council adopting FFY2021 Annual Plan CDBG Program and Home

Investment partnership Program and FFY2021 Spreadsheet.

---> Received.

From Holyoke Parks & Recreation Commission minutes of January 28, 2021.

---> Received.

From Whiting Street Reservoir Study Committee minutes of April 6, 2021.

---> Received.

Communication from Patricia C. Devine letter regarding DPW Appointment.

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

Notice of Community Outreach Meeting on May 4, 2021 for Rise Holdings, Inc.

---> Received.

### PETITIONS

(7:45)

Petition of Frank Ferrini, for a renewal of a second hand license at 375 Whitney Ave. President McGee verified that all taxes and fees were current.

---> Received and adopted.

Petition of Holyoke 420, LLC d/b/a Holyoke Cannabis an application for a modification to existing special permit to include marijuana delivery at 380 Dwight St. Unit No 3.

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

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

President McGee verified that all taxes and fees were current.

Petition was initially received and adopted. A motion to reconsider was made and seconded later in this meeting.

---> Received and laid on the table.

Petition of Kindred Healthcare for a special permit for special regulations (7.1.1.) Hospital Height, to permit the construction of a 4 story Behavioral Health Hospital in RO Zone at 45 Lower Westfield Rd.

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

Petition for a new Junk Dealer's License for Luis Nieves at 2 Harrison Ave.

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

### PRESIDENT'S REPORT

(9:50)

President McGee stated that the City Council chamber had been in the process of being updated, noting the new rug was going in. Stated that an update would be given when it's done. Also noted that the back room was being redone.

Observed that Congressman Neal visited and discussed \$74 million that the city could be receiving from the American Rescue Plan, adding that \$32 million would be for the city and \$42 million would go to the schools. Also noted that a pending transportation bill may lead to more funds for the city.

Stated that vaccines would be available at the Senior Center the next day, with roughly 100 shots still available.

Councilor Murphy noted that the number had decreased to around 50 since the initial announcement.

President McGee encouraged people to call to seek vaccinations.

Emphasized the importance of respectable discussions in subcommittee meetings. Clarified that

individual councilors must be in charge of their own potential conflicts .

Councilor Vacon noted she understood and agreed the sentiment. Observed that a majority of the committee asked a city councilor to leave , adding that the need for an additional point that this was also not appropriate.

Councilor Lisi expressed appreciation for the comments , adding that she welcomes discussing campaign issues. Expressed concern that campaign issues were brought into a subcommittee meeting , noting that such actions are against the rules .

Councilor Hernandez stated that she found the situation embarrassing , adding that constituents expressed discontent to her. Noted that there needs to be more consistency in calling out decorum .

Councilor Greaney encouraged returning to the agenda and not focusing on beating each other up .

President McGee referred to rule 33 which addresses how potential conflicts of interest should be dealt with. Added that telling other councilors not to speak was also inappropriate . Emphasized that while people get passionate, it is important to work together .

Councilor Anderson-Burgos clarified that he did not ask anyone to leave .

Councilor Bartley observed that there had been a flag raising in front of City Hall , noting he would have had a great photo of the event if not for camera issues .

President McGee stated that he and Councilor Bartley attended the Sikh flag raising , noting the help from Miles Murphy McGee in raising it. Observed that if had been a great event, adding thanks to Councilor Bartley for being there. Noted the importance of these events to the public .

Councilor Murphy stated that Holyoke Health Center was working to activate a mobile van to make vaccines available , and that they were looking for sites to host. Also stated that there would be an effort to add vaccine clinics on the weekends .

Councilor Sullivan observed that after the Sikh flag raising , four members of the community were killed in Indianapolis. Made a request for a moment of silence for the victims .

A moment of silence was observed for the Sikh members killed in Indianapolis .

Councilor Sullivan offered thanks to a City Hall janitor for helping get the flag lowered to half -staff .

### REPORTS OF COMMITTEES

(23:30)

The Committee on Ordinance to whom was referred an order Special Permit Application for Massbiology Technology LLC to build & operate a marijuana cultivation & processing establishment at 6 Appleton St. have considered the same and Recommended that the order be adopted with the following conditions :

1. That a bike rack be added.
2. That the generator get approval from the Fire Department.
3. That another fueling source be used, if possible.
4. That the applicant obtain site control of the area slated for parking .

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi stated that permit is for cultivation and manufacturing . Noted the application had been

straightforward and complete. Stated that amendments were added. Stated that an outdoor diesel generator was a part of the plan, adding that the committee wanted to assure there was approval from the Fire Department. Also noted that there was an interest in having the applicant seek another fueling source, with consideration to the high asthma rates in the community. Observed there had been overlapping easements before the work could complete, noting the additional conditions had been added to assure those easements were addressed. Observed that the company would be hiring roughly 25 people per shift.

Councilor Bartley asked for a clarification of standard conditions that would normally be attached to these special permits.

Councilor Lisi stated that it may have been an oversight and could be offered as amendments.

Councilor Bartley reiterated that there are six standard conditions generally added, noting that they cover the hiring of Holyoke residents and addressing the security positions.

Councilor McGiverin asked if the petitioner was made aware of the six standard conditions at the committee meeting.

Councilor Lisi stated they had not, adding that the petitioner was in attendance to potentially respond.

Councilor McGiverin expressed he would be fine if the conditions were read into the record and the petitioner agreed with them.

Councilor Leahy made a motion to send back to committee. Councilor Greaney seconded the motion.

President McGee stated it could be amended.

Councilor Leahy expressed concern that the conditions may not be fair to petitioners, adding that they should have an opportunity to discuss the additions.

Councilor Lisi observed that the applicants were in attendance and could state if they understand the conditions. Questioned the need to delay the applications, adding that it would not be a business friendly practice.

Councilor Hernandez observed that one of the applicants had raised their hand.

President McGee observed that they cannot be recognized as the discussion occurred at the committee level. Reiterated that the Council could amend to add the conditions or vote on the motion to return to committee.

Councilor Anderson-Burgos asked if the rules could be suspended to allow the applicants to speak. Expressed concern about holding up their business.

President McGee suggested suspending the rules to allow the solicitor to speak.

Councilor Vacon noted that the same issue would come up for item 17B.

Councilor Lisi noted that while the public hearing process was closed, adding that it would not be different from adding any other amendment and the applicant could speak to any objections to the conditions.

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

President McGee asked if the rules can be suspended to allow the petitioner to speak.

Atty Barnes asked if it had been part of the record from the committee meeting, adding that they had been discussed at the committee meeting and it was an oversight, it may not matter.

Councilor Lisi clarified that the six additional conditions hadn't been discussed in committee.

Atty Barnes noted that public hearings are to prevent the full City Council from sitting through the discussions, adding that asking petitioners a question likely had been done in the past. Stated that there was no issue with asking a question.

Councilor Lebron-Martinez made a motion to suspend the rules to allow the petitioner to address the Council. Councilor Tallman seconded the motion. All councilors voted in favor.

Councilor Greaney stated that a motion had been made and seconded to send the order back to committee.

President McGee clarified that the procedural question as to whether the petitioner could be asked a question had come up first.

Councilor Lisi read the additional six conditions :

1. That the owner of the building always pay commercial property tax rate to the extent allowed by Federal, State, and Local Laws for the duration of the Special Permit
2. That the business retain a minimum 30% Holyoke residents for non-security jobs
3. That hiring preference be given to security personnel that are retired Holyoke Police or that are retired members of another police department that now lives in the City of Holyoke
4. There shall be no marijuana consumption allowed on site
5. There shall be no deliveries of retail or medical marijuana from the site to individual homes , residences, or people
6. That hours of operation be 8am to 8pm Monday through Saturday and 8am to 5pm on Sunday.

---> Councilor Bartley made a motion to add the six additional conditions to the special permit . Councilor Vacon seconded the motion. All councilors voted in favor.

President McGee asked Denise Tise if she had heard the additional conditions and if there was any questions related to them.

Denise Tise, representing the petitioner, stated she had heard them and that they agreed to all of them.

Councilor Leahy withdraw his motion to send back to committee . Councilor Greaney withdrew his second to the motion.

Councilor Leahy added that individuals planning to do business with the city should not be put on the spot but be allowed to more time to discuss and consult with their attorneys . Also stated he did not believe doing so was business friendly , adding that he had always been business friendly .

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 1 (Greaney, Jr.)--Absent 0.

Councilor Sullivan asked that the action be reconsidered on item 14, the renewal of a second hand license at 324 Appleton St, noting that the address in question had been the subject of a federal raid the previous week. Stated it should be tabled to learn more.

Councilor Murphy stated he believes Councilor Sullivan to be correct , adding that it had been a major issue far beyond the topic of the license.

Councilor Bartley made a motion to table item 14. Councilor Vacon seconded the motion. All councilors voted in favor.

Councilor Lisi asked for a clarification of the final vote for 17A, adding that she believed the vote had been on adding the amendments.

President McGee clarified that the roll call vote had been to approve the petition with the amendments .

Councilor Greaney stated he believed the vote had been to add the amendments, adding that he intended to rescind his initial yea vote to a nay vote .

The Committee on Ordinance to whom was referred an order Special Permit Application of EMB Natural Ventures LLC Marijuana Facilities-Cultivation for the establishment of a Marijuana facility for cultivation purposes at 140 Middle Water St.

have considered the same and Recommended that the order be adopted with the following conditions :

1. That the property owner gain site control for all of the easements and property rights needed to construct the project.
2. That all of the outstanding issues from the City Engineer's letter, dated April 12th, 2021, be complied with.

## Committee Members:

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

## UNDER DISCUSSION:

---> Councilor Bartley made a motion to add the additional six standard conditions . Councilor Vacon seconded the motion. All councilors voted in favor .

Councilor Lisi read the six additional conditions into the record .

1. That the owner of the building always pay commercial property tax rate to the extent allowed by Federal, State, and Local Laws for the duration of the Special Permit
2. That the business retain a minimum 30% Holyoke residents for non-security jobs
3. That hiring preference be given to security personnel that are retired Holyoke Police or that are retired members of another police department that now lives in the City of Holyoke
4. There shall be no marijuana consumption allowed on site
5. There shall be no deliveries of retail or medical marijuana from the site to individual homes , residences, or people
6. That hours of operation be 8am to 8pm Monday through Saturday and 8am to 5pm on Sunday.

Councilor Bartley made motion to suspend the rules to allow the petitioner to address the Council . Councilor Murphy seconded the motion. All councilors voted in favor.

Jeff Dannenberg, representing the petitioner, stated that a previous special permit had been issued for the same site in 2019, adding that the first five had been agreed to. Also stated that the sixth had been proposed but removed at the petitioners request, noting their need have staff available during night hours due to the nature of growing. Clarified that they would not be opposed to the first five conditions , reiterated that they had agreed to them the first time. Stated that the new application was due to an update, as the project had changed from a renovation to a rebuild of the building . Stated that if the Council chose to leave the sixth in, they would abide by it.

Councilor Leahy noted that this had been his concern with adding conditions in Council rather than in committee.

Councilor Lisi made a motion to amend to strike the sixth additional condition pertaining to the hours , noting that the business would be a manufacturing operation and not public-facing. Councilor McGiverin seconded the motion.

Councilor Bartley noted he had voted for the striking of the hours the first time , adding that he would oppose it this time. Stated that plans can evolve, noting that the original petition had stalled and had come back before Council. Suggested that the petitioner could come back before Council if they had evidence of the need to strike the amendment. Stated that the petitioner should come back showing why the hours should not apply to the petition.

Councilor Lisi noted that two other businesses that are manufacturing-only with no public-facing part of the business, and that they had been allowed to operate 24 hours.

Councilor Murphy expressed appreciation to the applicant for sticking with their plan to invest in Holyoke after learning that the building could not be renovated and would need to be rebuilt . Stated that Ordinance Committee may be considering an amendment to the marijuana ordinance to allow 24 hours for cultivation because of the issues being discussed . Also noted that the petitioner had discussed future plans of developing an indoor fruit and vegetable growing facility , adding that this could positively impact food and job needs.

Councilor McGiverin expressed support for striking the hours amendment , noting their appeared to be no reason to have set hours for the parcel. Noted it was not near residential areas, the presentation had been professional, and the reasons had been given as to why the special permit had to be revisited . Also note that the zone had been created as a manufacturing zone with a history of three shift operations employing thousands of people. Suggested that limited the hours would limit the number of jobs that would be

available.

Councilor Vacon noted that the current ordinance limits hours , and that removing the condition would be out of compliance with the ordinance . Also noted that another item on the committee report would relate to the topic.

Councilor Leahy observed that the city had an industrial history with people working around the clock for years. Stated he would vote for the motion, reiterating his concern that committee work should be done in committee out of fairness to the petitioners and those representing them .

---> Motion to remove the hours of operation condition passed on a voice vote .

Councilor Lisi stated that the project had come up in 2019 with a renovation plan that included replacing windows with a style that maintained the anesthetic's, adding that as they began the work, the bricks started to crumble and it was determined that the building was not in the condition to be renovated . Stated that the applicant is rebuilding with an intent to preserve the architectural history and authenticity , and to blend in with the other buildings in the area .

---> Report of Committee received and recommendation, with amendments, adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 1 (Greaney)--Absent 0.

Motion was made and seconded to suspend the necessary rules to take items 17C, 17D, and 17E as a package.

The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 251 Walnut St. Recommended that the order be adopted.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 1 (Greaney, Jr.)--Absent 0.

Motion was made and seconded to suspend the necessary rules and take items 17C, 17D, and 17E as a package

The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 251 Walnut 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

---> 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.  
 Approved by the Mayor.

The Committee on Ordinance to whom was referred an order the removal of handicap sign from 32 Clinton Avenue.

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

---> 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.  
Approved by the Mayor.

The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 6 Highland Ave for Victor Goulding.  
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 added signs had been approved by Disabilities , adding that the orders are to add where needed and to remove where no longer needed.

---> 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.  
Approved by the Mayor.

Councilor Lisi made a motion to table the items , noting that additional items remained in committee that would be necessary for context in passing these items .

#### UNDER DISCUSSION:

Councilor Lisi noted that the listed motions had been given to the individual orders , adding that the final legal form would need to be passed out of committee to provide context to these orders . Stated that the final form would likely be ready at the next meeting .

The Committee on Ordinance to whom was referred an order that medical marijuana deliveries be allowed in the city by special permit.  
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

---> Report of Committee received and laid on the table .

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

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

---> Report of Committee received and laid on the table.

The Committee on Ordinance to whom was referred an order that the city council consider revising the special permit requirement for marijuana related uses .  
have considered the same and Recommended that the order has been complied with .

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

---> Report of Committee received and laid on the table.

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

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

---> Report of Committee received and laid on the table.

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  
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 laid on the table.

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. 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 laid on the table.

The Committee on Ordinance to whom was referred an order That a handicap sign be removed from 50 Walnut St. have considered the same and Recommended that the order be given a leave to withdraw without prejudice.

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 Zone Change Application from R1A to BL for Dennis Croteau at 83 Lower Westfield Road. There is not enough parking for commercial property at 79 Lower Westfield Rd and the applicant is interested in opening courses for floral design and gardening, which would entail needing more parking. have considered the same and Recommended that the order be denied without prejudice.

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi stated that the application sought a zone change which seemed out of harmony with the rest of the area, noting some neighbors spoke out about it. Stated that it was a spot zone change. Observed that the Planning Board voted against it, followed by the same by the Ordinance Committee.

Councilor McGiverin made a motion to amend to deny without prejudice. Councilor Lisi seconded the motion.

Councilor Vacon noted that it had been the first time someone had attempted to change the zone of a residential property to a limited business in a residential neighborhood . Stated that she would oppose the “without prejudice” amendment.

Councilor McGiverin clarified that the request for denial without prejudice was due to the parcel being between two commercial zones. Noted that there is conflicting land use in the area , noting that much of the farmland in the area had been turned into commercial many years ago . Stated that a proposal may come in the future that makes sense and that the option should be left open.

---> Motion to amend passed on a show of hands vote 8-5.

Councilor Lisi stated that it is out of harmony with the neighborhood .

Councilor Vacon stated that main reason cited by Planning, expansion of spot zone. BL zone in res area is a spot zone. Not in between two industrial uses.

Councilor McGiverin stated that there needed to be a roll call vote and that the reasons for denial needed to be in the record.

Councilor Lisi stated that the zone change would be out of harmony with the neighborhood .

Councilor Vacon stated that the main reason for the denial given by Planning is that it would be an expansion of a spot zone, adding that a BL zone in a residential neighborhood would be a spot zone .

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

(1:09:25)

The Committee on Finance to whom was referred an order Petition for a second hand license for FYE #725 at 50 Holyoke St have considered the same and Receive and adopt.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that FYE’s regional director attended . Noted that the application was a renewal but came before the Committee due the franchise changing owners . Stated that the director was ware of all the rules and regulations pertaining to keeping records and making them available to the police department. Stated that the business needed the license specially for purchasing used CD’s and DVD’s , also noting a diminishing market for these items.

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

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 "FY2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM COVID-19 SUPPLEMENTAL (EMPG-S), \$15,500, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant .

(Recommended by the Mayor)

have considered the same and Awaiting disposition .

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 comes from MEMA and would be used for two light tower trailers for use during emergency situations. Stated that the funds have to be used by June 30 to follow the grant reporting timeline.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays  
--Yeas 12--Nays 0--Absent 1 (Anderson-Burgos).  
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 DISTRICT LOCAL TECHNICAL ASSISTANCE (DLTA), \$22,500 TECHNICAL ASSISTANCE ONLY, 5% IN KIND 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 Awaiting disposition .

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 has already been given and written off. Stated that the agreement was with the Pioneer Valley Planning Authority, adding that two people would be assigned to city to help with the process of licensing, permitting, and gathering of data to give background on applying for other grants and helping with additional economic development projects .

Councilor Murphy stated there he would be hosting a business leader meeting at City Hall that Friday at 1:30. Noted the grant would make process smoother, quicker, and easier to understand to allow business to come to the city and that the city does all it can .

---> 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 "LOCAL RAPID RECOVERY PLANNING, \$90,000 TECHNICAL ASSISTANCE ONLY, 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 Awaiting disposition .

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that grant would bring in a consulting firm called Lomax to assist with a

business survey in the downtown area, collection of data, pre-planning, and the purposes of looking for additional grants to bring in more economic development.

---> 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 the City Council approve the CPA recommendation of \$10,000 for the JFK Memorial restoration  
(Recommended by the Mayor)  
have considered the same and Awaiting disposition.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that he would abstain due to concern about potential conflicts with his role on the Parade Committee, noting the petition was a collaboration with that committee and Parks & Rec.

Councilor Sullivan stated that the CPC voted 6-1 in favor. Observed that the JFK Memorial had cracks and concerns about further deterioration if not addressed right away.

Councilor Leahy stated that he would abstain out of the same caution expressed by Councilor McGiverin

Councilor Tallman observed the need to shore up the steps and the façade of the memorial, noting the additional impact of weather over time.

Councilor Greaney expressed support of the order, adding that he had observed youth skateboarding on the steps. Suggested signs or fencing to prevent skateboarding on it.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 11--Nays 0--Absent 0. Councilors Leahy and McGiverin did not vote or participate in discussion on this item.

Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to take items 18F, 18G, 18H, and 18I as a package.

The Committee on Finance to whom was referred an order That the City Council approve the CPA recommendation of \$130,677 for the restoration of Fire Engine #9  
(Recommended by the Mayor)  
have considered the same and Awaiting disposition.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the truck had once been in use for responding to fire, adding that its current use includes the St. Patrick's Day Parade, local visits with Sparky, and events where big trucks are featured. Stated that the plan is to restore the 1935 vehicle and bring it up to 100% shape, adding that it would hold its value. Noted that the city would have the vehicle for many decades.

Councilor Bartley noted that the restoration would fall under the historic preservation category, adding that the work was expected to take around a year to complete. Reiterated that the work would add value, and

that the committees should be commended for their work to address this.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).  
Approved by the Mayor.

The Committee on Finance to whom was referred an order That the City Council approve the CPA recommendation of \$210,000 for the Mayer Field Improvements (Recommended by the Mayor) have considered the same and Awaiting disposition.

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

#### UNDER DISCUSSION:

Councilor McGiverin stated that the field is heavily used , including baseball, park and playground, benches. Stated that the funds would restore the field and being it up to modern day conditions.

Councilor Vacon noted she had ben contacted by residents who were concerned about safety of a pole that children can run under. Expressed appreciation to Acting Mayor Murphy for advocating to address this matter.

Councilor Murphy stated that he met with Terry Shepperd (Parks & Rec) and Bob Peirent (City Engineer) to discuss the safety concern. Noted that they would work to address the issue with these funds, adding that an alternate source of funds would be sought if necessary. Emphasized that the goal was to increase safety along with the improvements being made.

Councilor Bartley noted having met work Parks Superintendent and confirmed that the gate issue would be addressed. Recalled discussions many years ago to address these improvements , adding that this kind of work would be imperative to new families coming into the city .

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).  
Approved by the Mayor.

The Committee on Finance to whom was referred an order That the City Council approve the CPA recommendation of \$40,000 for the Pulaski Park Engineering Study (Recommended by the Mayor) have considered the same and Awaiting disposition.

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

#### UNDER DISCUSSION:

Councilor McGiverin noted that the park is designed by famous architect , adding that the landscape and wall has incredible views of the city . Stated that the uses include passive recreation such as jogging and walking, plus games set up by the Italian Society. Also noted that Mater Dolorosa uses it for outdoor classroom purposes. Emphasized the importance of shoring up the wall to prevent collapsing and potential obstruction on the railroad tracks .

Councilor Bartley stated he confirmed with Parks that an engineering study had been done in the 1990's on this issue. Expressed hope that following the study, the revenue to address it would be applied.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).  
 Approved by the Mayor.

The Committee on Finance to whom was referred an order That the City Council approve the CPA recommendation of \$60,000 for the War Memorial Facade restoration (Recommended by the Mayor) have considered the same and Awaiting disposition .

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

UNDER DISCUSSION:

Councilor McGiverin stated that the funds would restore the façade to good condition and protect it . Noted the building is a memorial to veterans , adding that the War Memorial Commission is run by veterans . Reiterated that the building needs work .

Councilor Bartley recalled a conversation many years ago with a request to address the limestone on this building . Observed that orders had been filed , adding that these new efforts would finally allow for a cleanup of the building . Noted that the War Memorial Commission were on board with these improvements .

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).  
 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, FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00) as follows:

FROM:		
11751-51109	PAY-SENIOR PLANNER	\$5,000.00
TOTAL	\$5,000.00	
TO:		
11751-51300	OVERTIME	\$5,000.00
TOTAL:	\$5,000.00	

(Recommended by the Mayor)  
 have considered the same and Awaiting disposition .

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

UNDER DISCUSSION:

Councilor McGiverin stated that the funds were to pay overtime to per diem staff members for additional work related to the various cannabis projects in the city , including work after normal work hours . Recalled that Councilor Bartley asked questions about the department keeping track of hours . Noted that the munis program may one day allow for easier tracking .

Councilor Bartley emphasized that most jobs include the tracking of hours . Expressed confidence that OPED Director Aaron Vega would continue to track hours and work with the City Auditor on it , as well as with the Acting Mayor . Observed that the interest is a matter of city controls and assuring that when overtime is paid , it is appropriate . Questioned the lack of interest in tracking hours with the former mayor .

---> Report of Committee received 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, SIXTEEN THOUSAND FOUR HUNDRED FIFTY FIVE AND 94/100 Dollars (\$16,455.94) as follows:

FROM:

12201-51400 LONGEVITY \$15,000.00  
12201-51462 EAP/MED OFFICER 500.00  
12201-51900 IN SERVICE 955.94

TOTAL: \$16,455.94

TO:

1273-51000 SAFER GRANT FY2018 \$16,455.94

TOTAL: \$16,455.94

(Recommended by the Mayor)

have considered the same and Awaiting disposition.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin observed that while he initially believed the order to be a typo , he had been pleased to learn it was the result of efforts to address grant tracking . Noted that the Fire Chief and a business manager with the Fire Department found an error in the munis program where hours were calculated through the grant at 84 hours instead of 63 hours, noting an issue with the formula resulting in a deficit . Stated that correction required finding surpluses in line items to replenish the grant line item . Commended the work of the department to work with the Auditor. Also commended the work of the Auditor to address issues with deficits.

---> 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, THIRTY FIVE THOUSAND EIGHT HUNDRED FOUR AND 30/100 Dollars (\$35,804.30) as follows:

FROM:

12102-53001 CRUISER LEASE \$35,804.30

TOTAL: \$35,804.30

TO:

12103-58000 CAPITAL OUTLAY - MOTOR VEHICLES \$35,804.30

TOTAL: \$35,804.30

have considered the same and Awaiting disposition.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that a communication had been received asking to withdraw the request ,

noting that information learned on bonding was shown to be a better option. Stated that the request to return to the Auditor was to prevent questions of accounting.

---> Return to the Auditor

The Committee on Finance to whom was referred an order to invite in the auditor to discuss and update the council on the rules associated with the ARP Act - auditor to also provide council with update as they become available. Refer to finance. have considered the same and Awaiting disposition.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the committee met on Thursday evening and had a discussion with the Auditor, adding that the order remained in committee. Stated that the purpose of the order was to assure that the City Council was a part of the process in determining the uses of the funds from the American Recovery Plan. Observed that the previous Covid funds had been treated as block grant funds, largely leaving City Council out of the process. Reiterated that the order remained in committee to get more information.

Councilor Murphy stated that more information would likely come within the next 5-7 days on the rules for use of the funds, noting the intent to give local governments much leeway. Stated his intent to get input and give consideration to the input received. Noted that Congressman Neal's goal was to provide flexibility to individual communities.

Councilor McGiverin observed that some funds were to be used to supplement funds that city budgets lost due to the Covid pandemic. Stated that if budget appropriations were being supplemented, it should require City Council approval.

President McGee asked for clarification on the status of the order.

Councilor McGiverin stated that it remained in committee, noting that the agenda was set prior to the committee meeting.

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

(1:49:20)

Motion was made and seconded to suspend the necessary rules to take items 21A and 21B as a package.

The Committee on Development and Governmental Relations to whom was referred an order Community Development - FFY21 CDBG Proposal Summary have considered the same and Recommended that the order be adopted as amended.

Committee Members:

David K. Bartley  
Michael J. Sullivan  
Peter R. Tallman  
Howard B Greaney, Jr.

UNDER DISCUSSION:

Councilor Bartley expressed appreciation to Alicia Zoeller of Community Development as well as the members of the Citizens Advisory Committee for providing critical input to the committee. Observed that it had been the most efficient meeting on the topic that he could recall. Noted having received questions from advocates of those not funded. Noted that there would be expected additional avenues for funding in the near future. Noted that the Demolition Fund and Neighborhood Improvement Program had been fully funded, noting that the program had a waiting list of around 150 houses. Stated that Wisteriahurst and

Ingleside Park received funds, adding that the handball court had also been fully funded. Stated that sidewalk funds had received substantial funded for significant improvements. Noted that the Small Business Program and the Façade Improvement Program received funds. Stated that non-public service programs is often no-win with limited funds available. Stated that the Loretta House, Kate's Kitchen, and Womenshelter had received funds, as well as homeless services. Also noted that new agencies had received funds and are encouraged to apply. Stated that the resolution is the same as every year, with changes in the funding.

Councilor Murphy encouraged the eventual new mayor to listen to the comments in the future. Stated his intent to change certain things to expand and potential reprogramming. Noted potential for sanitary and sewer work later in the year. Recalled discussion with Alicia Zoeller in identifying programs to help with future funds made available.  
Gladys Lebron-Martinez

---> Report of Committee received 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 Development and Governmental Relations to whom was referred an order FFY2021 Spreadsheet Community Development Block Grant have considered the same and Recommended that the order be adopted as amended, and that the resolution be adopted.

Committee Members:

David K. Bartley  
Michael J. Sullivan  
Peter R. Tallman  
Howard B Greaney, Jr.  
Gladys Lebron-Martinez

---> Report of Committee 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 to take items 22A, 22B, and 22C as a package.

The Committee on Charter and Rules to whom was referred an order Communication from UMass Amherst, Saul Weing Arnstein & Lehr: final investigative report on the Alex Morse matter. have considered the same and Recommended that the order has been complied with.

Committee Members:

Linda L. Vacon  
Howard B Greaney, Jr.  
Todd McGee

UNDER DISCUSSION:

Councilor Vacon stated that the petition had been filed last Fall, noting that there had been many developments since. Observed that Jordan Lemieux had been appointed as the liaison for the citizens group that filed the petition. Observed that the petition is not utilized often but is available to citizens when they want a matter publicly heard. Read the header of the petition:

"We the undersigned registered voters of Holyoke, call for the resignation of Mayor Alex B. Morse and petition the Honorable City Council to pass a resolution calling for the resignation of Mayor Alex B. Morse. We seek this based on the actions of inappropriate sexual conduct by Alex B. Morse, Mayor, City of Holyoke. He is no longer able to effectively and credibly serve as Mayor.

We further request the Holyoke City Council to call for a General meeting of citizens to discuss the above stated purpose pursuant to Section 8 of the Holyoke City Charter and the Massachusetts State Constitution."

Noted that Mr. Lemieux offered points on behalf of the citizens, including that while the report did not find matters of law violated, the findings did not exonerate the conduct. It was also noted that Mr. Morse would not be invited to teach at the university in the future. Stated that it was also noted that the actions may have been against principles of employee conduct. Stated that it was also suggested that the details of a \$45K payment could be disclosed now that Mr. Morse was no longer in office. Stated that UMass students had been courageous in bringing forward concerns and should not be discouraged in the future and should be heard. Observed that the mayor is now out of office and the matter could be put behind the city, adding that the citizens had been heard.

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

The Committee on Charter and Rules to whom was referred an order Letter from City Solicitor, Crystal Barnes, regarding the procedure and requirements of a citizens petition. have considered the same and Recommended that the order has been complied with.

Committee Members:

Linda L. Vacon  
Howard B Greaney, Jr.  
Todd McGee

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

The Committee on Charter and Rules to whom was referred an order Petition calling for the resignation of Mayor Alex Morse as well as calling on the City Council to pass a resolution calling for the resignation of Mayor Alex Morse.

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

Committee Members:

Linda L. Vacon  
Howard B Greaney, Jr.  
Todd McGee

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

Motion was made and seconded to suspend the necessary rules and take late file F out of order LISI, McGee Ordered, that That the City Council adopt the 171 amendment to Chapter 2 of the revised code of ordinances of the City of Holyoke regarding the following sections:

Section 2-311 entitled Established: Qualifications and Term of Personnel Administrator"

Section 2-67 entitled Residence Requirements for Department Heads

Section 2-113 entitled Assistant City Treasurer -Appointment and Term

---> Received and laid on the table.

### **ORDERS AND TRANSFERS**

(2:05:30)

From Jenna Wellhoff - Legal language draft pertaining to residency requirements for the Personnel Director and Assistant Treasurer positions.

Councilor Lisi made a motion to take final action.

Councilor Bartley made a motion to table, noting he had not read the item. Councilor Vacon seconded the motion. Motion failed on a voice vote.

Councilor Bartley asked how it had been circulated.

Councilor Lisi stated that it had been circulated by Jenna Wellhoff from the legal department.

Councilor McGiverin stated that a two-thirds vote was required for discussion.

Motion to take final action failed on a show of hands vote, 8-5.

President McGee stated that the matter had been taken up at the previous meeting but the legal form had not been in hand. Reiterated that there was no Personnel Director, almost nobody in the legal department, and there was an interest in getting people hired. Stated that this had been approved by the Council and that the legal form needed to be in place to make sure it was done.

Councilor Murphy observed that he had signed the legal form that afternoon, recognizing that it had likely not been circulated. Emphasized that he would not sign documents before reading them. Suggested that he may call a special meeting to deal with the matters quickly and get people hired, noting the importance of getting people into positions.

LISI Ordered, that in an effort to document and make transparent the work that the Holyoke Public Schools have done under receivership, the City Council invite in Anthony Soto, Interim Receiver, as well as any cabinet level members, and possibly a representative from DESE to go over the metrics by which our student achievement is being evaluated, an explanation of the progress we have made thus far, and the benchmarks that we need to meet in order to be released from receivership.

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

MCGEE Ordered, that Ordered, that the City Council issue a proclamation of appreciation to Commander Heriberto Colon Jr for his dedication to local veterans and his service as Commander of DAV Chapter 41 from May of 2019 through May of 2021.

---> Received and adopted.

MCGIVERIN Ordered, 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, 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.

To the City Council:

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

April 20, 2021.

Terence Murphy, Mayor

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

Motion was made and seconded the suspend the necessary rules to take items 29 and 30 as a package.

MCGIVERIN 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor

---> Received and laid on the table.

MCGIVERIN 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor

UNDER DISCUSSION:

Councilor McGiverin observed that the same orders had been before City Council in a previous meeting . Stated that the Finance Committee met to discuss the issue, noting that Atty Barnes had performed the duties of the City Solicitor from October of 2018 and continues to do so. Reiterated that they learned her work justified back pay, adding that this position had been backed up by an advisory opinion from labor counsel. Stated that M.G.L. had been reviewed to understand what was going on. Observed that the Auditor had not been aware that the Senior Assistant City Solicitor took on the duties of the City Solicitor with a vacancy. Stated that the City Solicitor is the only one that can sign off on legal forms and opinions . Stated that the salary was not being adjusted, noting that the orders cover back pay for prior years and duties that were performed by Atty Barnes. Recalled that in the prior meeting when these orders were voted on, he had mistakenly said they had passed the first reading at the previous meeting . Expressed his belief that a two-thirds vote for appropriations is really only necessary when both readings are on the same evening, adding that he understands the majority of the Council believes a first reading should be a more formal motion to pass. Noted that there were no objections on the night of the vote, and that a second reading vote passed by an 8-4 vote. Also noted that if it had been recognized the night of the vote, he would have asked for a motion to reconsider and asked to table, adding that M.G.L. states that appropriations only a require a simple majority . Reiterated that the City Charter states that a two-thirds

vote is required when both readings happen on the same night. Observed that Councilor Lebron-Martinez joined immediately after the vote had been taken, noting that according to the rules, any city councilor that joins a meeting should be asked how they want to vote on any roll call vote they missed at that meeting. Noted that the orders had been refiled by Acting Mayor McGee. Stated that the city could be liable for triple net damages if the back pay was not paid, adding emphasis that he was not worried about that happening and the statement was not intended as a threat. Reiterated that the orders are for back pay due to Atty Barnes for doing the work.

Councilor Bartley stated that the orders are financial transfers signed by Alex Morse, adding that there are no orders signed by either former Acting Mayor McGee or Acting Mayor Murphy. Stated that the orders are out of order. Made a motion to give a leave to withdraw.

Councilor Vacon seconded the motion.

President McGee clarified that the orders were recommended and authorized by him, noting that orders can be signed manually or by computer and that the computer signature still needed to be changed. Stated he used the same language of the old order to match the same numbers.

Councilor Bartley reiterated that the orders did not have the name of Acting Mayor Todd McGee printed on them.

Councilor Murphy made a motion to suspend the necessary rules to allow the City Clerk to address the Council.

City Clerk McGee stated that they had been working with Whalley to change the signature in Lotus, adding that anything printed automatically comes with the signature of former mayor Morse.

Councilor Vacon stated that Whalley should be able to change it, given the money paid to them. Questioned if a hard copy of the order had been signed.

President McGee stated he signed it through the computer, reiterating that there are two ways to sign an order.

Councilor Vacon suggested that he could write on the hard copy. Suggested that proper form and protocol would require filing as a new order. Expressed recognition of the arguments in favor of the orders, adding that money appropriated in the line item for the city solicitor had been transferred out for other uses. Stated it to be questionable that funds in the current year would be used for funds transferred out of that line in prior years. Noted she supported the transfers for the current year.

Councilor Murphy noted he voted for the transfers, adding that he had concerns about how the process had been handled. Stated that it should be handled without any legal questions. Stated if the current orders did not pass, he would likely file the following week. Expressed an intent to abstain in order to be a neutral party.

President McGee expressed support for refiled, adding that the issue was a matter of a computer glitch.

Councilor Vacon made a motion to table.

Councilor McGiverin asked for a clarification on what the legal issue was.

Councilor Murphy stated the issue was the signature.

Councilor Anderson-Burgos noted that in various calls, he had been advised that he was being recorded and that responses were considered legally binding. Observed that the meeting was a public record, and that President McGee was on record stating he had approved the orders.

President McGee stated that the signature on the order is the issue, and the suggestion to table was to avoid having an issue come up in the future.

Councilor Bartley suggested getting a legal opinion from a party other than someone hired by the person who would benefit from the transfers. Stated that a legal opinion is usually substantiated by criteria, adding that the legal opinion on these orders were based on opinion. Stated the opinion had no basis in law. Expressed concern that a threat had been posed that the city may face a lawsuit.

Councilor McGiverin stated that what was received was a legal advisory from the labor counsel that the

city hired for labor purposes. Expressed concern about receiving personal attacks and words being mischaracterized. Noted that the orders had been filed by mayors, and that his intent was to get it to the point of taking a final vote.

---> Received and laid on the table.

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, ONE THOUSAND EIGHT HUNDRED FIFTY FOUR AND 83/100 Dollars (\$1,854.83) as follows:

FROM:			
12201-51105	FIREFIGHTER		\$1,854.83
		TOTAL:	\$1,854.83
TO:			
12201-51180	INJURED ON DUTY		\$1,854.83
		TOTAL:	\$1,854.83

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 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, TEN THOUSAND NINE HUNDRED TWENTY FOUR AND 93/100 Dollars (\$10,924.93) as follows:

FROM:			
12101-51104	LIEUTENANT		\$3,807.08
12101-51107	PATROLMEN		7,117.85
		TOTAL:	\$10,924.93
TO:			
12101-51180	INJURED ON DUTY		\$10,924.93
		TOTAL:	\$10,924.93

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated the orders are for accounting of officers who are receiving their salaries while out of work due to being injured on duty. Noted that they may be injuries of only a couple of days, but that the transfers would be for salaries earned while not performing services.

---> 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 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor

Councilor Bartley observed that regarding item 33, there was an order in committee for the same thing.

Councilor McGiverin stated that the committee was working on getting information on overtime. Stated that Acting Mayor Murphy is working with the Police Department on their budget, adding that he was informed this order would be filed to replace the order for the \$200K transfer to overtime.

Councilor Murphy stated he had been in communication with the Police Department to getting better reporting on the use of overtime. Stated that with the warm weather coming, there would likely be an increase in the kind of activity we would not want. Also noted that there was a need for additional patrolman, adding that he had encouraged the hiring of new reserve officers who could then be hired as full time patrolmen. Observed that the order was an attempt to be as conservative as possible while allowing the department to be able to react to what happens in the warmer spring months. Noted that in looking at the stats, it appeared to be a legitimate request.

Councilor McGiverin observed that as of April 3rd, the line item had roughly \$293K, adding that there were legitimate overtime needs, especially with a decreased workforce. Observed that an order had been filed to increase reserve officers. Clarified that the matter was about operational overtime, not grant overtime. Commended Acting Mayor Murphy for taking on the matter, particularly with the new budget coming up. Noted that if the \$200K transfer passed, the line item would be at the average level for the last two years. Suggested that the department could accomplish what it needs to do with the \$100K transfer.

Councilor Bartley commended Acting Mayor Murphy for stepping up to take on the role, as well as to Councilor Tallman for running. Suggested pulling the \$200K transfer order from the committee's jacket to give it a leave to withdraw.

Councilor Murphy stated that the \$100K transfer is the only one to look at.

Councilor Bartley stated that regular order could be followed, adding he expected the Finance Chair would add it to the next agenda.

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

TALLMAN Ordered, that the personnel department work with the mayor to Facilitate a professional development day for department heads

Councilor Vacon asked if the order needs to go to the Finance Committee if it is additional benefit, or if it simply as an educational day.

Councilor Tallman stated that it would be a way to get department heads together for an in-service day to talk about goals and needs, and to help city government get along better. Suggested getting approval from the mayor if there would be a cost.

---> Received and referred to the Mayor and Personnel Department.

TALLMAN, McGee Ordered, that The DPW clean up the graffiti at the Kennedy Park monument.

---> Received and adopted. Referred to the DPW and Parks and Rec. .

Councilor Sullivan suggested adding the Highland School monument, noting it had been defaced.

Councilor Tallman clarified that this is the same monument.

Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to take items 36 and 37 as a package.

VACON Ordered, that in accordance with the law, the Acting Mayor choose one person listed in the March 14, 2020 letter nominating the following three people to fill the Preston Macy seat:

Preston Macy, Keith Davis, Odette Czaplicki  
 ---> Received and referred to the Mayor.

VACON Ordered, that The Mayoral appointments to the board of registrars need to be corrected. By law, only one name from the 2021 list for the Dorothea MacNeil seat can be chosen. The Republican City Committee put forth three names on March 22, 2021: Dorothea MacNeil, Keith Davis, and Marc Hickey. Please issue a letter appointing one individual. President McGee stated that when it came in, it had only been one letter with three names. Observed being told there would be two letters but only one had been received, adding that he had been asked to fill the two positions.

Councilor Vacon stated that when the order had been filed, she had submitted both letters. Stated that Acting Mayor Murphy should now have both letters. Also noted that a letter sent to former Mayor Morse in 2020 had not been acted upon.

Councilor Murphy stated that he believed former Acting Mayor McGee had nominated someone at the previous meeting.

President McGee clarified that two had been nominated from the same letter when there was supposed to be two letters.

---> Received and referred to the Mayor.

GREANEY, JR. Ordered, that the Holyoke City Council invite a Medical professional from Holyoke Medical Center or Baystate Health to discuss the pros and cons of Marijuana usage and its effect on the community.

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

GREANEY, JR. Ordered, that The DPW Superintendent provide the City Council with an inventory list of all DPW vehicles that are currently in use and those that are not in use.

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

### LATE FILED ORDERS & COMMUNICATIONS

(2:47:45)

From Acting Mayor Todd McGee, appointment of Brian Smith of 48 Holy Family Rd. for the Retirement Board.

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

From Acting Mayor Todd McGee, appointment of Patricia Devine of 58 Magnolia Ave. for DPW Commissioner

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

From Acting Mayor Todd McGee, reappointment of Lori Belanger of 16 Roland St. for the position of Purchasing Director.

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

HERNANDEZ Ordered, that That a handicap sign be placed at 63 Taylor St.

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

Community Outreach Meeting for May 3, 2021 for First City Provisions, Inc.

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, ONE THOUSAND DOLLARS AND 00/100 Dollars (\$1,000.00) as follows:

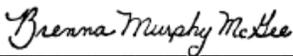
FROM:		
12401-51110	PAY-LOCAL BUILDING INSPECTOR	\$1,000.00

	TOTAL:\$1,000.00	
TO:		
12401-51300	PAY-OVERTIME	\$1,000.00
	TOTAL:\$1,000.00	

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 20, 2021.

Terence Murphy, Mayor  
---> Received and referred to the Finance Committee.

Adjourn at 09:52 PM.  
A true record  
ATTEST:

  
\_\_\_\_\_  
City Clerk