

AGENDA FOR THE CITY COUNCIL

June 15,2021

LAI D ON THE TABLE

1. FY2022 Municipal Budget
2. 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

3. 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

4. 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.
5. 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.

6. 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.

PUBLIC COMMENT

COMMUNICATIONS

7. 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.
8. Communication from Acting City Solicitor regarding required timelines to act upon an ordinance.
9. From Lisa Ball, Acting City Solicitor Contract for David Pratt.
10. From Brenna Murphy McGee, MMC and Jeffery Anderson-Burgos, Admin. Ass't to City Council minutes of June 1, 2021.
11. From City Auditor Tanya Wdowiak, YTD Budget Reports for General Fund and Sewer Fund as of May 30, 2021.
12. From Alicia M. Zoeller, Administrator Office of Community Development re: American Rescue Plan Act Grant.
13. From Michael P. McManus, Superintendent Department of Public Works, letter re:

Sewer Rate Recommendation.

14. Communication on Aaron Vega appointing him to Director of the Office of Planning and Economic Development effective January 25, 2021.
15. Settlement Agreement by and Between the City of Holyoke and the Holyoke Professional Supervisor Association.
16. From Board of Fire Commission minutes of April 27, 2021.

PETITIONS

17. Petition of Diego Munoz Torres for a renewal of a second hand license at 241 Main St.
18. Petition of Gary W. Gladu for a new special permit for a Driveway in Front Yard (6.1.8.1) at 139 Huron Ave.
19. Petition of Taylor Bates for a new special permit for Driveway in Front Yard (6.1.8.1) at 37 Elmwood Ave.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

20. Ordinance Committee Reports (if any)
- 20A. The Committee on Ordinance to whom was referred an order Legal form creating stabilization fund for marijuana impact fees. Recommended that the order be adopted.
- 20B. 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. 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.

- 20C. 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. 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.
- 20D. 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 Recommended that the order be adopted.
- 20E. The Committee on Ordinance to whom was referred an order That the ordinances are updated to reflect the new June 19th holiday. Recommended that the order be adopted.
21. Finance Committee Reports (if any)
- 21A. 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. Recommended that the order be adopted.

- 21B. 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. Recommended that the order be adopted.
- 21C. 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. Recommended that the order be adopted.
- 21D. 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 Recommended that the order be adopted.
- 21E. 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 Recommended that the order be adopted.
- 21F. 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 Recommended that the order be adopted.

- 21G. 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 Recommended that the order be adopted.
- 21H. 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. Recommended that the order has been complied with.
- 21I. 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. Recommended that the order has been complied with.
- 21J. 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 Recommended that the order has been complied with.
22. Public Safety Committee Reports (if any)
23. Public Service Committee Reports (if any)
- 23A. 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 Recommended that the appointment be confirmed.
- 23B. 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. Recommended that the order be approved.
- 23C. 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/> Recommended that the order has been complied with.

24. Development and Governmental Relations Committee Reports (if any)
25. Charter and Rules Committee Reports (if any)
26. Joint City Council and School Committee Reports (if any)

MOTIONS, ORDERS AND RESOLUTIONS

27. MCGIVERIN -- 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

28. MCGIVERIN -- 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

29. MCGIVERIN -- 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

30. MCGIVERIN -- 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

31. MCGIVERIN -- 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

32. MCGIVERIN -- 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.

33. MCGIVERIN -- 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.

34. MURPHY -- Ordered that no parking be allowed on Beaulieu St from the northeast intersection with Stebbins Street to a point 40 feet northerly.
35. MURPHY -- 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.
36. ANDERSON-BURGOS -- 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.
37. BARTLEY -- 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.
38. BARTLEY -- 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.

39. BARTLEY -- 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.
40. HERNANDEZ -- That a resolution be created to support the Establishment of Indigenous Peoples day in Holyoke.
41. LISI -- that section 4.6.3.2 be amended to allow for increased fence heights by special permit.
42. LISI -- 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)
43. LISI -- 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
44. LISI -- 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?
45. LISI -- 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
46. LISI -- 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
47. LISI -- 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

- 48. MCGEE -- 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.
- 49. MCGEE -- 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.
- 50. MCGEE -- 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.
- 51. MCGEE -- 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?
- 52. MCGEE -- 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.
- 53. MCGEE -- that the City Council elect to fill the vacancy of City Treasurer with Kate Jackowski.

Brenna M. McFee
City Clerk

Addendum:

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

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