

REGULAR MEETING OF THE CITY COUNCIL
June 15,2021

The meeting was called to order by President McGee at 07:09 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 welcomed the City Council back into City Council chambers , adding thanks to the Acting Mayor, various city departments, first responders, educators, city councilors, and City Hall employees for working together through the difficulties of the pandemic. Noted that while there are disagreements, the body works together. Recalled when the first Zoom test took place, there had been an expectation that the changes would have been a month or a couple weeks. Reiterated that the Council worked together to make sure the city government continued to do its work to assure city residents needs and concerns were addressed.

LAI D ON THE TABLE

FY2022 Municipal Budget

President McGee stated that the budget would remain on the table with the plan to hold the vote the following Monday, June 21st.

---> Laid on the table.

Motion was made and seconded to suspend the rules and take 2 and 3 as a package
MCGIVERIN -- 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) as follows:

FROM:
11512-53010 SPECIAL COUNSEL \$5,957
TOTAL: \$5,957

TO:
11511-51101 CITY SOLICITOR \$5,957
TOTAL: \$5,957

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 0--Nays 4 (Bartley, Greaney, Sullivan, Vacon.--Absent 0.

MCGIVERIN -- 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) as follows:

FROM:
11512-53010 SPECIAL COUNSEL \$5,196
TOTAL: \$5,196

TO:
11511-51101 CITY SOLICITOR \$5,196
TOTAL: \$5,196

UNDER DISCUSSION:

Councilor McGiverin noted that the history of the transfers , stating that they were first taken up in the Finance Committee in early Spring. He then stated that they been first submitted by former Mayor Morse,

as well as resubmitted by former Acting Mayor McGee, and Acting Mayor Murphy. He reiterated that the transfers were for back pay to the former City Solicitor for work that was performed by not paid at the correct salary rate, adding that the salary for the current year was approved. He stated that in addition managing the City Solicitor office, she was managing the budget, was assigned to City Council meetings, and attended subcommittee meetings as needed. He recognized that the minority opinion was concerned with paying funds for prior fiscal years. He then noted that the Legal Department and other lawyers had provided opinions stating that the funds were acceptable as back pay and clarifying they would not be a salary increase. He also noted that with each vote on the matter, there had not been all 13 councilors on to take the vote.

Councilor Vacon stated that the issue was about funding for prior years, adding that the funds to pay the salary had been transferred out of the budget line at the request of the former Acting City Solicitor. She then expressed concern that such a transfer was being proposed at a time when the city is fundamentally broke, no cash, and facing a \$3+ million deficit. She stated that it would not be fair to taxpayers to go back to fix an issue that should have been known at the time. She also added that there was no requirement to have all 13 councilors vote, noting that many votes had been taken without all 13 members present.

Councilor Greaney stated he had not seen a response to a requested legal opinion to address procedural questions on the transfers being taken up. He stated that a motion to reconsider should come from the prevailing side of a vote according to Robert's Rules of Order, adding that he sought legal guidance on how many times a matter can be tabled.

President McGee stated there had been a legal opinion provided earlier that afternoon.

Councilor Greaney noted the legal opinion had been requested two weeks ago, adding that he had not had a chance to see it.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 0--Nays 4 (Bartley, Greaney, Sullivan, Vacon.--Absent 0.

The Committee on Ordinance to whom was referred an order that handicap spaces on Ivy Ave. be condensed to one space in front of 8 Ivy Ave, to be located on the East side of the street, 90 feet north of Dwight St Recommended that the order be adopted.

President McGee stated that a point of order had been made, noting that the item had been on the agenda twice without action and would have to be refiled according to Robert's Rules. He also noted that the maker of the order had agreed.

Councilor Greaney asked for the legal opinion on motions to reconsider and on tabling to be read into the record.

President McGee read the pertinent language into the record:

"Going back to the verbiage of City Council Rule 23 "When a vote has been taken by either an affirmative or negative vote it shall be in order for any member to move a reconsideration thereof at the same session, but not afterwards; but when a motion for reconsideration is decided, that vote shall not be reconsidered." That second part, but when a motion for reconsideration is decided, that vote shall not be reconsidered" this law department's reading of that is that the motion to reconsider is not debatable. Once it is decided that an item has been reconsidered or not, it ends there and that cannot be up for debate. As for the inquiry regarding tabling or continuing this matter on separate occasions. I refer Council to the fact that each time a motion to lay on the table has been requested has been for different reasons (i.e. seeking a legal opinion on whether the transfers would be in violation of MGL Chapter 44, Section 68; refiled the transfers when it was discovered that council had inadvertently not passed the first reading; refiled the transfers when it was discovered there was a technical glitch whereby former Mayor Alex Morse's auto signature appeared when he was no longer in office, etc.) I would reiterate that based on

Robert's Rules of Order it is permissible to move for a motion to lay on the table after it has been reconsidered.

I hope the above addresses your concerns. If you have any questions or need anything further, please feel free to contact me."

Councilor Greaney asked a clarifying question on if it was true that in some matters the Council goes by Robert's Rules and by City Council Rules on other matters.

President McGee stated that if there is a rule that addresses a matter, the Council goes by City Council Rules. Read City Council Rule 43:

"Roberts Rules of Orders shall be the authority adopted by this Council on all points of parliamentary practice not specifically covered by the city charter or any statute, ordinance, or the Rules of the City Council."

Councilor McGiverin offered a challenge to the Chair's ruling, adding that it was his understanding that Robert's Rules are only referred to when a matter cannot be resolved on the City Council floor, not for further interpretation on how to run meetings. He added that it could be referred to if a rule or a point of order is not working. He noted that with the Chair's interpretation, the budget would have to be refiled.

President McGee stated that the matter had been brought to his attention that evening, adding that a legal opinion could be sought if there is a disagreement.

Councilor McGiverin suggested that councilors will need to become more acquainted with Robert's Rules if that is referred to every time there is a disagreement. He noted that the body has good rules.

---> Laid on the table.

Motion was made and seconded to open the public hearing.

Councilor Bartley asked that the public hearing remain on the table to be taken up with a related item during the committee reports.

President McGee noted that there had been a discussion during the DGR Committee meeting the previous evening to address the issue of poles and wires on Valley Heights Street

The Committee on Public Safety to whom was referred an order 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 . Recommended that the order has been complied with.

---> Leave to Withdraw without prejudice .

Motion was made and seconded to suspend the necessary rules to take items 6 and 53 as a package.

The Committee on Public Service to whom was referred an order that the Personnel Department post the position of Treasurer and the Public Service Committee begin interviews so the City Council can appoint a Treasurer to fill the unexpired term of Sandra Smith. Recommended that the order has been complied with.

---> Received.

Motion was made and seconded to suspend the necessary rules and take item 53 out of order MCGEE Ordered, that the City Council elect to fill the vacancy of City Treasurer with Kate Jackowski .

---> Motion was made and seconded to go to the first ballot to fill the unexpired term for Treasurer . Kate Jackowski was appointed unanimously on the first ballot.

PUBLIC COMMENT

(17:45)

Elizabeth Caretti Ramirez, 205 Bemis Rd, noted that she is an Italian American, and works as a Spanish teacher, often teaching about things related to Columbus, and other subjects related to the beginnings of Europeans settling in the Americas. She then stated that she had been appalled that Columbus would used as a symbol for Italians, noting he had been involved in the Atlantic slave trade, committed genocide, took in slave, and allowed the rape of Native women. She then added she would like to see Columbus Day replaced with Indigenous Peoples Day to pay tribute to the people who cared for the land for centuries. She also noted that many in the city are descended from Taino people. She reiterated that Columbus Day was an insult to Italian Americans, adding that a holiday to celebrate Indigenous People should be reflected in our government.

John Rivera, 2 Laurel St, stated that while he believed the order to celebrate Indigenous Peoples Day would be the bare minimum the city should be doing, he was in full support of the proposal. He added that he would like to see less performative measures and more direct actions to address injustice, systemic racism, and other disparities in the community.

Joanne Grisanti, Bemis Rd, noted she was a third generation Italian American. She stated they chose to purchase a home in Holyoke due to it being one of the most diverse communities in the area. She noted that as half of Holyoke's citizens are Latinx, Holyoke should lead in modeling racial justice. She stated that changing Columbus Day to Indigenous Peoples Day would be such an act, acknowledging that Christopher Columbus was not an explorer but a cruel murderous invader. She then added that honored Indigenous Peoples would ensure that their memories and cultures would be preserved.

Sandra Ramongeon, Walnut St, stated that her grandparents had been Italian, adding that they had not spoken about Christopher Columbus in heroic terms. She stated that she moved to Holyoke for its diversity. She also noted the importance of acknowledging the indigenous people that were enslaved and murdered by Columbus, adding that they would be the rightful heirs of a holiday. She noted that celebrating Indigenous Peoples Day would be the progressive thing for Holyoke to do.

Reina Oduro, School St, Webster, stated that she knew people in Holyoke and was in support of celebrating Indigenous Peoples Day. She added that she knew many Italian people, adding that Christopher Columbus was not a good representation of the Italian culture. She then stated that he had been responsible for many atrocities against the Taino people in the Caribbean. She then noted the difference in the story her children hear about Columbus at school as opposed to at home, adding that not telling the true story is a disservice to students in the schools.

Richard Ahlstrom, 215 Madison Ave, stated that he was the Chair of the Holyoke Historical Commission

and was speaking on their behalf. He noted that there had been a letter submitted regarding item 33. He stated that the order to demolish six buildings of historic significance had been ill -advised and had not followed city protocols. He read the language of an ordinance pertaining to this matter:

“No permit for the demolition of a historic building or structure shall be granted unless it is first submitted to the Historical Commission for review and comment in accordance with the provisions set forth in the demolition delay ordinance. This shall include any project which the city is the project proponent or is required to complete a federal environmental review . One of the criteria for a Historical Commission review is any structure that is more than 100 years old.”

He noted that all properties included in item 33 fit the criteria, adding that most had not been brought before the Commission for review. He noted that they had not been informed with enough time to respond. President McGee asked if he had been invited to the Finance Committee .

Councilor McGiverin clarified that the item was being received for the first time , adding that it could be referred to Finance.

R. Ahlstrom stated that Historical Commission was opposed to the order and it had not followed protocol . He noted they had many questions that needed to be brought up, adding that it appeared to be an oversight on the part of the City Council or a disrespect of city departments . He then asked for the matter to be tabled.

President McGee reiterated that the matter was being filed for the first time , adding that the custom would be to refer to committee.

R. Ahlstrom expressed his understanding that it had been received at the May 18th meeting.

President McGee clarified that there had been a different order on May 18th which had been pulled back due to one or two buildings on the list being sold .

Motion was made and seconded to suspend the necessary rules and take items 33 and late file E as a package

MCGIVERIN Ordered, that Ordered that the sum of \$856,750 is appropriated to pay the costs of building demolition at the following City of Holyoke properties : 345 Dwight Street, 84 Newton Street, 144 High Street, 106 Pine Street, 246 Lyman Street, and the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore; that the Mayor is authorized to contract for and expend any state aid available for the project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project .

Further Ordered: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes , may be applied to the payment of costs approved by this vote in accordance with Chapter 44, . Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order , and to provide such information and execute such documents as may be required for such purposes .

Further Ordered: That in order to reduce interest costs, the City Treasurer, with the approval of the Mayor, is authorized to refinance any bonds issued pursuant to this Order and in connection therewith , to issue refunding bonds in accordance with Section 21A of the General Laws.

Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 15, 2021.

Terence Murphy, Mayor

Councilor McGiverin clarified that the request had come through the Mayor's office, adding that it had been a request for bonding and there would be plenty of time at a Finance Committee meeting to listen to all concerns.

Councilor Murphy stated that he had requested a list from the Problem Properties group detailing the buildings that were in the worst shape. He noted there had been seven properties, adding that one was being purchased and one additional property may be. He then stated the remaining properties were considered to be the worst condition properties in neighborhoods in need to improvements. He suggested that the Historical Commission review should begin after the Problem Properties group identified properties for potential demolition. He emphasized the importance of addressing properties before they are vacant for many years.

---> Received and referred to the Finance Committee. Copy to Historical Commission.

Communication regarding the Historical Commission

---> Received and referred to the Finance Committee

President McGee read emailed public comments:

Glenn Sullivan, 1015 Hampden St: Please support and approve Councilor Hernandez's request for the Establishment of Indigenous Peoples day in Holyoke.

Susan Van Pelt, 246 Walnut St: Dear Councilors,

I write in support of replacing Columbus Day with Indigenous Peoples Day.

This is an opportunity for Holyoke to learn better and with that knowledge, to do better.

Mimi Panitch, 134 Madison Ave: Dear President McGee, and Holyoke City Councilors:

Please accept this letter as Public Comment regarding tonight's agenda item 40, calling for the establishment of an Indigenous People's Day.

I hope the City Council will act favorably on this matter, and am grateful to Councilor Hernandez for her efforts to move the issue forward. It may seem like a small and mostly symbolic thing, but some symbols are important, and this is one of them.

Communities are built out of the stories we tell each other about who we are, and about where we came from. Our secular holidays are among the most important ways in which we tell those stories and reaffirm who we are and who we want to be. It is long past time that our account of ourselves recognizes the great civilizations that arose on this continent before Columbus sailed. We cannot travel back in time and undo the violence of the founding, but we can commit ourselves to a vision of a wiser and stronger community: one that is not afraid to look honestly at its past, or to act from our ideals of who and what this city and country should be. It's only one small step on the road to that better city, but it's one that matters, and it's long overdue.

Thank you for your consideration, and as always, for all the work you do for Holyoke.

Stefanie Stauffer: A hundred years ago my great grandfather Alberto Morganti immigrated to Holyoke from Senigallia, Italy to work as a weaver in the Skinner Mill. He used to walk to work from South Hadley to save the streetcar money to be able to provide my grandmother Theda & her sisters with music lessons.

Later, after immigrating from Barga, Italy, my grandfather Francesco Torlai, Theda's husband, ran Toscani's restaurant in Holyoke for many years until it was consumed by fire. After the fire, he fed Holyoke veterans as a cook at the Soldier's Home. Although I am not a current resident, my Italian-American family roots run deep in the city, my great grandparents, grandparents, and other beloved family members are all buried in Holyoke. As a descendant of Holyoke Italian-Americans, I am asking you to vote in favor of establishing an Indigenous Peoples Day in the city.

There are so many Italians worthy of our celebration, it makes little sense to me to continue to celebrate a person who never set foot on the North American continent and whose problematic behavior is documented in his own journals. Furthermore, the legacy of Columbus is painful for our Puerto Rican and indigenous neighbors, so it seems that it is time to put that legacy aside and celebrate the resilience of indigenous peoples who persevered through incredible hardship and continue on today. There is a way to celebrate the legacy of Italian-Americans in Holyoke that does not simultaneously harm residents of Puerto Rican, Central American, and Indigenous ancestry. Please support Indigenous Peoples Day.

Thank you for your time and attention,

Darlene Flores: I am a Taino Native American/Indigenous woman. I am also a mother of three children ages 9,7,5.

I was born and raised in Massachusetts where I learned the lies that Christopher Columbus "discovered"

America. And that the Native Americans that he came across all died from diseases that the Europeans brought over.

As a child in the public school system, I felt very confused about my own identity.

At home, my indigenous practices were very relevant. The foods we ate, the way we respected nature and interacted with visitors during the holidays, the traditional medicines we used every day for colds and bumps and bruises.

I bet you yourself even speak some Taino words and don't even know it. Words like Tobacco, barbecue, hurricane, canoe, hammock, those are all TAINO.

The problem with keeping Christopher Columbus as a holiday only continues these lies and myths that I don't exist. Or that I am irrelevant to my peers. Or that my children are irrelevant.

Christopher Columbus was not a good person. He wrote journals to the Queen of the atrocities that he committed. He himself and the Men under his command. Some of these atrocities include selling children, boys and girls into sex slavery.

Taino Native Americans are the Indigenous Peoples that were living on the Caribbean Island and the lesser Antilles. So the people that you know are Puerto Ricans (Borikuas Taino name), Dominicans (Kiskeyans), Cubans (Cuba), Haitians (Ayiti), Jamaicans (Yamaka). We are all descendants of the Tainos. I'm pretty sure you again know some of these descendants.

Please I am asking that you make the correct decision and allow Holyoke to become an ANTI-RACIST City and join the other cities in making the right decision to changing CC to Indigenous Day.

Seneko Kakona (Abundant blessings)

Motion was made and seconded to make additional emailed statements available as part of the public record, given their length.

Record of these statements available on Holyoke.org:

Virginia Gardner

Mahtowin Munro - UAINE

Italian Americans for Indigenous Peoples Day

Italian American Alliance

Chali'naru Dones

President McGee clarified the rules for public comment, specifically noting the rules limiting comments to 90 seconds as well as only speaking once. He added that more in-depth discussion of matters take place in subcommittee meetings.

Dr. Darlene Flores stated she is a mother of three. She then emphasized the importance of Taino descendants receiving the same education and opportunities as students. She then questioned their children seeing a man idolized that brought atrocities to their people. She added that Columbus had not been a good man and should not continue to be idolized, especially for the many children of Holyoke who are descended from Taino culture.

Chali Naru Does, Newton, stated her son had been bullied and beaten at school due to his indigenous culture, adding that he had been taught about his culture since was very young. She expressed concern that he would be taught differently about and to celebrate Christopher Columbus in schools after being taught the history about him at home.

Motion was made and seconded to suspend the necessary rules and take items 40 and 23B out of order HERNANDEZ Ordered, that That a resolution be created to support the Establishment of Indigenous Peoples day in Holyoke.

Councilor Hernandez thanked members of the public that attended to speak in favor of this item, as well as the Public Service Committee for discussing the matter. She then stated that a part of the issue is that celebrating Columbus Day implies that Columbus was a hero for discovering a world in which there were already established cultures. She added that the explorations trips were conquests culminating in genocide. She suggested that communities should celebrate cultures and languages that are under represented or no longer here. She also noted that Holyoke schools already recognize Indigenous Peoples Day.

Councilor Lisi stated that Holyoke was one of the few communities that had schools celebrating Indigenous Peoples Day but the city had not. She added that honoring Columbus as an explorer is historically inaccurate. She suggested taking up item 23B with this item.

Motion was made and seconded to suspend the necessary rules to take item 23B out of order with item 40 as a package.

President McGee noted that the discussion in committee resulted in advice that Councilor Hernandez file a similar resolution as other communities with changes made to refer to Holyoke .

Councilor Murphy asked if it would be appropriate to remove the final paragraph of the resolution which would direct the City Clerk to provide a copy of the resolution to regional tribes , tribal organizations , and media outlets, noting it would give her office a potentially complicated task .

Councilor Hernandez asked if the City Clerk believed it would be an unreasonable task , noting the other communities that passed the resolution had followed the same process .

City Clerk McGee stated that she could handle it as long as she is able to get the proper contact information.

Councilor Hernandez stated that she could get the information .

President McGee declared the resolution had passed on a voice vote .

Councilors Lebron-Martinez, Hernandez, and Anderson-Burgos requested a roll call .

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 10--Nays 3 (Bartley, Greaney, Jr., Vacon)--Absent 0.

The Committee on Public Service to whom was referred an order that that a proposal/resolution filed in the past by Councilor Nelson Roman be taken up by the Public Service Committee as it relates to replacing Columbus Day with Indigenous People Day. The City of Holyoke consists of more than 50% of its population being Latinos, predominantly of Puerto Rican heritage. have considered the same and Recommended that the order be approved.

Committee Members:

James M. Leahy

Libby Hernandez

Rebecca Lisi

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

COMMUNICATIONS

(58:45)

From Acting Mayor Terence Murphy letter appointing Mr. Michael Falcetti, 50 Holy Family Rd. to serve on the Citizens Advisory Committee (CAC) for the Office of Community Development for the City of Holyoke: Mr. Falcetti will serve a one year term; said term will expire on June 30, 2022.

Councilor McGiverin suggested adopting the appointment, noting that Mr. Fallcetti had been a member of the CPA Committee. He then stated that the American Rescue Plan Act (ARPA) funds coming in would be using a block grant process which would include proposal review by the CAC .

Councilor Murphy expressed his hope that the appointment would be approved, noting that the proposals would be reviewed in July and it would be preferable to have the committee fully staffed .

Councilor Sullivan asked a clarifying question , if the CAC was for the community development block grants, not specifically for the Office of Community Development .

Councilor Murphy stated that according to indications from Treasury , the CAC would be the advisory committee for ARPA funds.

Councilor McGiverin stated that OCD is funded by block grants , adding that they must follow regulations which includes having a Citizens Advisory Committee .

---> Received and appointment confirmed.

Communication from Acting City Solicitor regarding required timelines to act upon an ordinance .

---> Received.

Motion was made and seconded to suspend the necessary rules and take items 8, 45, 46, 47 LISI Ordered, that the City of Holyoke create a Retail Center (RC) zone taking into account both present tenancies and desired future development of such properties, with appropriate criteria to ensure proper cohesive uses and promote continued mixed commercial / retail in Holyoke. REFILED from 6/2/20, 4/19/16

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

LISI Ordered, that the City of Holyoke remove from its Code of Ordinances, Appendix A, Zoning Ordinance, Section 8.3 "Shopping Center Districts" and any other references to said zone and replace with Retail Center (RC). REFILED from 6/2/20, 4/19/16

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

LISI Ordered, that hat the City of Holyoke rezone the following parcels to Retail Center (RC) in an effort to create a cohesive regional destination district of mixed commercial / retail which all property owners will share the same regulations: 117-00-005, 174-00-013, 174-00-013A, 174-00-013B, 174-00-016, 174-00-017, 174-00-018, 174-00-020, 174-00-021, 174-00-022, 174-00-024, 176-00-010B, 176-00-010C, 176-00-013, 176-00-014, 176-00-014.1, 176-00-027, 176-00-028, 176-00-029. REFILED from 6/2/20, 4/19/16

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

Councilor Vacon asked for a summary of the Solicitor's letter .

President McGee read a summary of the letter:

You requested an opinion from our office which sought the required timelines to act upon an ordinance with specific reference to M.G.L. Chapter 40A Section 5. Specifically, there are three ordinances to be taken up tonight, June 8, 2021, that were originally filed in 2019 and 2020. These orders in question are attached to this legal opinion for reference..

"Sais public hearing shall be held within sixty -five days after the proposed zoning ordinance or by law is submitted to the planning board by the city council or selectmen or if there is none , within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen..."

This department's understanding is that the orders in question were filed in September 2019 and June 2020. Even accounting for the rolling period as permitted, they are still outside the sixty-five (65) day requirement. Furthermore, it is this department's assessment that the orders brought forth and the public hearings scheduled for tonight are improper as they were not scheduled within the sixty-five (65) date requirement. As a recourse, they should be refiled and resubmitted.

Councilor Vacon noted that the order had been before the City Council intermittently since 2016, adding that there had been numerous public hearings and votes. She then stated that no business had approached her to have their zoning changed. She suggested doing more research before taking it on when property owners had not sought the action.

Councilor Bartley made a motion to table for the purposes of research . Councilor Vacon seconded the motion.

President McGee declared the motion failed on a voice vote .

Councilors Greaney and Vacon requested a roll call .

Councilor Bartley requested a show of hands. Motion failed 4-9.

Councilor Lisi noted that the orders had originally been proposed in 2016, adding that the Ordinance Committee had worked alongside the Planning Board. She then noted that with a change in chairs, the orders never came up for a final vote. She then stated that the Planning Board continued to press for the changes. She clarified that the orders were refiled in June 2020 when timelines had been tolled due to

Covid, providing extra flexibility. She stated that many business owners were interested in moving forward. She recalled that the Holyoke Mall requested sign and height variances in recent years due to the Council not achieving buffer zoning and sign language ordinance in the RC district. She suggested that many area businesses would benefit from the same zoning requirements as the mall, creating a level playing field among the parcels in the area. She clarified that the orders were being refiled due to exceeding the 65 day limit, noting that tolling of timelines expired in December. She stated that she had coordinated with the Planning Board to bring up the orders in a public hearing.

Councilor Bartley asked how many business owners appeared at the meeting when the orders were taken up.

Councilor Lisi stated that the orders were not taken up.

Councilor Bartley stated that the orders had been advertised.

Councilor Anderson-Burgos stated that the removal of the orders had been addressed at the beginning of the meeting.

Councilor Bartley stated that they would have received notice of the meeting and would not have known they were being taken off until that evening.

Councilor McGiverin stated that item 45 deserved a discussion on the future of the city's retail zoning and retail vendors. He then noted that the Pyramid Corporation had been cautiously interested in some of change in the language. He then noted that item 46 was proposed to anticipate changes that would happen with malls across the country. He emphasized a need to adapt zoning to changes in retail. He then expressed concern with item 47, adding a suggestion to invite parcel owners after the creation of a retail zone.

Councilor Vacon clarified that the Holyoke Mall is not within the RC or SC district, adding that the SC district is a spot zone for the Holyoke Crossing plaza. She added that under current zoning, business owners have been able to move forward with their business endeavors. She reiterated that none of them had petitioned to change their zoning. She then expressed that she would be open to discussing the creation of a zone, noting that the language was a collection of activities that could occur under many other zones and did not create any unique conditions other than allowing a greater height and allowing residential parcels.

Councilor Vacon made a motion to give item 47 a leave to withdraw. Councilor Bartley seconded the motion.

Councilor Lisi noted that the legal opinion had been received on June 7th. She then questioned if it had been appropriate for a single councilor to request a legal opinion, adding that it should be a full body requesting an opinion. She then reiterated that the purpose was to bring all parcels in the area onto a level playing field through the same zoning regulations.

Councilor Anderson-Burgos expressed that it was his understanding that the orders were about making the area more cohesive. He then recalled a business facing an issue with trying to put up a sign, noting that the zoning created an issue and if it had been cohesive, there would be less work for the City Council.

Councilor McGiverin stated that nobody would apply for a zone change until the language exists. He then reiterated his concern with changing the zoning for specific parcels if owners did not ask for it. He noted that the topic is important for discussing the future of retail in the city.

From Lisa Ball, Acting City Solicitor Contract for David Pratt.

Councilor McGiverin asked what the start date of the contract was .

Councilor Murphy stated it was August 1st.

Councilor Lisi asked what the City Council's role was and if the contract needed to be approved by a certain date.

President McGee stated that the City Council approves the funding .

Councilor McGiverin asked that a copy of the contract be sent to the Law Department , as well as requesting a ruling on Councilor Lisi's question . He then suggested that the

President McGee stated that the City Council can adopt the contract but wouldn't be involved in negotiating it.

Councilor McGiverin noted that Captain Pratt would not take over as Chief until the contract is adopted .

President McGee asked Councilor Lisi to clarify her question .

Councilor Lisi asked what the City Council obligations would be in terms of date and approval responsibility .

Councilor Murphy asked if approval of the budget is approval of the contract , noting that the City Council would not meet next until August 3rd.

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

From Brenna Murphy McGee, MMC and Jeffery Anderson-Burgos, Admin. Ass't to City Council minutes of June 1, 2021.

---> Received and adopted.

From City Auditor Tanya Wdowiak, YTD Budget Reports for General Fund and Sewer Fund as of May 30, 2021.

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

From Alicia M. Zoeller, Administrator Office of Community Development re: American Rescue Plan Act Grant.

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

From Michael P. McManus, Superintendent Department of Public Works, letter re: Sewer Rate Recommendation.

Councilor McGiverin stated there is was order with the Ordinance Committee regarding sending the sewer rate to DPW Commission. He then suggested they discuss the letter along with the order .

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

Communication on Aaron Vega appointing him to Director of the Office of Planning and Economic Development effective January 25, 2021.

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

Settlement Agreement by and Between the City of Holyoke and the Holyoke Professional Supervisor Association.

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

From Board of Fire Commission minutes of April 27, 2021.

---> Received.

PRESIDENT'S REPORT

(1:33:30)

President McGee stated that he, Councilor Murphy, Councilor Lisi, and Councilor Sullivan has attended a meeting with the School Board and the MSBA to discuss the building of a new school . He then reminded the councilors that a survey had been sent to them to provide information to the MSBA.

Councilor Vacon asked if the make up of the committee is what he was referring to .

President McGee confirmed that it was .

Councilor Murphy stated it was seeking input on the kind of committee that should be set up .

Councilor McGiverin asked who was presenting the survey .

Councilor Murphy clarified that it had come from Anthony Soto and Erin Linville .

President McGee stated that there would be a memorial service on July 10th for the 75th anniversary of a B-17 plane crash.

He then stated that he and Councilor Murphy met with a translator to discuss where they would be located while providing interpretation for City Council meetings . He noted that an approval to hire the company for their services was on the agenda, adding that the contract would be for \$65 an hour with a commitment for at least 2 hours. He added that anything over two hours would be charged for each half hour. He stated that for the first two meetings, two interpreters would be in to test out the service, adding that it would likely be only one for each meeting after that.

He stated that Holyoke Media had an open seat for the City Council to appoint someone to .

He stated that the CPA had an opening that had been posted. He added that after two weeks, the resumes would be looked at and someone would be appointed.

Councilor Leahy asked for a clarification , noting that he believed transfluenci would require a three hour minimum.

President McGee noted that had been an estimate, adding that the proposal stated it would be a two hour minimum.

Acting Mayor Murphy stated that the opening of City Hall had gone well , as well as the opening of the Library and the Senior Center. He stated that masks would be available as well as greeters at the door . He thanked Sean Gonsalves for his guidance .

He stated that he and the OPED office had met with Kindred and Baystate, adding that the closing was expected to be around August 15th. He added that abatement and demolition was expected to begin in November with construction completed by November 2024.

He stated that a third attorney was expected to begin working in the Solicitor's office the following week .

He stated that an outdoor swimming pool was expected to open later that month, adding that there would be senior swim hours followed by open swim hours noon until 6 PM every day. He added that water sprays would be open every weekend.

He stated that he met with the Opioid Substance Abuse Task Force and had been getting monthly reports from them. He noted that there had been 64 encounters in May, with 47 referred to counseling, and 12 getting into a treatment program. He then stated that crisis intervention team met with 88 people. He noted the importance of assuring a safety community where people are taken care of . He emphasized that nobody had been arrested in these encounters, adding they had been given opportunities to get assistance.

He stated that due to concerns with a police reform act, he needed to clarify that auxiliary police do report to the Chief of Police.

He stated that he had met with the producers of the Viewpoint program, adding that the Law Department

reviewed and approved the contract. He added that the producers had chosen Holyoke to produce a public television segment focused on the city. He stated that a transfer request would be coming to pay the costs.

He stated that he met with businesspeople with the Latino Chamber of Commerce and engaged in a vibrant conversation about their concerns.

He stated that he had met with the entrepreneurs participating in the EForAll program about their plans and concerns for starting new businesses.

He stated that the lost revenue calculation for ARPA funds was over \$1 million.

Councilor McGiverin clarified that the figure was \$1.7 million.

Councilor Murphy stated that the funds would go through the regular budgetary process.

Councilor Greaney thanked Acting Mayor Murphy for keeping the City Council informed.

Councilor McGiverin noted that the intent of the President's Report was an important way of keeping the City Council informed. He then suggested that a new section could be added for the incoming mayor to provide a report to the City Council. He stated that the Holyoke Merry-Go-Round was expected to open on July 17th with the phased opening timeline of the state.

President McGee asked for clarification of hours.

Councilor McGiverin stated it would be regular hours, adding that there may be plans to recognize certain people as part of a grant reopening event later in the year.

Councilor Sullivan asked if the \$1.7 million lost revenue reimbursement would be applied to the \$2.1 million deficit.

Councilor McGiverin stated that the matter could be discussed in the Finance Committee.

Councilor Tallman stated that he was honored to introduce Ed Caisse at an awards ceremony with the Greater Holyoke Council for Human Understanding, noting his work in the community.

Councilor Bartley noted that the City Council honored Ed Caisse a couple years prior. He then stated that Councilor Murphy and Captain Moriarty had met with him and residents to discuss traffic concerns on Homestead Ave and Westfield Rd. He then then stated that the Big E would be honoring Holyoke on September 21st.

City Clerk McGee noted that it was the same day as the preliminary election.

PETITIONS

Petition of Diego Munoz Torres for a renewal of a second hand license at 241 Main St.

---> Received and adopted.

Petition of Gary W. Gladu for a new special permit for a Driveway in Front Yard (6.1.8.1) at 139 Huron Ave.

Councilor McGiverin noted that the location is a corner lot. He then stated that 139 Huron refers to the front yard, adding that the request for a driveway would be off of Downing Ave.

Councilor Bartley stated that the language could be amended in committee.

Councilor Vacon noted that she had sought to modify the ordinances so that homeowners living on an acre or more could install a driveway as of right, noting that the City Council had not approved such a

change. She noted that the Law Department had been directed to communicate with an organization on Rock Valley Rd to apply for a special permit, adding that ordinances should be applied consistently .

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

Petition of Taylor Bates for a new special permit for Driveway in Front Yard (6.1.8.1) at 37 Elmwood Ave.

City Clerk McGee suggested giving item 19 a leave to withdraw, noting that the City Engineer stated it should not be a special permit of the city as it was a curb cutting for a driveway .

---> Given leave to withdraw.

REPORTS OF COMMITTEES

(1:53:06)

The Committee on Ordinance to whom was referred an order Legal form creating stabilization fund for marijuana impact fees.
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 noted that the matter had been discussed over several meetings . She stated that the stabilization fund would be necessary for the city to access \$1.5 million from the community host agreements established with cannabis industry businesses .

---> 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.

The Committee on Ordinance to whom was referred an order Special Permit Application for Marijuana Retail and Manufacturing Establishment of Green Highland LLC to build & operate a marijuana retail, cultivation and processing establishment at 26 Hadley Mills Rd.

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

1. That the owner of the building always pay the commercial property tax rate to the extend allowed by federal, state, and local laws for the duration of the Special Permit.
2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke .
4. There shall be no marijuana consumption allowed on site .
5. That the hours of operation be set according to City ordinances .
6. That all outstanding issues identified by the Planning Department's letter or the Engineer's letter be addressed.
7. There are several issues related to the water and fire services serving the building that David Conti detailed in an email to you on May 21st. No building permit should be issue for this project until these issues are resolved.
8. The applicant's counsel indicated in an email dated April 5, 2021 that an agreement is being developed

between the owner of 26 Hadley Mills Road and the Trulieve project that will clarify access rights across the Trulieve parcel. This agreement is necessary in order to implement the proposed retail customer wayfinding plan submitted by the applicant's engineer. No building permit should be issued for this project until an executed copy of an agreement that clarifies access and signage rights has been provided to City staff. .

Committee Members:

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

---> 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.

The Committee on Ordinance to whom was referred an order Special Permit Application of Mass Cannabis Growers Cooperative, LLC for a Marijuana Manufacturing Establishment at 11 Jackson St for a cultivation facility .

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

1. That the owner of the building always pay the commercial property tax rate to the extend allowed by federal, state, and local laws for the duration of the Special Permit.
2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke .
4. There shall be no marijuana consumption allowed on site.
5. That the hours of operation be set according to City ordinances.
6. That all outstanding issues identified by the Planning Department's letter or the Engineer's letter be addressed. .

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi stated that the project would be unique , noting that it was the first grower's cooperative effort in the city. She stated it would offer 26 individual units for growers who may not have the capital necessary to create their own fully functional manufacturing space on their own . She noted that the six conditions reflect changes following a change in the city ordinance for marijuana manufacturing .

---> 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.

The Committee on Ordinance to whom was referred an order that the City Council create a revolving fund to be set up for the Cities municipal rideshare funding received by the state through the Transportation Network Company

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 proposal came from the Auditor and the City Engineer. She stated that there is a fund that results from a tax every time someone uses a company such as Uber or Lyft, adding that the proceeds are dependent upon how many rides a community utilizes. She added that the state requires tight reporting on how the funds are applied, noting the uses have to be for transportation network related items.

Councilor Anderson-Burgos stated that the funds need to be tracked and reported that they have been used for specific purposes. He added they come from transportation network companies and should be used for things that are related to transportation network improvements. He noted that the kind of projects they would be sued for may not be addressed through the regular department budget. He added that there had been language requests to eliminate a threshold for requiring City Council approval so that all appropriations would go through the City Council. He stated there had been another request to clarify a two-thirds vote requirement, but that the Law Department gave an opinion that there wasn't a basis for that requirement.

President McGee stated that a separate memo stated that the purpose of the funds "must be used to address the impact of transportation network services such as municipal roads, bridges, transportation infrastructure, or other public purpose substantially related to the operation of transportation network services in the city or town, including but not limited to the complete streets program."

Councilor McGiverin stated that while he has concerns with revolving funds, he was in support of this order because if the mandate to be strict on the accountability of how the funds would be spent. He then expressed a concern that revolving funds take revenue away from the recap sheet, adding that many revolving funds could add up to a lot of revenue giving a false image of the revenue coming into the city.

---> 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.

The Committee on Ordinance to whom was referred an order That the ordinances are updated to reflect the new June 19th holiday.
 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 the order referred to the Juneteenth holiday, adding that as it had been filed by Councilor Murphy, she would defer to him.

Councilor Murphy stated his intent was to codify the holiday in the ordinances.

---> 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.

(2:11:05)

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council accept the provisions of the "DCR URBAN FORESTRY CHALLENGE GRANT , \$7,000, IN KIN MATCH \$4,846, CASH MATCH \$150," 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.

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 Conservation Director provided a thorough explanation of the grant , adding that the transfer order was to cover the match requirement of the grant . He noted that there had been a small surplus. He stated that the grant would be used to plant trees around Kennedy Park.

---> 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.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2021, FIFTY THOUSAND DOLLARS AND 00/100 Dollars (\$50,000) as follows:

FROM:

14251-51105 POWER SHOVEL OPERATOR \$50,000

TOTAL: \$50,000

TO:

19412-57630 CLAIMS & DAMAGES \$50,000

TOTAL: \$50,000

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

---> 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.

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 "CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS" 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.

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 was related to ARPA funds coming from the federal government and funneled through the state down to local governments. He then stated that the purpose was to accept the funds. He stated that the bulk would be appropriated through the block grant process according to guidance from the federal government. He noted that Acting Mayor Murphy would include the City Council in the discussions on how the funds would be spent. He suggested that the federal government was missing an opportunity if a portion of the funds could not be used to help municipalities offset revenue issues resulting from the pandemic. He noted that it would be \$14.9 million this year followed by another \$14.9 million the following year. ---> 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.

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 COMMONWEALTH SECURITY TRUST FUND GRANT, \$20,000, 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.
 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 would be used to buy equipment, specifically Taser lockers, Tasers, and street cameras that would be monitored at the dispatch office. He added that requests were already out to purchase the equipment.

---> 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.

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 FIFTY DOLLARS AND 00/100 Dollars (\$150.00) as follows:

FROM:
 11712-53100 CONSERVATION RESTRICTION COSTS \$150.00
 TOTAL: \$150.00
 TO:
 XXXXX-XXXXX DCR URBAN FORESTRY CHALLENGE \$150.00
 TOTAL: \$150.00

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 surplus had been due to a vacancy in the department . He added that the funds were for a settlement, adding that only a mayor can agree to a settlement.

---> 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.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2021, THREE THOUSAND EIGHT HUNDRED FORTY THREE AND 00/100 Dollars (\$3,843.00) as follows:

FROM:

11211-51103 PAY-MAYOR'S AIDE \$3,843.00

TOTAL: \$3,843.00

TO:

11521-51101 PAY-PERSONNEL ADMINISTRATOR \$3,843.00

TOTAL: \$3,843.00

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 surplus had been due to a partial vacancy in the department . He then stated that the funds were to pay a portion of the salary for the new Personnel Director . He added that the need for more funds was due to some funds being used for buyback expenses paid to the previous Director.

---> 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.

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 FIFTY THOUSAND AND 00/100 Dollars (\$250,000) as follows:

FROM:

13002-57000 PUBLIC SCHOOLS - OTHER EXPENSES \$250,000

TOTAL: \$250,000

TO:

19141-51999 HEALTH INSURANCE \$250,000

TOTAL: \$250,000

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 funds for the bus contract had surpluses due to partial opening of schools during the pandemic. He then stated that the funds would be used to cover costs out of the health insurance account.

---> 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.

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.

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

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

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

The Committee on Finance to whom was referred an order that the finance committee meet with the auditor and the director of planning and development to discuss the potential problems and benefits of the community host agreements.

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

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

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

The Committee on Finance to whom was referred an order that the acting mayor consider the using ARP act funds towards the Holyoke Row proposal, see attached proposal

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

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

UNDER DISCUSSION:

Councilor McGiverin noted there had many communications and discussions related to items 21H and 21I. He then stated that opening up Holyoke Rows to as many people as possible would be important.

Councilor Murphy stated that due to a glitch with the proposal form on the website , the deadline for receiving proposals would be extended for another week through June 28th.

Councilor Leahy noted that Holyoke has 11 miles of connected river with only one public way to access the river. He then suggested a need to focus more on Holyoke people, noting that many people from other town take many of the slots with Holyoke Rows .

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

(2:32:35)

The Committee on Public Service to whom was referred an order From Acting Mayor Terence Murphy letter appointing Ms. Sheila Biermann as Personnel Director of the City of Holyoke have considered the same and Recommended that the appointment be confirmed.

Committee Members:
James M. Leahy
Libby Hernandez
Rebecca Lisi

UNDER DISCUSSION:

Councilor Leahy stated that Ms. Biermann had done well in the interview and was expected she would do well in the job. He noted that as the position is a big job, it was important to interview her prior to taking a vote.

Councilor Murphy stated that he had been impressed with her experience in hiring , managing, working with contracts. He also noted her sense of humanity, and her intent to assure that new employees have the tools to be successful.

Councilor Tallman stated that he sought her input on the employee assistance program , noting the importance are well taken care of. He stated she would do well in the job.

Councilor Greaney expressed his support for her appointment .

Councilor McGiverin commended the Acting Mayor for working quickly to fill the position . He noted that he had concerns that her experience could connect with the role of a Personnel Director , adding that he knowledge showed she understood the needs of the job. He then noted she shared the same emphasis on the importance of training employees as her predecessor had done .

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

The Committee on Public Service to whom was referred an order that the public service committee invite in and interview the following translation services fir city council :

Transfluenci - Stacey Chevalier, Interpreter Services Coordinator - stacey@transfluenci.com - (413) 737-1888 - \$65/hr. per interpreter, 3 hour minimum

HPS Language Access Services Department - Nick Magnolia, Translation Manager -nmagnolia@hps.holyoke.ma.us - (413) 512-5358 - \$75/hr. per interpreter, 3 hour minimum

UMass Translation Services - Dr. Regina Galasso, Director - translate@umass.edu - (413) 545-2203 - \$100/hr. per interpreter, 2 hour minimum

All of these providers would require 2 interpreters per meeting so that they can switch off at regular intervals (I suspect this will be the case with anyone you speak to).

There are a few other companies that provide interpretation services in the area , Language Bridge <https://www.lbridge.com/> and Concordis Language Services <https://www.concordislanguageservices.com/>

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 noted that while there had been three companies who showed interest, Transfluenci had been the only organization interviewed due to the other two dropping out. He noted that there had been a conflict with Holyoke Public Schools. He then stated he expected Transfluenci would do well.

Councilor McGiverin expressed confusion over the conflicts with UMass services and HPS. He then stated that the representative from Transfluenci had done well answering their questions. He noted that they worked with the state in many areas. He also commended their focus on integrity.

Councilor Greaney commended their willingness to adapt to the needs of the Council.

President McGee reiterated that he met with the company that day and would be providing a final contract soon in advance of beginning the use of their service for the August 3rd meeting.

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

Motion was made and seconded to suspend the necessary rules and take items out of the DG & R Committee Jacket

(2:41:50)

Motion was made and seconded to suspend the necessary rules to pull committee reports from the Development and Governmental Relations Committee, labeled as agenda items 24A through 24O.

Special Permit Application for Animal Establishment for Anthony Boulais at ~~899~~ 914 Main Street
 Recommended that the order be adopted with the following conditions:

1. That the hours of operation be set as Monday-Friday 7:30 AM - 6:00 PM, Saturday and Sunday 8:30 AM - 5:00 PM
2. That the applicant meet with and comply with any conditions imposed by the Board of Health and the Animal Control Officer

UNDER DISCUSSION:

Councilor Bartley stated that it would be a new business for Holyoke. He noted that the work to open the business had been underway for much time. He stated that the business would begin as a daycare, adding that they may come back at a later date for overnight through an amendment.

Councilor Leahy noted that the family had been well known in the city, adding that the service was well needed in the city.

Councilor Murphy noted that the applicant had been conscientious in following all rules and working with department heads to develop the process. He then added that if there had been concerns with neighbors, the applicant would work to address them.

Councilor Greaney expressed his support for the application.

Councilor Bartley made a motion to amend the order to match the address on the permit, changing 899 Main Street to 914 Main Street. Councilor Anderson-Burgos seconded the motion. All councilors voted in favor.

Councilor McGiverin stated he had been impressed with the presentation. He also commended the committee for addressing the hours of operation.

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

Special Permit Application for Hospital Height Kindred Healthcare at 45 Lower Westfield Rd
Recommended that the order be adopted

UNDER DISCUSSION:

Councilor Bartley stated that the Baystate Kindred team walked the committee through the plan . He noted that the location had been the location of the former Geriatric Authority . He stated that the property would be 123,000 sq ft, it would have 150 beds, 200 full time employees, 50 part time employees, with a construction budget of \$53 million. He emphasized the significance for the city of Holyoke . He then added that there would be impacts regarding the intersection near the location that would need to be addressed in the continued planning. He then noted that the zoning allows for up to 40 feet in height, adding that the applicant sought a height of up to 65 feet. He emphasized they would be adding a 4th floor, adding that the project was still undergoing site plan review .

Councilor Greaney noted that there would 48 beds on two floors with another 24 on a third floor. He also noted the top floor would be private rooms.

Councilor McGiverin observed that it had been an impressive presentation , adding that the developers anticipated the concerns of the city . He noted that adding another floor adds to the square footage calculation of property taxes . He emphasized the project would be addressing a need for the region as well as gaining taxes from a new building to replace an old building that would have been costly for the city to demolish.

Councilor Vacon emphasized the significant development for the area , adding that the project would bring excellent jobs to the city .

Councilor Tallman noted the importance of the jobs that would be brought to the city . He then noted the importance of addressing traffic in the neighborhood prior to building the new property .

---> 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).

Motion was made to suspend the necessary rules to take items 5 and 24 C as a package and open the public hearing.

The Committee on Public Safety to whom was referred an order 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 . Recommended that the order has been complied with.

Motion was made and seconded to close the public hearing.

---> Given a leave to withdraw on a call of the roll of the yeas and nays . Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

An order That HG&E, DPW, OCD, and ConCom meet with Dev & Gov Relations to explore opportunities to combine resources and implement a program to move utilities underground in the Valley Heights area . Recommended that the order has been complied with.

UNDER DISCUSSION:

Councilor Bartley noted that the issue was regarding have nine poles moved the backyards of residents on Valley Heights to the street. He then noted that the new plan would be to relocate two poles onto the street, adding that HG&E, Verizon, and Comcast would work together to install the utilities underground . He added that they had requested to withdraw their petition.

Councilor Sullivan commended the effort on the part of DPW and HG&E, noting that the identified work that would be happening on the water mains and sewer line , reducing the overall cost of going underground with the electric service. He noted the two poles would be relocations as opposed to new poles. He also observed that there may be other funding avenues to explore with regard to funding.

Councilor McGiverin noted that the street is unique with regard to where poles are located . He also noted that new developments have lines installed underground . He them commended all who worked with the neighborhood to find a solution. He suggested that the request to withdraw the petition should be submitted in writing.

President McGee stated that he spoke with HG&E and confirmed their request. He added that they would be attending the August 3rd meeting for the two poles. He them commended HG&E for recognizing that the neighborhood had not been happy, adding that Verizon and Comcast stepped up to address the concerns.

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

Emma Kerr letter of support to the petition of the Holyoke Gas & Electric and Verizon to relocate the poles for Valley Heights

Recommended that the order has been complied with.

---> Report of Committee received.

Motion was made and seconded to suspend the necessary rules to take items 24E, 24F, 24I, 24J, 24K, 24L, 24M, and 24N as a package.

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 12 Main Street (Assessors Map 033, Block 04, Parcel 013) as surplus property available for disposition. The property is approximately 5,141 square feet in size, zoned General Industry (IG) and has an assessed value of \$15,800.
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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 22 Main Street (Assessors Map 033, Block 04, Parcel 012) as surplus property available for disposition. The property is approximately 2,614 square feet in size, zoned General Industry (IG) and has an assessed value of \$2,400.
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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 394 High Street (Assessors Map 011, Block 04, Parcel 014) as surplus property available for disposition. The property is approximately 4,095 square feet in size, zoned Downtown Business (BC) and has an assessed value of \$21,900.
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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 400 High Street (Assessors Map 011, Block 04, Parcel 013) as surplus property available for disposition. The property is approximately 3,833 square feet in size, zoned Downtown Business (BC) and has an assessed value of \$24,200.
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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 588 High Street (Assessors Map 010, Block 01, Parcel 020) as surplus property available for disposition. The property is approximately 2,222 square feet in size, zoned Downtown Business (BC) and has an assessed value of \$14,800.
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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 297 Elm Street (Assessors Map 004, Block 04, Parcel 005) as surplus property available for disposition. The property is approximately 6,360 square feet in size, zoned Downtown Residential (DR) and has an assessed value of \$32,500.
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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 301 Elm Street (Assessors Map 004, Block 04, Parcel 006) as surplus property available for disposition. The property is approximately 6,316 square feet in size, zoned Downtown Residential (DR) and has an assessed value of \$32,500.

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 0--Absent 1 (Lebron-Martinez).

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 303 Elm Street (Assessors Map 004, Block 04, Parcel 007) as surplus property available for disposition. The property is approximately 8,276 square feet in size, zoned Downtown Residential (DR) and has an assessed value of \$32,900.

Recommended that the order be adopted

UNDER DISCUSSION:

Councilor Bartley stated that when properties are declared surplus, it required a two-thirds vote. He noted that OPED would put the properties out of the public and most already have likely purchasers.

---> 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).

Motion was made and seconded to suspend the necessary rules to take items 24G and 24H as a package.

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare the parcel on High Street identified as Assessors Map 012, Block 01, Parcel 009 as surplus property available for disposition. The property is approximately 3,615 square feet in size, zoned Downtown Business (BC) and has an assessed value of \$21,600.

Recommended that the order be given a leave to withdraw

---> Report of Committee received and Adopted.

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare the parcel on High Street identified as Assessors Map 012, Block 01, Parcel 010 as surplus property available for disposition. The property is approximately 4,443 square feet in size, zoned Downtown Business (BC) and has an assessed value of \$30,900.

Recommended that the order be given a leave to withdraw

UNDER DISCUSSION:

Councilor Bartley stated that the orders had been put on the list, adding that the DPW Superintendent asked they be removed as they were being leased, making for a better use than declaring them as surplus.

Councilor McGiverin asked if the lease had been approved by the City Council.

President McGee suggested that the lease agreement could be requested.

---> Report of Committee received and adopted.

An order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 297 Elm Street (Assessors Map 004, Block 04, Parcel 007)

as surplus property available for disposition . The property is approximately 8,276 square feet in size, zoned Downtown Residential (DR) and has an assessed value of \$32,900
Recommended that the order be given a leave to withdraw

UNDER DISCUSSION:

Councilor Bartley stated that the order had a typo and had been refiled with the correction .

---> Report of Committee received and Adopted.

President McGee stated there were no reports from the Charter and Rules Committee or the Joint Committee of the City Council and School Committee.

ORDERS AND TRANSFERS

Motion was made and seconded to suspend the necessary rules and take items 27-30 as a package MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, FIVE THOUSAND AND 00/100 Dollars (\$5,000.00) as follows:

FROM:

12201-51105	FIREFIGHTER		\$5,000.00
		TOTAL:	\$5,000.00

TO:

12201-51104	LIEUTENANT		\$5,000.00
		TOTAL:	\$5,000.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 15, 2021.

Terence Murphy, Mayor

Councilor McGiverin noted that the item would require final action in order to approve the request before the end of the fiscal year. He noted that he surplus had been due to vacancies and retirements, adding that the purpose was to cover the salary following a promotion.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, THREE THOUSAND EIGHT HUNDRED TWENTY AND 24/100/100 Dollars (\$3,820.24) as follows:

FROM:

12201-51105	FIREFIGHTER		\$3,820.24
		TOTAL:	\$3,820.24

TO:

12201-51180	INJURED ON DUTY		\$3,820.24
		TOTAL:	\$3,820.24

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 15, 2021.

Terence Murphy, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, TWO THOUSAND TWO HUNDRED TWENTY EIGHT AND 92/100/100 Dollars (\$2,228.92) as follows:

FROM:			
12201-51105	FIREFIGHTER		\$2,228.92
		TOTAL:	\$2,228.92
TO:			
12201-51180	INJURED ON DUTY		\$2,228.92
		TOTAL:	\$2,228.92

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 15, 2021.

Terence Murphy, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, ELEVEN THOUSAND EIGHT HUNDRED EIGHTY DOLLARS AND 40/100/100 Dollars (\$11,880.40) as follows:

FROM:			
12101-51104	LIEUTENANT		\$3,807.08
12101-51107	PATROLMEN		4,777.34
12101-51105	SERGEANT		3,295.98
		TOTAL:	\$11,880.40
TO:			
12101-51180	INJURED ON DUTY		\$11,880.40
		TOTAL:	\$11,880.40

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 15, 2021.

Terence Murphy, Mayor

UNDER DISCUSSION:

Councilor McGiverin noted placed that these transfers are placed on almost every agenda for accounting purposes to identify salary paid when a department employee is out due to injury.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2021, TWO THOUSAND FIFTY FIVE AND 00/100 Dollars (\$2,055.00) as follows:

FROM:			
11511-51102	ASSISTANT SOLICITOR		\$2,055.00
		TOTAL:	\$2,055.00
TO:			
11511-51103	ASSOCIATE SOLICITOR		\$2,055.00
		TOTAL:	\$2,055.00

To the City Council:

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

June 15, 2021.

Terence Murphy, Mayor

Councilor McGiverin stated that the transfer request would need to be adopted before the end of the fiscal year. He stated the surplus was from a vacancy in the department. He then stated he would defer to Councilor Murphy on the purpose. He stated he understood the Solicitor was looking to fill the position .

Councilor Murphy stated they were planning to make an offer and need the transfer to cover the salary .

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MCGIVERIN Ordered, that Ordered that the sum of \$575,000 is appropriated to pay the costs of infrastructure improvements for the following City of Holyoke vicinities : raised sidewalks at the Dean School Main Street entrance (2), raised sidewalks on Westfield Road at Mayer Field (2), raised sidewalks on West Franklin Street (one at St Jerome intersection and one at Chapman Street intersection adjacent to Rohan Park), Northampton Street roadwork improvements, and the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore; that the Mayor is authorized to contract for and expend any state aid available for the project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes , may be applied to the payment of costs approved by this vote in accordance with Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order , and to provide such information and execute such documents as may be required for such purposes .

Further Ordered: That in order to reduce interest costs, the City Treasurer, with the approval of the Mayor, is authorized to refinance any bonds issued pursuant to this Order and in connection therewith , to issue refunding bonds in accordance with Chapter 44, Section 21A of the General Laws.

Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 15, 2021.

Terence Murphy, Mayor

Councilor Murphy suggested passing the order that evening , noting that to get the work done before winter, it would be crucial to have the funds covered right away rather than referred to committee . He then read a report from the City Engineer:

“Allowing two or three months for bidding, there is a possibility that the improvements could be completed before the end of the 2021 construction season.

These temporary improvements would be expected to add about five years of design life .”

He then noted that the areas for the raised sidewalks are areas that drivers regularly drive over the speed limit, with accidents involving deaths taking place .

Councilor McGiverin stated that the bonding would add to the total debt. He also noted his appreciation for

raised sidewalks as a way to address speed issues. He suggested using any surplus for Heritage St.

Councilor Murphy suggested that the estimates would likely not lead to surpluses.

Councilor Greaney suggested adding Woods Ave.

Councilor Lisi noted that any surpluses would require a vote of the City Council.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MURPHY Ordered, that Ordered that no parking be allowed on Beaulieu St from the northeast intersection with Stebbins Street to a point 40 feet northerly.

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

MURPHY Ordered, that Ordered that the city council raise the sewer fee to a minimum of \$8.05 per 1000 gallons in order to make certain that the enterprise fund no longer operates with deficits, but also to plan for the additional needed improvements funded by debt service.

Councilor Murphy thanked the Auditor and DPW Superintendent for their work to reach a balancing figure. He stated that in planning the budget, there was a \$1.66 million sewer deficit to address. He then stated that the increase to \$8.05 would likely lead to not having to raise the rate again for another 3-4 years, adding that the expected average impact would be \$82.07 per year.

Councilor Greaney asked how much was owed by delinquent payers.

Councilor Murphy stated that with a 7% delinquency rate, it was around \$600,000 to \$700,000.

Councilor Greaney asked if the delinquent amount was what the proposal was seeking to make up.

Councilor Murphy clarified that it was part of it, adding that what they would be raising would not cover the entire account. He also stated that he was seeking to add funds to a surplus to avoid raising rates too often. He then stated that with shutoff notices, collection numbers were improving. He also stated that there would be bonding costs associated with sewer projects.

Councilor Greaney asked if there were prospects to collect the delinquent funds.

Councilor Murphy expressed his expectation that a significant portion would be collected.

Councilor Bartley asked what the current sewer rate was.

Councilor Murphy stated it was \$6.65.

Councilor Bartley noted that the proposal could be amended higher or lower.

Councilor Murphy expressed his expectation that the proposal of \$8.05 would produce a stable rate, adding that a lower proposal would likely lead to needing to raise it again too soon.

Councilor Bartley expressed his understanding that the rate had last been raised in 2017. He then noted that there was no minimum number on a final sewer bill when there is a real estate transfer, noting that many other municipalities do have a minimum number. He then suggested that Councilor Murphy could seek insight on the matter from other municipalities.

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

ANDERSON-BURGOS Ordered, that Ordered, that the city engineer and/or HPD study the traffic and increase enforcement on Northampton St between Beech and West Franklin. Residents and businesses on the street and the side streets between that stretch have complained about difficulty pulling onto the street due to speeding traffic.

---> Received and adopted. Referred to the Holyoke Police Department. Copy to Engineer and Public Safety.

BARTLEY Ordered, that That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal and sell 86 Beech Street for \$15,000 to BEX, LLC (Eric Taub, Manager). 86 Beech Street is a vacant lot approximately 6,621 square feet in size. The property is identified in the Holyoke Assessor's records as Map 062, Block 02, Parcel 017, is zoned Downtown Residential (DR) and has an assessed value of \$32,600.

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

BARTLEY Ordered, that That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal and sell 277 Main Street for \$5,000 to Next Realty, Inc. (Shakeel Ahmed, President). 277 Main Street is a vacant lot approximately 2,745 square feet in size. The property is identified in the Holyoke Assessor's records as Map 030, Block 08, Parcel 002, is zoned Highway Business (BH) and has an assessed value of \$18,200.

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

BARTLEY Ordered, that That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal and sell 285 Main Street for \$5,000 to Next Realty, Inc. (Shakeel Ahmed, President). 285 Main Street is a vacant lot approximately 2,744 square feet in size. The property is identified in the Holyoke Assessor's records as Map 030, Block 08, Parcel 004, is zoned Highway Business (BH) and has an assessed value of \$24,800.

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

LISI Ordered, that section 4.6.3.2 be amended to allow for increased fence heights by special permit.

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

LISI Ordered, that the marijuana ordinance be amended to correct 1) the site plan review process in section 7.10.6.5 (b) and 2) the reference to the Table 4.3 of Principal Uses in 7.10.5.3 (a)

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

LISI Ordered, that the City Council vote to place the following question on the ballot as a binding referendum: "Should the City Treasurer be changed from an elected position to an appointed position that combines the duties of Treasurer and Tax Collector?" REFILE from 3/2

Councilor Lisi made a motion to table, noting that while a version of the order was already in committee, it would need to be acted on for the matter to appear on the November ballot.

Councilor Bartley expressed his intent to oppose tabling the order. He questioned the intent of having a full debate on a ballot question, noting that the August meeting would already be lengthy.

Councilor Vacon suggested that the request to table was a misuse of a motion.

Councilor Hernandez seconded the motion. Motion failed on a show of hands vote, 5-8.

Councilor Lisi noted that the committee already had a version of the order but there had not been progress. She then noted that the last action on the order had been to refer to the Law Department to confirm the language was correct. She then stated that the item was a straightforward matter about placing referendum language on the ballot.

Councilor Bartley questioned the intent of managing the Chair of another committee . He then suggested it was disrespectful to a committee Chair to refile an order that was already in their committee .

President McGee stated that the Chairs do well in their jobs .

Councilor Vacon noted that the Law Department had been doing their best to work through complicated matters in a short time, considering recent department transitions . She then suggested giving them time to do their work.

President McGee noted for the record that while there would not be a full City Council meeting until August, subcommittees continues to meet.

Councilor Lisi stated that she had not sought to call out another Chair . She reiterated that deadlines were nearing to have matters addressed, adding that her intent was to avoid losing sight of the issue .

Councilor Murphy expressed concern about this proposal being on the same ballot as an election for Treasurer. He then stated that a person being elected as Treasurer should know they'd be getting elected to a four year term. He suggested that the proposal should clarify that the change would go into effect when the term expires.

Councilor Greaney noted that many questions come up that could be placed on the ballot , adding that votes in the committee determine what goes forward .

Councilor McGiverin noted that the proposal would be a Charter change that would have to be voted on . He then stated that the Department of Local Services (DLS) suggested the city change the make up of its financial officers. He then expressed his confidence in the Charter and Rules Committee to make a decision to present a proposal to the full City Council . He then emphasized of importance to addressing the matter quickly.

President McGee reiterated that all of the members do a great job.

Councilor Vacon offered appreciation to Councilor Murphy for reminding the body that there had been a full discussion in committee , adding that there were material reasons why it had not been acted upon.

---> Received and referred to the Charter and Rules Committee .

LISI Ordered, that the City Council, in accordance with MGL Chapter 43, Section 43, submit the following question to the voters as a binding referendum: "shall this City allow the sale of marijuana products , as those terms are defined in G.L. c.94G, 1, for consumption on the premises where sold, a summary of which appears below?

---> Received and referred to the Charter and Rules Committee .

MCGEE Ordered, that That in accordance with M.G.L Chapter 54, Section 34, the City Council vote to discontinue the use of the Accuvote OS Tabulation System and begin using the ImageCast Precinct Generation One for elections in the City of Holyoke .

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

MCGEE Ordered, that That the City Council vote to extend the bus transportation contract for an additional two (2) years. The contract was originally for three years and is set to expire June 30th. Contract attached.

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 11--Nays 1 (Bartley)--Absent 1 (Lebron-Martinez).

MCGEE Ordered, that Order that City Ordinance Chapter 2, Article II, Division 5, Section 2-152 and Chapter 2, Article II Division 1, Section 2-67 be examined and updated to remove the residency

requirement for City Solicitor.

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

MCGEE Ordered, that Order that the City Solicitor research how other law departments are set up in Western Massachusetts. How many lawyers does each law department employ, are they full or part-time, do they hire outside counsel or handle all legal matters in their law department?

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

MCGEE Ordered, that Order that City Ordinance Chapter 2, Article II, Division 5, Sections 2-152, 2-156, and 2-158 be updated as necessary based on any new proposed structuring of the City's law department.

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

LATE FILED ORDERS & COMMUNICATIONS

BARTLEY Ordered, that Separation Agreement of Dr. Alberto Vasquez Matos

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

From Acting Mayor Terence Murphy letter re: Auxiliary Police.

---> Received.

From Mayor Terence Murphy letter in favor of extending the bus Transportation contract for an additional two (2) years.

Councilor Murphy stated that he had received advice that he should have a statement on record expressing his support for the contract.

President McGee read the letter into the record:

"Honorable Councilors,

As acting Mayor for the City of Holyoke, I am in favor of extending the bus transportation contract for an additional two (2) years."

He then stated that the Mayor was asking the City Council to take a vote.

Councilor McGiverin noted that the current contract would be expiring on June 30th. He then observed that the Receiver addressed the contract, noting that avoiding a new bidding process would avoid increases of 20-30% and would save the city a lot of money.

Motion was made and seconded to allow Atty Wellhoff to address the Council.

Atty Wellhoff noted that with the contract expiring soon, according to Rule 35, the City Council can approve an order on the same day with a two-thirds majority vote.

Councilor Greaney noted that with increasing fuel prices, the extra costs could be higher.

---> Received.

MCGEE Ordered, that MCGEE Ordered, that That Rule 1 of the City Council be suspended for the purpose of the City Council going on Summer Recess and that the July 6, July 20 and August 17, 2021 meetings be cancelled.

---> Never read at the meeting. Put on Special Meeting agenda.

Notice of Community Outreach Meeting for Canna Provisions.

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

Petition of Nicole Ortiz for a Street Vendor License at 164 Race St. and 73 Sargaent St.

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

Adjourn at 11:00 PM.

A true record

ATTEST:

Brenna Murphy McLee

City Clerk