

REGULAR MEETING OF THE CITY COUNCIL
August 3,2021

The meeting was called to order by President McGee at 07:07 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 Tallman was drawn to head the roll call voting.

The Pledge of Allegiance was recited.

PUBLIC HEARING

President McGee implored councilors to allow orders to be referred to committee without prolonged discussion, noting it was a lengthy agenda. He also noted that committee reports were out for signing again with the return to in person meetings.

Councilor Anderson-Burgos asked for clarification on signing committee reports for members attending remotely.

President McGee clarified that declaring intent to sign off would be allowed verbally. He also noted that Spanish interpretation of Council meetings had begun that evening.

Councilor Sullivan asked for a moment of silence in honor of the passing of Jonathan Roberts from the Fire Department.

A moment of silence was observed.

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

Petition for Conduit location, Verizon New England Inc and Holyoke Gas & Electric Department request permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Valley Heights Street:

Place communication and electric conduit on Valley Heights street beginning at Pole T .8-3/E.1-IN, located on the northeasterly corner of Valley Heights street, and running in a westerly then northerly direction along the northerly then easterly side of Valley Heights Street a distance of approximately six hundred nineteen (619) feet to a point near the boundary line of Number 8 Valley Heights Street and number 12 Valley Height Street; then continuing from said point in two courses as follows:

Northerly along the easterly side of Valley Heights Street a distance of approximately one hundred seventy (170) feet to a point.

Westerly across Valley Heights Street a distance of approximately seventy five (75) feet to a point; then continuing in a northerly direction along the westerly side of Valley Heights street a distance of approximately one hundred forty five (145) feet to a point.

Reason: Place conduit on Valley Heights street to provide for the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current.

UNDER DISCUSSION:

President McGee clarified that the previous petitions to place poles on the public way of Valley Heights had been withdrawn in favor of the two new petitions. He also noted that the petition for two poles would be replacements of already existing poles.

Motion was made and seconded to close the public hearing.

---> Motion was made and seconded open the public hearing. Motion was made to close the public hearing. A motion to approve the petitions on a call of the roll of the yeas and nays.
13 Yeas 0 Nays 0 Absent

Petition for Joint or Identical pole, Verizon New England Inc and Holyoke Gas & Electric Department request permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Valley Heights Street:

Relocate one (1) jointly owned pole numbered T.8-2/E.1 to a point on the easterly side of Valley Heights Street approximately one hundred twenty (120) feet northerly from the center line of Lincoln street.

Valley Heights Street:

Place one (1) jointly owned pole numbered T.8-3/E.1-1N on the northeasterly side of Valley Heights Street at a point approximately two hundred thirty (230) feet northerly from the center line of Lincoln Street.

Reason: Place two (2) jointly owned poles on Valley Heights Street to provide for the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current.

---> Motion was made and seconded open the public hearing. Motion was made to close the public hearing. A motion to approve the petitions on a call of the roll of the yeas and nays.
13 Yeas 0 Nays 0 Absent

LAID ON THE TABLE

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.

---> Laid on the table.

PUBLIC COMMENT

(5:10)

President McGee noted the rules of public comment: up to 10 people allowed to speak, non-Holyoke residents would require suspending the rules, speakers have 90 seconds.

Richard Theroux, 191 Brown Ave, suggested a need to address questions before passing a sewer rate increase (item 31H). He stated that meter readings and billings did not add up, noting a difference of 1 million gallons in 2015. He also suggested that water meters at city buildings should be billed. He then reiterated that figured did not add up, adding that more should be done to figure it out before raising rates. Kip Foley, 9 Pleasant St, spoke in support of the order regarding the Yale St litigation (Item 56). He then offered a quote from the city attorney from a land court hearing regarding the matter:

“the characterization of whether MHA’s use is turns on whether it specifically medical treatment or medical care. The city is not conducting any investigations into that. But, we’re not required to assess or look at those detailed facts when issuing building permits.”

He then stated that his interpretation was that the city did not know if MHA was providing medical care in violation of the Holyoke zoning ordinance and that the city did not believe it was necessary to look into the facts. He then noted that the ordinances allow group homes when medical is of a secondary of lesser importance, adding that this would mean group homes where medical care of a greater than secondary importance would not be allowed. He then suggested that the permit should be overturned, noting that experts had provided affidavits stating that MHA was providing medical care.

COMMUNICATIONS

(11:45)

Motion was made and seconded to suspend the necessary rules to take items 4 and 5 as a package. From Acting Mayor Terence Murphy letter reappointing Dr. Esteban A. Del Pilar-Morales 33 Mayer Dr. to serve as a Commissioner of the Board of Health for the City of Holyoke: Dr. Del-Pilar-Morales will serve a three year term; said term will expire on February 1, 2024.

---> Received and appointment confirmed.

From Acting Mayor Terence Murphy letter reappointing Mr. Donald Welch, 11 Arbor Way, Unit D, to serve as a member of the Commission on Disabilities for the City of Holyoke: Mr. Welch will serve a three year term; said term will expire on March 1, 2024.

---> Received and appointment confirmed.

From Brenna Murphy McGee, MMC money cuts from Fiscal Budget FY 2022.

---> Received and adopted.

From Brenna Murphy McGee, MMC and Jeffery Anderson-Burgos, Admin. Ass't to the City Council minutes of June 15, & Special meeting of June 29, & July 20, 2021.

---> Received and adopted.

From City Clerk Brenna Murphy McGee, update on election laws.

Councilor Bartley stated that communication regarding redistricting had not yet come from the state, adding that the city could begin its work of reconfiguring its districts once the census data became available.

President McGee stated that the order would require a vote in order for the city to schedule its preliminary election.

Motion was made and seconded to suspend the necessary rules to allow the City Clerk to address the Council.

City Clerk McGee stated a memo had been received outlining legislation for updating election laws. She stated that some had been permanent, and others had been temporary through the end of the year. She then stated that one change allowed early voting for municipal elections, including preliminary, adding that the Clerk needed to recommend early voting for preliminary elections. She then noted that she was recommending five days of early voting for the upcoming preliminary elections in the Clerk's office during normal business hours. She then stated that opting out of mail early voting would require a public hearing and vote of the City Council.

Councilor Bartley made a motion to approve the recommendations of the City Clerk. Councilor Tallman seconded the motion.

Councilor Lisi asked when mail and early voting ballots would be available and when must they be submitted.

City Clerk McGee stated that ballots were ready but that they had been seeking guidance from the state on how many styles of ballot would be required, adding that the ballots had been ordered and were expected to be delivered the following week. She noted that the vote by mail application had been posted on the website and the office had begun accepting them.

Councilor Greaney asked if there would be alternate sites for voting.

City Clerk McGee stated that early voting for preliminary elections would be at City Hall, noting the history of low turnout. She added that one could be held at the Senior Center if it was the wish of the Council.

Councilor Leahy asked if the state would cover some of the cost of the election.

City Clerk McGee stated that the state typically covered the costs of state elections. She then noted that as the law was an extension of Covid legislation, there would likely be a survey from the Division of Unfunded Mandates. She then clarified that costs of municipal elections are typically solely for the city to cover.

Councilor Leahy asked for an estimate of the cost of early voting.

City Clerk McGee stated it would likely not be extra as they would need to order ballot anyway and would

not be offering extended or overtime hours, especially for the preliminary. She added that the general election could be different.

Councilor Leahy asked for an estimate of the printing cost.

City Clerk McGee stated that it could be around \$10,000, adding that the costs had been budgeted. She then noted that a roll call vote was required for submission to the Secretary of State's office.

---> Motion was made and seconded to approve the Clerk's recommendation for early voting on a call of the roll of the yeas and nays

12 Yeas 0 Nays 1 Absent (Hernandez) Approved by Mayor

From Anthony Dulude, Assessor letter from 1988 requesting repairs and upgrading at the Assessors office.

---> Referred to the Mayor.

Councilor Bartley and Councilor Vacon stated there had been an issue receiving opening the meeting documents emailed from the City Clerk.

City Clerk McGee stated the issue was due to there being many documents in one email.

Admin Asst Anderson-Burgos clarified that Gmail automatically turns documents into Drive files if the combination of all emailed documents add up to more than 25 MB.

From Lori J. Belanger, Chief Procurement Officer Health Insurance Consulting Services Analysis.

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

FY2021 Spreadsheet, American Rescue Plan Act.

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

2021 ARPA Funding Request public Comments Packet regarding priorities in Holyoke, areas of concern and the process.

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

From Senator John C. Velis, Second Hampden and Hampshire, letter in support to the Boys and Girls Club of Greater Holyoke's American Rescue Plan Act.

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

Notice of community Outreach Meeting for a proposed Marijuana Establishment for Delivered Inc. on July 16, 2021.

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

Notice of Community Outreach Meeting for Cannalive Genetics LLC for a proposed Marijuana Establishment at 532 Main St. Suite 301 on July 21, 2021.

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

Notice of Community outreach meeting for Riverside Paper Cultivation LLC for a proposed Marijuana Establishment at 1 Cabot St. on July 9, 2021.

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

Communication regarding Americans distrustful of Mass Media.

Councilor Hernandez asked for more information on what the item was.

President McGee stated that the information was sent as an email to the Admin Asst which had then been forwarded to the City Clerk's office as a communication.

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

Communication regarding: MIFA Victory Theater Mural Project Budget.

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

Motion was made and seconded to suspend the necessary rules to take items 19 and 61 as a package.

Councilor McGiverin asked if the vacant position had been advertised and had there been any applicants.

President McGee stated that he filed an order for Public Service to interview for the position .
 Councilor Anderson-Burgos stated that two people contacted him regarding an interest in the position .
 ---> Received and referred to the Public Service Committee .
 MCGEE Ordered, that That the Public Service Committee interview for the Water Commissioner .
 ---> Received and referred to the Public Service Committee .

Letter for Consideration from Hendry D. Seidel for an appointment to the Vacant position of Water Commissioner and resume .
 ---> Received and referred to the Public Service Committee .

Letter of retirement from the position of Assistant Superintendent of the Alarm Division with the Holyoke Fire Department from William Dziok effective August 6, 2021 .
 President McGee suggested an amendment to offer a proclamation .
 ---> Received .

From Department of Public Utilities, Notice of filing, Public hearing, procedural conference, and request for comments .
 ---> Received and referred to the Ordinance Committee. Copy to Legal Department .

From Board of Health minutes of April 1, 2021 .
 ---> Received .

From Holyoke Redevelopment Authority, executive meeting minutes of October 16, Nov. 20, 2019 & Nov. 18, & Dec. 16, 2020. Also, Regular meeting minutes of Feb. 17, March 2, March 17, April 21 & May 26, 2021 .
 ---> Received .

From Board of Fire Commission minutes of May 20, 2021 ,
 ---> Received .

PETITIONS

(32:05)

Motion was made and seconded to suspend the necessary rules to take items 25 and 28 as a package .

Petition for a Home occupation for Nicole Fontaine at 351 Jarvis Ave. for a Salon .
 ---> Received and referred to the Development and Governmental Relations Committee .

Petition for a Zone Change for Ivan Troshchiy at 405 Ingleside St. from RA to RO .
 ---> Received and referred to the Ordinance Committee .

Petition for Segundo Solorzano for a Vendor License around Holyoke Streets .
 ---> Received and referred to the Finance Committee .

Petition of Ira Elfman, Auto Sales Center , Inc. for a new special permit for Outdoor sales lots for new and used motor vehicles and trucks, and marine and recreational vehicles (7.2.13) at 1607 Northampton St .
 ---> Received and referred to the Development and Governmental Relations Committee .

Petition of Anthony W. Dominguez for a special permit for Nonconforming Structures , other than single and two family structures (4>7>3) at 50 Upland Rd .
 Councilor Vacon made a motion to approve, noting the petition filing was to change the language on a previously passed petition. Councilor Leahy seconded the motion .
 Motion was made and seconded to suspend the necessary rules to allow Atty Jenna Wellhoff to address the Council .
 Atty Wellhoff stated that the original special permit had not referenced the correct ordinance ,

requiring the applicant to submit a new application. She then noted that the new submission did not reference the correct ordinances.

President McGee asked if the permit could be taken up that evening and be amended in order to act on it.

Atty Wellhoff stated that they could not act on it as it had not been properly applied for. She then advised that the applicant should reapply for placement on the next agenda.

Councilor Vacon noted that the applicant had applied for a special permit and had been heard by the City Council as well as the Law Department and other city departments during a public hearing. She stated that it should be on the city to assure the proper ordinances would be referenced in the language of the application. She then expressed concern about forcing the applicant to go through a third process in order to get the application properly on the record. She asked if the city had a responsibility to help the applicant get the language corrected.

Atty Wellhoff advised that should happen before an application reaches a City Council meeting. She stated that the special permit application has been granted to change the property from nonconforming to conforming, adding that the change could not be granted from a zoning ordinance. She reiterated that the application should be resubmitted to assure it would be submitted appropriately.

Councilor Vacon expressed her understanding that the applicant had reapplied to correct the language.

Atty Wellhoff clarified that they applied under 4.7.3 which was for commercial properties, adding that they should have applied under two other ordinances.

Councilor Vacon asked for clarification of the correct ordinances.

Atty Wellhoff stated they would be 4.7.5 and 4.7.2, adding that the applicant should check with the Building Department to confirm the correct ordinances.

Councilor Vacon asked which had been applied for on the current filing.

President McGee stated it was 4.7.3 and 4.4.2.

Councilor Vacon suggested that the applicant had communicated with the Building Commissioner over multiple conversations.

Councilor Greaney asked if the petitioner could speak, noting that he was in attendance.

President McGee stated that should be reserved for committees and during public comment.

Councilor McGiverin stated that he had not understood why the building was nonconforming. He suggested a legal opinion should be issued to address that. He then suggested that a language change would require a public hearing.

Councilor Leahy stated that this petition would begin the process all over again. He then suggested that the Council should amend the petition to reflect the correct information, have the petitioner initial the change, and move the petition forward.

Councilor Lisi suggested that the process would need to start from the beginning just as would be required when amendments are made to special permits for marijuana companies.

President McGee clarified that the recommendation from the Law Department was that the applicant should reapply. He then asked if it would be advisable to table the item to receive the new submission. He also asked if the applicant would need a new public hearing.

Atty Wellhoff advised that there would need to be a public hearing to address the amendment. She noted that there had been no urgency to act on the petition that evening, reiterating her advice that it be resubmitted in order to assure it was done correctly.

Atty Michael Bissonnette stated that the Council had authority to issue special permits under conditions they deem appropriate. He noted that the purchase for the request for a change in use had been due to the garage no longer being an accessory to an abutting parcel, adding that the parcel with the house had been sold without the garage. He also noting that the Building Commissioner determined that the proposed changes would be substantial alterations to its use. He then advised that if the special permit was to be amended that evening, it should be done with conditions under ordinances 4.7.5 and 4.2. He then suggested that when applications are

filed, they should be provided to the departments for their review before the City Council votes. He then advised that if the matter was withdrawn or tabled that evening, the applicant could resubmit the application with the correct ordinances.

Councilor Vacon made a motion to amend the special permit to add the original special conditions placed on the permit and correct the ordinances to read 4.7.5 and 4.7.2. Councilor Murphy seconded the motion.

Councilor McGiverin noted that there had been no opposition during the original public hearing. He then questioned why the building was considered to be nonconforming as it was a garage being used as a garage by the applicant.

Councilor Lisi asked if the intent of the motion was to amend the petition and then refer it to a committee for a hearing.

President McGee expressed his understanding that the advice was that the petition could be amended, or it could be tabled in order for a new application to be submitted with the correct information.

Atty Bissonnette stated that with an amendment, it should not require a public hearing, noting that a hearing had already been held to give the committee and the public a chance to review the application. He added that the decision had been reversed by the electrical inspector due to not being authorized to connect the desired amount of power to the space. He reiterated that the amendments could be done without a public hearing.

President McGee stated that it could be amended based on the legal advice.

Councilor Anderson-Burgos asked to clarify that a public hearing was held and that the motion was to amend what had already been discussed.

President McGee confirmed that was correct.

Councilor Anderson-Burgos expressed concern for how the residents would feel about the permit being amended.

President McGee clarified that there had been a public hearing, adding that the wrong ordinance numbers had been placed on the original application.

Councilor Anderson-Burgos suggested that there should not need to be another public hearing.

Councilor Hernandez asked if the Building Department participated in the original hearing.

Councilor Bartley stated that when there are public hearings, department heads, abutters, and the public are notified. He noted that anyone interested would have had a chance to weigh in, adding that the City Council voted unanimously to approve it.

Councilor McGiverin asked if the special permit was on the agenda.

President McGee confirmed that it was.

Atty Wellhoff clarified that the amendments were not just about number changes. She added that 4.7.2 addresses nonconforming uses while 4.7.3 addresses nonconforming structures. She also noted that while department heads are notified of hearings, they may not have been involved prior to the applications coming before the City Council. She then reiterated that the ordinance changes referenced different things.

Motion to amend passed on a voice vote.

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 10--Nays 2 (Hernandez, Lisi)--Absent 1 (Lebron-Martinez).

Petition of H & H Cultivation LLC for a Marijuana Cultivation and product Manufacturing establishment at 40-48 Main St.

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

PRESIDENT'S REPORT

(54:55)

President McGee stated that Atty Wellhoff had given her notice and would be moving on to a new job. He commended her work and commitment to the city. He noted that there was a need to restructure the Solicitor's department to avoid

He noted that there were interpreters working for the first time that evening to offer Spanish interpretation for the meeting.

He stated there would be a mayoral debate on August 5th.

He stated that Covid testing at the sites in Holyoke had been expanded through October 31st.

He offered an update on the election committee, noting that in the review of polling locations, there had been issues with a couple locations. He then stated that after considering all needs, the War Memorial, the Senior Center, and City Hall were considered to be viable options. He also noted that the Knight of Columbus had been considered but could not be used due to a state law restricting voting at locations that serve alcohol. He stated that he did not hear back from the Lutheran Church, noting that there had been issues in the past. He also stated that mobile venues would be cost prohibitive, as well as having accessibility concerns. He stated that the high school cafeteria would be an issue as elections often happen during school days, adding that use of other sections would likely create parking issues. He also noted safety, including Covid-related, concerns with use of ambulance service headquarters on South St. He stated that use of the Senior Center had current concerns due to the continued spread of Delta variant of Covid. He then stated that School Department officials would work with the City Clerk to schedule professional days on elections days to make sure kids were not in school. He stated that the Board of Directors of the War Memorial would need to vote to allow usage of the building, adding that Director of Veterans Services, Jesus Pereira had been in favor of the use. He also noted that in communicating with the Admin Asst, there was a balance still owed for framed pictures of the City Council from a previous term that would have to be paid before the current term could be photographed and framed.

He stated that the Acting Mayor was seeking to hold a special meeting on August 17th to take up the allocation of funds from ARPA.

Acting Mayor Murphy expressed his hope that the DGR Committee could hold a meeting on the 16th in advance of a special meeting on the 17th.

Councilor Greaney asked if Holyoke Media had a method for gathering feedback of the Spanish interpretation. He expressed an interest in hearing from residents on the service.

President McGee expressed his intent to follow up, adding that there were people watching to observe the service and offer input.

Councilor McGiverin asked if the City Council would have input in scheduling a special meeting. He stated that he would not be available, adding that many city councilors as well as department heads plan their summer around the August meeting.

President McGee clarified that the date was not set in stone.

Councilor Hernandez stated that she was not able to hear audio of the interpretation when she switched over to the Spanish language option.

President McGee stated that a television would have an option to switch over to Spanish on channel 15.

Councilor Hernandez clarified that her issue had been on Zoom.

Councilor Anderson-Burgos questioned if panelists were prevented from hearing the interpretation.

Councilor Bartley commended President McGee for putting together a polling location committee, noting his interest in receiving a report on the results of their work. He also expressed his hope that pictures of past government officials would be displayed as a matter of respect for the city's history. He then expressed appreciation for the work done to reopen Pouliot Pool, noting positive feedback that had been received from many residents.

Councilor Tallman stated that the pool was a great benefit to the city of Holyoke, adding that it was well designed and would provide a safe place for many of the city's youth to swim.

Acting Mayor Murphy commended Atty Wellhoff for her work for the city.

He then stated that the city needed to do more to get vaccines out, noting the city had been just over a 50% rate. He stated there would be a vaccine clinic at the high school on August 9th.

He stated that 600 people had registered for use of the pool, adding that many initial issues had been resolved.

He stated that a recently created Community Policing Relations Board met and held a constructive meeting. He then stated that he would report back to the the results of a meeting he would be having with the Police Chief.

He stated that applicants for ARPA funds would be given an opportunity to present their proposals later that week, adding that Holyoke Media would broadcast the presentations live as well as on channel 15 the following weekend.

He stated that there has been an agreement with Dean School officials and Action Ambulance to hold

EMT training program for seniors, adding that certification would make graduates of the program eligible for hire.

President McGee observed that he, Councilor Bartley, Councilor Murphy, and Councilor Anderson-Burgos attended a dedication for Marty Dunn hosted by HG&E and Citizen Energy.

Councilor Bartley clarified that the DGR Committee would not be able to meet on the 16th, noting there was a planned event in honor of Marty Dunn that day.

REPORTS OF COMMITTEES

(1:15:55)

Motion was made and seconded to suspend the necessary rules to take items 31A and 31B as a package. The Committee on Ordinance to whom was referred an order Amendment to Special Permit Application of Rise Holdings, Inc for a Marijuana Manufacturing Establishment (MME) at 28 Appleton St for expansion of the MME in the existing building.

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. Sidewalks, walkways, and ramps must all comply with Massachusetts accessibility codes (521 CMR).
7. In the event there are any proposed changes to the approved Plan(s), prior to their implementation, the Applicant will be required to come back to the City Council for review and approval and file as an amendment to the Special Permit.
8. any permit approval be conditioned on providing the DPW with detailed design drawings for the production and storage areas and associated drain piping so that chemical containment and compatibility issues can be further reviewed prior to the start of construction . Pretreatment and/or containment and offsite disposal of liquid wastes may be required .

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi noted that Rise had been the first such application approved in the city . She stated they had been looking to expend their activities at the Appleton Street location . She then stated that the Water Street location was a new location for Rise to expand their operations . She also noted that they were looking to add new office and growth space, as well as locker space and a gym in one of the buildings . She also noted that they planned to manufacture cannabis infused seltzer products .

---> 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.

Approved by the Mayor.

The Committee on Ordinance to whom was referred an order Special Permit Application for Rise Holdings, Inc for a Marijuana Manufacturing Establishment (MME) at 100 Water St to site and operate an MME in existing buildings 3, 4, and 5.

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. Sidewalks, walkways, and ramps must all comply with Massachusetts accessibility codes (521 CMR).
7. In the event there are any proposed changes to the approved Plan(s), prior to their implementation, the Applicant will be required to come back to the City Council for review and approval and file as an amendment to the Special Permit.
8. Should the operation of the project cause traffic issues, the Applicant will work with the City to determine how to mitigate those issues and implement a mitigation plan .

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.
 Approved by the Mayor.

The Committee on Ordinance to whom was referred an order Special Permit Application of Pleasantrees Inc for a Marijuana Growth Facility at 111 Mosher St to retrofit the building into a marijuana cultivation and processing 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 applicant planned to hire 150 employees at the start of the operation. She noted they planned to make creative use of water for powering the facility . She then stated that they would be growing, cultivating, and processing product on site.

---> 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.
 Approved by the Mayor.

The Committee on Ordinance to whom was referred an order DPW install a stop sign at the end of Ridgeway St. where it meets Lorraine St.
 have considered the same and Recommended that the order be adopted according to the recommendation of the City Engineer .

Committee Members:

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

UNDER DISCUSSION:

President McGee stated that legal forms were not available for items 31D, 31E, 31F, and 31G, adding that the orders would need to be tabled.

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

The Committee on Ordinance to whom was referred an order That a handicap sign be removed from the front of 143 Oak St.

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

Committee Members:

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

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

The Committee on Ordinance to whom was referred an order that That no parking on the S shape curve turn on O'Connor Ave.

have considered the same and Recommended that the order be adopted according to the recommendation of the City Engineer.

Committee Members:

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

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

The Committee on Ordinance to whom was referred an order that The DPW and Disabilities Commission remove the Handicap parking sign in front of 7 Russell Terrace. The house is vacant and there is no need for handicap parking.

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

Committee Members:

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

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

The Committee on Ordinance to whom was referred an order that the 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.

have considered the same and Recommended that the order be adopted with an amendment to \$7.77 per 1000 gallons.

Committee Members:

Rebecca Lisi

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

UNDER DISCUSSION:

Councilor Lisi stated that the process for approving the sewer rate would be similar to setting the tax rate , noting that councilors would motion for rate suggestions . She stated that the first rate receiving majority vote would be set as the new rate. She stated that the special hearing included members of the public offering their feedback on the sewer rate increase. She then stated that the sewer enterprise fund had a \$9 million operating budget. She also stated that the city was collecting around 93% of all funds being charged, adding that the remaining 7% was around \$500,000. She stated that the new rate would be needed to cover operating costs, adding that the minimum with a 93% collection rate would require a \$7.77 rate. She noted that the original \$8.05 recommendation from Acting Mayor Councilor Murphy would close the deficit as well as provide a buffer to avoid future rate increases for a few years as well as other contingencies. She also noted that with an increase to \$8.05, a transfer could be approved to avoid a sewer rate increase and a tax rate increase in the same year .

Councilor Murphy stated that his goal would be assure the next mayor begins their term without a need to address a deficit in the sewer enterprise fund. He stated that the proposal of \$8.05 had the intent of creating a surplus in the current fiscal year to avoid another increase until FY 2026. He expressed that while he expected the collection rate to increase , a rate of \$7.77 with a 93% collection rate would come close to balancing the fund for the current fiscal year . He added that with a 96% collection rate at \$7.77, the fund would likely be balanced in FY 2023 before ending up with another deficit in FY 2024. He also suggested the creation of a tax relief stabilization fund to reduce expenses in the current fiscal year by transferring funds from the stabilization fund . He emphasized that the enterprise fund would need to be balanced or cuts would be required from the budget to balance the deficit. He noted that the DPW had sent cutoff notices, resulting in more collections .

Councilor Leahy asked what current sewer rate was .

Councilor Lisi stated it was \$6.65 per 1000 gallons.

Councilor Leahy recalled an order had been filed to have sewer collections handled by an outside agency . He then expressed concern about placing the burden of collections on city staff . He asked if there had been proof of the 93% collection rate. He then stated his expectation that much of the uncollected bills were manufacturers and other businesses no longer in the city . He expressed a concern that the lost collections would have to be made up by the people who still live in the city . He suggested liens should be placed on properties to prevent people from selling until they pay their bills .

Councilor Lisi stated that the city had historically used general fund dollars to make up sewer enterprise fund deficits, noting that taxpayers who may not benefit from sewer service have to make up the difference to subsidize ratepayers. She suggested that the rate should be at least \$7.77.

Councilor Greaney noted that there continued to be a \$500,000 deficit due to uncollected bills. He then expressed his intent to not support any increases until the budget is streamlined , and cuts are made to give relief to taxpayers.

Councilor Vacon noted that the \$7.77 rate proposal to balance the fund made concessions that would be unfair to those who pay their bills. She then stated it assumes that the collection rate could not be improved, adding that the Water Department had a 98% collection rate. She observed that the current year was a bad year to consider raising rates. She then reiterated a need to focus on raising the collection rate. She suggested that the rate should be set to make up a deficit without the portion that would include uncollected bills.

Councilor McGiverin noted that the bulk of the deficit was not from the collection problems but from a lack of revenue for the operation of the wastewater treatment plant, adding that it was a state mandate to not pour raw sewage into the Connecticut River. He noted the mandate would force the city to address all problems in the future. He stated that the general fund budget would be impacted if the deficit was not covered by user fees, likely completely eliminating free cash . He also noted residents in many areas of the city do not use the sewer services that have had their tax dollars used to offset the sewer deficit .

Councilor Murphy noted that a rate \$7.77 at 100% collection would result in deficits beginning in FY 2023. He reiterated that there would be a problem of deficits even with an issue of collections . He also noted that there would new bonding and other increased costs in the coming years . He then stated that while shutoff notices could make up some of the deficit, it would not balance the fund.

Councilor Vacon stated that with a balanced budget, there would not be an issue with the enterprise fund. She then questioned the argument that funds would need to come out of the stabilization fund to subsidize the tax rate in order to increase the sewer rate. She emphasized that the budget had exceeded the ability of taxpayers to support it. She suggested that the taxpayers would not get a break if a deficit in the city budget remained.

Councilor Lisi stated that as the enterprise fund is a user fee driven fund, it only becomes an issue with the city budget when it is not funded properly. She then suggested that argument related to the size of government were irrelevant.

Councilor Vacon clarified that her concern has been about using stabilization funds to provide a tax break. Councilor Greaney expressed a concern about people on fixed incomes having to face continued rate increased and having to sell their homes and leave the city. He then suggested that cutting city government may need to be done.

Councilor McGiverin reiterated that if the deficit in the enterprise fund remained, it would lead to a forced cut in services. He then questioned why the enterprise fund would remain connected to the general fund, noting that the City Council does not control it. He then expressed concern that property tax dollars intended for other city services would be used to balance the enterprise fund budget.

President McGee clarified that the original proposal had been for \$8.05, adding that the committee recommended a rate of \$7.77.

Councilor Lisi made a motion to go to the first ballot.

Councilor Lisi made a motion to set the sewer rate at \$7.85. Councilor Tallman seconded the motion.

Councilor Murphy made a motion to set the sewer rate at \$7.77. Councilor Lisi seconded the motion.

Councilor Greaney made a motion to set the sewer rate at \$6.65. Motion failed for lack of a second.

Councilor Bartley made a motion to set the sewer rate at \$7.23. Councilor Sullivan seconded the motion.

---> Motion to set the sewer rate at \$7.23 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Bartley, Greaney, Sullivan, Vacon)--Nays 9--Absent 0.

---> Motion to set the sewer rate at \$7.77 was received and denied on a call of the roll of the yeas and nays. Yeas 6 (Anderson-Burgos, Hernandez, Lebron-Martinez, McGiverin, Murphy, Tallman)--Absent 0.

---> Motion to set the sewer rate at \$7.85 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Hernandez, Lisi, Sullivan, Tallman)--Nays 9--Absent 0.

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

Councilor Lisi made a motion to move to the second ballot.

Councilor Murphy made a motion to set the sewer rate at \$7.80. Councilor Lisi seconded the motion.

Councilor Sullivan made a motion to set the sewer rate at \$7.50. Motion failed for lack of a second.

Councilor Hernandez made a motion to set the sewer rate at \$7.75. Councilor Anderson-Burgos seconded the motion.

Councilor Greaney made a motion to set the sewer rate at \$6.70. Councilor Bartley seconded the motion.

---> Motion to set the sewer rate at \$6.70 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Bartley, Greaney, Sullivan, Vacon)--Nays 9--Absent 0.

---> Motion to set the sewer rate at \$7.75 was received and denied on a call of the roll of the yeas and nays. Yeas 5 (Anderson-Burgos, Hernandez, Lebron-Martinez, McGiverin, Tallman)--Nays 8--Absent 0.

---> Motion to set the sewer rate at \$7.80 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Hernandez, Lisi, Murphy, Tallman)--Nays 9--Absent 0.

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

Councilor Lisi made a motion to go to the third ballot. She then observed that there appeared to be an impasse as some councilors had been against higher number and others had been against lower numbers. She then stated that the break-even rate at 93% collection rate would be \$7.77. She added that would mean there could be no contingencies, problems, or other issues happening in the next year. She stated that passing a lower rate would result in a deficit while a little higher would create a cushion.

Councilor Lisi made a motion to set the sewer rate at \$7.80. Councilor Hernandez seconded the motion.

Councilor Murphy made a motion to set the sewer rate at \$7.77. Councilor Anderson-Burgos seconded the motion.

Councilor Vacon made a motion to set the sewer rate at \$7.23. Councilor Bartley seconded the motion.

Councilor Bartley stated that the \$7.23 rate would get the city through the current fiscal year. He then noted that the new growth in the marijuana industry would lead to greater water usage and increased

sewer funding. He added his support for the proposal to hire an outside collection agency. He then noted that while he did not want to raise rates, he recognized that they may have to be. He suggested that \$7.23 would be a good compromise.

Councilor Sullivan stated that sewer bills should have the same 98% collection rate as water bills, noting they have the same system and tool for shutting off service. He suggested that \$7.23 would give the city a couple years to improve on collection without overly burdening ratepayers.

Councilor Greaney expressed reluctant support for \$7.23, noting it would be the lowest possible rate to avoid hurting taxpayers.

Councilor Vacon suggested that \$7.23 would provide an opportunity to apply pressure for a review for the contact. She noted it had not been subject to any review in over 14 years.

---> Motion to set the sewer rate at \$7.23 was received and denied on a call of the roll of the yeas and nays. Yeas 6 (Bartley, Greaney, Lebron-Martinez, McGiverin, Sullivan, Vacon)--Nays 7--Absent 0.

---> Motion to set the sewer rate at \$7.77 was received and denied on a call of the roll of the yeas and nays. Yeas 7--Nays 6 (Bartley, Greaney, Leahy, McGee, Sullivan, Vacon)--Absent 0.

Councilor Bartley asked if passage required a two-thirds majority.

President McGee stated it was his understanding that passage would require 9 votes.

Motion was made and seconded to suspend the necessary rules to allow the Atty Bissonnette to address the Council.

Atty Bissonnette stated that a majority vote would be sufficient for a sewer rate increase.

Councilor Bartley asked what the opinion was based on.

Atty Bissonnette stated that unless there was a rule in the sewer ordinance requiring more than a majority, the federal rule is that a majority is required.

Councilor Vacon asked if the sewer rate is an ordinance.

President McGee stated that it is.

Councilor Vacon stated that the rules require two-thirds for an ordinance change.

Councilor McGiverin asked to clarify that all ordinances require two-thirds.

Councilor Vacon confirmed that was what the rules state.

Councilor McGiverin asked if handicap signs require two-thirds.

President McGee confirmed they do.

Councilor Bartley stated it was rule 35.

Councilor McGiverin, quoting the rule, stated "*any ordinance, order, resolution, or vote involving the appropriation or expenditure of money*," requires a two-thirds vote, noting it referred to Chapter 2.

Councilor Bartley, quoting a subsequent part of the rule, stated "*every such ordinance, order, resolution, or vote shall be read twice, with an interval of at least three days between the two readings, before being finally passed; and the vote at its final passage shall be taken by roll call; provided, however, that up on and after the written recommendation of the Mayor, the City Council may pass such ordinance, order, resolution, or vote on the same day by a two-thirds yea and nay vote.*"

Councilor McGiverin stated that "*any ordinance, order, resolution, or vote involving the appropriation*" was the beginning of the sentence. He then added that without an appropriation, it would be a simple majority.

Councilor Bartley suggested that was an incorrect reading.

President McGee stated his understanding that it required two-thirds.

McGivern made a motion to challenge the ruling of the Chair. He then reiterated his understanding that rule 35 referred to an expenditure of money. He then observed that the Legal Department determined that a simple majority was required for passage of the sewer rate.

President McGee noted that the first sentence of the rule segregated "*ordinance, order, resolution, or vote*" into separate parts and separate issues each requiring a two-thirds vote.

Councilor Leahy expressed his agreement that the requirement was two-thirds.

Councilor Vacon noted that the challenge has not been seconded.

Councilor Murphy seconded the motion to challenge.

Councilor Lisi observed that while the rule may state a two-thirds requirement, that had not been the way the Council had conducted business. She then suggested that the rule had been changed. She then expressed her intent to file an order to require a simple majority.

Councilor Vacon noted that an ordinance is a change in law, adding that most changes, such as traffic orders, had not been controversial enough to count the votes.

Councilor Greaney emphasized that the rule states two-thirds and should be followed.

President McGee confirmed that had been what an opinion from the Law Department stated. He then

stated that if a rule being followed incorrectly does not mean it should continue to be followed incorrectly . Councilor Murphy asked if the ordinances or charter had anything that overruled the City Council rules . President McGee stated those were the rules as adopted.

Councilor Murphy suggested that ordinances or the Charter would supersede City Council rules if there was a conflict.

President McGee stated that according to the Legal Department, there was no rule in violation of the Charter.

Councilor McGiverin clarified that his challenge was that the ruling was in violation of Mass General Law (M.G.L.).

Councilor Murphy made a motion to lay on the table for the purpose of requesting a legal opinion to determine if a 7-6 vote was valid. Councilor Anderson-Burgos seconded the motion.

Councilor Vacon offered a reminder that the challenge of the ruling was still on the floor .

Councilor McGiverin reiterated that M.G.L. does not require a two-thirds majority on a simple ordinance change. He added that the Charter connects the city to M.G.L. He added that laying it on the table would provide an opportunity to loo into the matter, noting that the vote would stand without a table.

Councilor Greaney emphasized a need to assure the matter is handled correctly , noting that the matter involves the expenses to the people of the city .

Councilor Leahy made a motion to lay on the table. He then recalled that there had been a ruling regarding a two-thirds vote requirement for section 43.

Councilor Bartley asked for a clarification of the outcome if the order was to be tabled and it was determined that a 7-6 vote passed.

President McGee clarified that the ruling of the Chair would have been incorrect , and the motion will have passed. He then stated that if the ruling is determined to be correct , the order would be removed from the table.

Councilor Bartley asked to call a vote on the challenge of the Chair's ruling .

President McGee asked if there was a second on the Councilor Leahy's motion to lay on the table .

Councilor Leahy withdrew his motion to table .

Councilor Murphy asked for a clarification on what would happen if the challenge was upheld and a legal opinion came back supporting the ruling .

President McGee stated the process would start over .

Motion to challenge the ruling of the Chair failed on a call of the roll of the yeas and nays . Yeas 4 (Hernandez, Lisi, McGiverin, Murphy)--Nays 9--Absent 0.

---> Motion to set the sewer rate at \$7.80 was received and denied on a call of the roll of the yeas and nays. Yeas 7--Nays 6 (Bartley, Greaney, Leahy, McGee, Sullivan, Vacon)--Absent 0.

Councilor Bartley made a motion to lay on the table. Councilor Greaney seconded the motion. Motion failed on a voice vote.

Councilor Tallman made a motion to set the sewer rate at \$7.50. Councilor Sullivan seconded the motion .

Councilor Bartley made a motion to set the sewer rate at \$7.25. Councilor Vacon seconded the motion .

Councilor Hernandez made a motion to set the sewer rate at \$7.77. Councilor Lisi seconded the motion .

---> Motion to set the sewer rate at \$7.77 was received and denied on a call of the roll of the yeas and nays. Yeas 7--Nays 6 (Bartley, Greaney, Leahy, McGee, Sullivan, Vacon)--Absent 0.

---> Motion to set the sewer rate at \$7.25 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Bartley, Greaney, Sullivan, Vacon)--Nays 9--Absent 0.

---> Motion to set the sewer rate at \$7.50 was received and denied on a call of the roll of the yeas and nays. Yeas 8--Nays 5 (Bartley, Greaney, Leahy, Lisi, Vacon)--Absent 0.

Councilor McGiverin made a motion to reconsider the previous action . Councilor Tallman seconded the motion.

Councilor Greaney asked for a clarification on who can make a motion to reconsider .

President McGee stated that it was his understanding that anyone can make a motion to reconsider .

Councilor Greaney stated his understanding that the motion must come from the prevailing side .

Councilor McGiverin suggested that the rules state that such a motion can come from anyone .

Councilor Bartley asked for a citation of the rule that clarifies motions to reconsider .

President McGee read a previous opinion from the Legal Department, noting 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."

Councilor McGiverin withdrew his motion to reconsider. He then noted that as the order was an ordinance change, the change required a first reading, second reading, and a motion to adopt. He then suggested that the order was not being handled correctly.

President McGee clarified that as the vote was adopting a sewer rate, it was a similar process as adopting a tax rate. He then suggested that the body move to the fifth ballot.

Councilor Lisi expressed her understanding that the order had passed, pending a legal opinion.

President McGee clarified that the challenge to his ruling had not passed, adding that a motion to lay on the table had also failed.

Councilor Bartley noted that a motion to refer to the Law Department had not been taken up for a vote.

Councilor Sullivan made a motion to set the sewer rate at \$7.45. Councilor Greaney seconded the motion.

Councilor Vacon made a motion to set the sewer rate at \$7.30. Councilor Bartley seconded the motion.

Councilor Lisi made a motion to set the sewer rate at \$7.65. Councilor Anderson-Burgos seconded the motion.

---> Motion to set the sewer rate at \$7.65 was received and denied on a call of the roll of the yeas and nays. Yeas 8--Nays 5 (Bartley, Greaney, Leahy, Sullivan, Vacon)--Absent 0.

---> Motion to set the sewer rate at \$7.30 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Bartley, Greaney, Sullivan, Vacon)--Nays 9--Absent 0.

---> Motion to set the sewer rate at \$7.45 was received and denied on a call of the roll of the yeas and nays. Yeas 2 (McGee, Sullivan)--Nays 11--Absent 1 (McGiverin).

Councilor Lisi made a motion to set the sewer rate at \$7.64. Councilor Hernandez seconded the motion.

Councilor Lebron-Martinez made a motion to set the sewer rate at \$7.70. Councilor Anderson-Burgos seconded the motion.

Councilor Greaney made a motion to set the sewer rate at \$7.26. Councilor Vacon seconded the motion.

---> Motion to set the sewer rate at \$7.26 was received and denied on a call of the roll of the yeas and nays. Yeas 4 (Bartley, Greaney, Sullivan, Vacon)--Nays 9--Absent 0.

---> Motion to set the sewer rate at \$7.70 was received and denied on a call of the roll of the yeas and nays. Yeas 7--Nays 6 (Bartley, Greaney, Leahy, McGee, Sullivan, Vacon)--Absent 0.

---> Motion to set the sewer rate at \$7.64 was received and denied on a call of the roll of the yeas and nays. Yeas 8--Nays 5 (Bartley, Greaney, Leahy, Sullivan, Vacon)--Absent 0.

Councilor Greaney made a motion to lay on the table. Councilor Lisi seconded the motion. Motion failed on a show of hands vote.

Councilor Tallman made a motion to set the sewer rate at \$7.40. Councilor Sullivan seconded the motion.

Councilor Hernandez made a motion to set the sewer rate at \$7.45. Councilor Lebron-Martinez seconded the motion.

Councilor Anderson-Burgos made a motion to set the sewer rate at \$7.50. Councilor Hernandez seconded the motion.

---> Motion to set the sewer rate at \$7.50 was received and denied on a call of the roll of the yeas and nays. Yeas 8--Nays 5 (Bartley, Greaney, Leahy, Sullivan, Vacon)--Absent 0.

---> Motion to set the sewer rate at \$7.45 was received and denied on a call of the roll of the yeas and nays. Yeas 6 (Anderson-Burgos, Hernandez, Lebron-Martinez, McGee, McGiverin, Tallman)--Nays 7--Absent 0.

---> Motion to set the sewer rate at \$7.40 was received and denied on a call of the roll of the yeas and nays. Yeas 6 (Lebron-Martinez, McGee, McGiverin, Murphy, Sullivan, Tallman)--Nays 7--Absent 0.

Councilor Murphy made a motion to lay on the table. Councilor Lebron-Martinez seconded the motion.

Motion passed on a voice vote.

Councilor Murphy made a motion to refer the question to the Law Department. Councilor Tallman seconded the motion.

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

(2:44:55)

Motion was made and seconded to suspend the necessary rules to take items 32A and 32 B as a package.

The Committee on Finance to whom was referred an order From Alicia M. Zoeller, Administrator Office of Community Development re: American Rescue Plan Act Grant

have considered the same and Recommend 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 stated that the orders were taken up to discuss any potential with Alicia Zoeller and Tanya Wdowiak on formula changes for how to appropriate ARPA funds. He noted that the formula had remained the same, adding that the calculations allowed for \$1.7 million to be used for lost revenue replacement.

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

The Committee on Finance to whom was referred an order From City Auditor Tanya Wdowiak, communications regarding the projected revenue loss calculations for ARPA funds have considered the same and Recommend 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 From Historical Commission, letter regarding the demolition of historical buildings have considered the same and Stayed in committee.

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

---> Stayed in committee

The Committee on Finance to whom was referred an order From Lisa Ball, Acting City Solicitor Contract for David Pratt
 (Recommended by the Mayor)
 have considered the same and Recommend the contract be received and adopted.

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

UNDER DISCUSSION:

Councilor McGiverin made a motion to amend the committee report and recommend and the contract be adopted. Councilor Leahy seconded the motion. He stated that the appointment was made by former Mayor Morse prior to leaving office, adding that the legal opinion was that the appointment remained valid according to the Charter. He noted that the salary for Chief of Police had been by ordinance, with the appointment made by the Mayor. He added that a former Mayor Dunn requested a chance that would allow the Mayor to appoint the Chief for multiple years, noting that the agreement included a change that would allow the salary to consider the experience and background of the individual being appointed rather

than strictly by ordinance. He then stated that the incoming Chief was happy with the contract. He then explained that the amendment to adopt was to assure that the mayor could not create an expenditure in the general fund without City Council approval.

Councilor Bartley expressed opposition to adopting the contract, noting that the City Council had not negotiated it. He then expressed concern that the former mayor negotiated a contract while planning to leave. He also expressed concern that the incoming Chief was not a city resident, adding that he would not vote to adopt until he was to become a city resident.

Councilor Lisi suggested that there was nothing to act on with the contract other than to receive it.

Councilor McGiverin suggested there was a similarity between this contract and union collective bargaining contracts, noting that the City Council votes on those contracts because they have an impact on the budget. He explained that the contract dictates a salary that comes out of the general fund budget, adding that this is a form of appropriation.

Councilor Lisi stated that there was no appropriation before the City Council at that time, noting that the appropriation occurred when the budget had been passed prior to the beginning of the fiscal year.

Councilor McGiverin noted that the committee was continuing to discuss a contract with the Supervisor's Association which included a 2% cost of living adjustment (COLA) that the Auditor could not pay until the contract is approved even through the funding for it was passed with the budget.

Councilor Greaney suggested that the City Council had no role, noting that the contract negotiated had been completed.

President McGee suggested that the adoption was for budget purposes as a formality.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 11--Nays 2 (Bartley, Sullivan)--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order Settlement Agreement by and Between the City of Holyoke and the Holyoke Professional Supervisor Association have considered the same and Awaiting disposition.

Committee Members:

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

---> Stayed in Committee

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 "HOLYOKE'S SAFE STREETS AND PATHS PROJECT, \$73,100, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the account of the receipts and expenditures of all resources associated with the administration of said grant.

(Recommended by the Mayor)

have considered the same and Awaiting disposition.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the grant was to elevate several sidewalks and crosswalks to correspond with flashing signals that will be installed for public safety purposes. He noted that two locations were on Homestead Avenue, two near Mayer Field, one on Westfield Road, one near Springdale Park.

Councilor Tallman added that one location was near the Senior Center.

Councilor McGiverin noted that the funds were provided up front rather than requiring to the city to seek

reimbursement.

Councilor Bartley expressed support for the impact on public safety in installing these elevations and signals, noting the importance for families living in these areas and utilizing city parks .

Councilor Murphy clarified that the grant was primarily to fund equipment and lighting at the crosswalks , noting that a bond had been passed several weeks back to pay for the elevated crosswalks . He also noted one location was on West Franklin Street.

Councilor Vacon emphasized the safety issues this would address , noting that a child on a bike had been hit in one of the areas.

Councilor Tallman noted the importance of taking on these safety measures to address issues , particularly in school and parks areas .

Councilor Greaney asked to move the question, noting the obvious support among all councilors .

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays

--Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order that That the mayor consider establishing a capital stabilization fund , potentially with a one-time expenditure from our presently healthy emergency stabilization fund .

(Recommended by the Mayor)

have considered the same and Recommend the order be adopted as amended.

Committee Members:

Joseph M. McGiverin

Peter R. Tallman

Michael J. Sullivan

James M. Leahy

David K. Bartley

President McGee read the amendment language:

we are in agreement with the establishment of a capital stabilization fund . We now ask the mayor, with bond counsel, to give us numerous types of suggestions where the funding could come from , and any transfer or new appropriation has to come back in a form that only the mayor can initiate to come back to the full City Council for a final vote .

UNDER DISCUSSION:

Councilor McGiverin stated that there had been consensus on the need for a capital stabilization fund as a revenue source for capital outlays . He noted that free cash had been used as a source. He clarified that Cinder McNerney and department heads were being asked to come up with ideas to fund capital stabilization .

Councilor Vacon noted that some of the funds the city would be receiving could be used to seed the fund .

Councilor Greaney asked to move the question .

Councilor Lisi stated that the next steps should include a recommendation for how much to seed the fund with as well as to determine the source that makes the most sense .

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

Approved by the Mayor.

The Committee on Finance to whom was referred an order 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

have considered the same and Recommend the order be denied.

Committee Members:

Joseph M. McGiverin

Peter R. Tallman

Michael J. Sullivan

James M. Leahy

David K. Bartley

UNDER DISCUSSION:

Councilor McGiverin stated that one of the properties in the order was being demolished by OneHolyoke CDC and another had received an offer for purchase. He noted that the order cannot be amended. He also noted there were concerns about properties not owned by the city being demolished if they are not immediate dangers. He added that there was an expected modified proposal coming from the Mayor.

---> Report of Committee received and Denied on a call of the roll of the yeas and nays --Yeas 13 (Anderson-Burgos, Bartley, Greaney, Jr., Hernandez, Leahy, Lebron-Martinez, Lisi, McGee, McGiverin, Murphy, Sullivan, Tallman, Vacon)--Nays 0--Absent 0.

Motion was made and seconded to suspend the necessary rules to take up Late File B out of order.

BARTLEY, McGiverin, Murphy, Sullivan, Tallman Ordered, that The city council recommends to Holyoke's property preservation group (f/k/a problem property group) that a member of the City's Historic Commission be asked to join and be designated as either a full member or as an ex office member.

---> Received and adopted. Referred to the Mayor and Historical Commission.

President McGee stated that there were no reports from the Public Safety Committee or the Public Service Committee.

(3:10:50)

Motion was made and seconded to suspend the necessary rules to take items 35A and 35G as a package.

The Committee on Development and Governmental Relations to whom was referred an order DPW and City Engineer provide an update on the potential to sell lots for housing at the top of St. Vincent St. Refer to DPW, City Engineer. Copy to DGR for a future meeting.

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

Committee Members:

David K. Bartley

Michael J. Sullivan

Peter R. Tallman

Howard B Greaney, Jr.

Gladys Lebron-Martinez

UNDER DISCUSSION:

Councilor Bartley commended the Acting Mayor for his work on this matter. He then stated that the school board would be voting to transfer the title to the city who would then dispose of it, potentially becoming three lots for single family homes.

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

The Committee on Development and Governmental Relations to whom was referred an order The DPW

come up with an action plan to collect the litter all along both sides of Rt 5 from McDonald's to the West Springfield town line, along both sides of Lower Westfield Rd. from Northampton St. to the bridge, along Whiting Farms Rd. from Northampton St. to Gordon Dr., and along Westfield Rd from Woodland St to Michigan Ave. Refer to DPW and Suez; copy to DGR for a future meeting.
have considered the same and Recommended that the order has been complied with.

Committee Members:

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

UNDER DISCUSSION:

Councilor Bartley noted that the conditions had been improving in recent months. He also commended the office of Sheriff Cocchi for helping to address the litter through the work of incarcerated individuals. He noted that in speaking with the workers, they were happy to be out doing the work.
---> Report of Committee received and recommendation adopted.

The Committee on Development and Governmental Relations to whom was referred an order Proposals for the American Rescue Plan Act
have considered the same and Recommended that \$1.7 million be appropriated for lost revenue replacement through the City auditor's Office.

Committee Members:

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

UNDER DISCUSSION:

Councilor Bartley stated that the committee would meet again to take up allocations for the majority of the funds. He then commended the Acting Mayor, Alicia Zoeller, Kate Preissler, and the CAC for the openness of the process. He noted that the Auditor confirmed the committee could take a separate vote to allocate some of the funds for lost revenue replacement.

Councilor Lisi expressed appreciation to Ms. Zoeller and the Acting Mayor for the accessibility and transparency of the information throughout the process.

Councilor Greaney called for a vote on the order, noting there has been unanimous support.

Councilor McGiverin observed that the calculation had a variety of factors that went into the formula, noting it goes back to the prior fiscal year. He added that he had hoped the calculations would allow for more funding to lost revenue, noting that the general fund budget would need more than \$1.7 million. He recalled that the federal government has provided greater support through revenue sharing than in recent years.

Councilor Vacon observed that the city's business had been handled transparently since Acting Mayor Councilor Murphy took over. She also noted that Ms. Zoeller had long conducted her office transparently.

Councilor Tallman commended the Acting Mayor and Ms. Zoeller for their efforts to make the process a smooth one. He also noted that the DGR Committee had worked to assure the process was fair.

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

Motion was made and seconded to suspend the necessary rules to take items 35C, 35D, 35E, and 35F as a package.

The Committee on Development and Governmental Relations to whom was referred an order that the City Council invite in James Lavelle (and/or the G&E Commission members) from the Holyoke Gas and Electric to give an update on the issues they are presently experiencing including, but not limited to the gas moratorium, its renewable energy portfolio, and the fiber and broadband internet networks.

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

Committee Members:

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

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

The Committee on Development and Governmental Relations to whom was referred an order that the City Council invite in Jim Lavelle from the HG&E and any commissioners as appropriate for an update on the nature and impact of the natural gas moratorium in Holyoke, and discuss any opportunities available for ensuring that we have the natural gas capacity we need in order to grow.

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

Committee Members:

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

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

The Committee on Development and Governmental Relations to whom was referred an order that the city of Holyoke undertake a feasibility study to figure out how to transfer power lines to underground. The study should seek to understand the costs, the obstacles, the potential cost savings, the impacts on service reliability and on public safety, and to seek what grants or other types of funding are available to limit the city's cost of doing this.

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

Committee Members:

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

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

The Committee on Development and Governmental Relations to whom was referred an order That the manager and appropriate staff members of H.G. & E. be invited in to update the council on any findings regarding municipal broadband projects, related costs, and potential benefits and/or risks. Send to Dev. & Govt. Rel.

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

Committee Members:

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

UNDER DISCUSSION:

Councilor Bartley commended the councilors for filing orders on important topics. He noted that the discussion with HG&E had been substantive. He also noted that the HG&E's vote for a gas moratorium had been under pressure due to a choice to not engage in additional supply at the time. He then emphasized that the impact was an increase in the usage of propane and diesel in the city. He also

thanked the HG&E for their questions and participation in the discussion of all of the topics in the orders .
 ---> Report of Committee received and recommendation adopted.

ORDERS AND TRANSFERS

(3:26:00)

President McGee implored the members to refer items to committee if there is to be debate on the orders .

MURPHY Ordered, that Ordered that the public safety committee meet with representatives from ROCA to discuss the benefits of the program both to the participants and the city , and to see if there are other things that ROCA and the city might partner to do.

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

MURPHY Ordered, that Updating to the Holyoke ordinances of Uses - Defining restaurant adding to SEC 2 Under Appendix A

Restaurant - a business establishment where meals or refreshments may be purchased

Restaurant Sit down: A building, or portion thereof, containing tables and/or booths for at least two-thirds of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility . The term "restaurant sit down" shack not include "fast food establishments" but may also include "drive in - or take out" and food delivery services.

Restaurant, drive-in or take-out: Premises and building for the sale , dispensing, or serving of food, refreshments, or beverages. for Consumption in vehicles temporarily parked on the premises , or at tables, benches, counters and the like the majority of which are out-of-doors; or for consumption off the premises, may also offer drive-in or take-out and food delivery services.

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

MURPHY Ordered, that Ordered that the finance committee meet with representatives from Whalley Computer Associates to review both the costs and impacts on the computer services provided to the city .

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

MURPHY Ordered, that Ordered that the ordinance committee meet to discuss downtown parking meters in terms of the amount of time allowed & the price charged, as well as how we might increase the number of payment options available.

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

MURPHY Ordered, that Ordered that the ordinance committee meet to discuss amending the demolition order regarding historical commission review to begin the process once a property has been listed by the problem property group. The goal of this would be to enhance the possibility of preserving structures , and to do so prior to extensive building deterioration , which then escalates costs.

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

MURPHY Ordered, that Ordered that the DPW create much larger signage directing traffic on High St at least one street prior to each exit for downtown garage parking . I know businesses believe they are losing business because drivers miss the parking lot sign and then just don 't come back. I would suggest signage on both Appleton and Suffolk St. and a sign on Division St.

Councilor Murphy stated that the request had come from businesses following feedback from customers that could not see the signs and would often drive by . He stated the intent was to assure businesses did

not lose customers for lack of finding a place to park.
 Councilor McGiverin made a motion to amend to include the location on Division Street . Councilor Vacon seconded the motion. All councilors voted in favor.
 ---> Received and adopted. Referred to the DPW.
 Approved by the Mayor.

SULLIVAN Ordered, that That the funding conditions on the previously approved grant (Engine 9 Restoration) for \$130,677 on 4/20 be changed from 12 months to 3 years for completion of work. All others remain the same.
 Councilor Sullivan stated that the order had no monetary component and was only to extend the time to restore the vehicle. He noted that the restoration was expected to take two years, adding that the extra year was being requested to avoid needing to approve another extension if necessary.
 ---> Received and adopted.
 Approved by the Mayor.

VACON Ordered, that speed hump/s be placed on Upland Road - see neighborhood petition filed with City Clerk.
 ---> Received and referred to the DPW. Copy to Ordinance.

VACON, Murphy Ordered, that a written legal opinion be provided to clarify whether a legal notice to owners of a change of their current property zone to a zone that does not exist in the zoning ordinances is proper and legal.
 ---> Received and adopted. Referred to the Law Department to come back to full council.
 Approved by the Mayor.

ANDERSON-BURGOS Ordered, that the tree located in front of 37 St. Jerome Ave. be trimmed. The tree has grown to the point where it blocks the street light making it impossible for residents to see the area .
 ---> Received and adopted. Referred to the Forestry and DPW.
 Approved by the Mayor.

ANDERSON-BURGOS Ordered, that the tree located near 105 Cherry St. be removed. The growth of the tree has made it impossible for residents to walk on the sidewalk .
 ---> Received and adopted.
 Approved by the Mayor.

ANDERSON-BURGOS Ordered, that Ordered, that the City Council pass a resolution in support of the GREEN Act.
 ---> Received and referred to the Public Service Committee.

ANDERSON-BURGOS Ordered, that Ordered, that the guardrails located in front of 233 and 237 Sargeant St be replaced. Over the years multiple car accidents have compromised the integrity of the guardrails, creating safety concerns for the residents if accidents continue to occur there .
 ---> Received and adopted. Referred to the DPW.
 Approved by the Mayor.

BARTLEY Ordered, that Holyoke amend its charter to provide for city council confirmation of all new mayoral appointments to the board of public works and the fire commission . Further, the charter be amended to provide for city council confirmation on any current appointees at the time of reconfirmation . Moreover, the Charter and Rules committee and the acting Mayor consider whether to allow a nominee to either or both boards to be appointed directly by the City Council as well as consider any other related actions. Refer to charter and rules.
 ---> Received and referred to the Charter and Rules Committee.

BARTLEY Ordered, that DPW install signage to indicate 'dead end' or 'no exit' at Roosevelt Ave.
 Constituent request.
 ---> Complied with

BARTLEY, Hernandez Ordered, that The "no parking" sign proximate to 282 Cabot St be moved north and relocated as close to the street corner near Locust St. as possible. Purpose: this would provide room for additional parking near the two care facilities in this neighborhood .

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

BARTLEY, Greaney, Jr., Sullivan, Tallman Ordered, that the City Council bestow a proclamation to the Mt. Tom B-17 Memorial Committee in light of this year's twofold anniversaries including the 75th anniversary of the plane crash into Mt. Tom (07-09-1946) and the 25th anniversary of the commencement of a lasting on-site monument. The Public is urged to read about the events surrounding this at 222.mttommemorial.org.

---> Received and adopted.

BARTLEY Ordered, that The city council invite Lynn Gray , General Manager, of the Holyoke Mall to a future DGR meeting.

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

BARTLEY Ordered, that That the Acting Mayor direct the Law Department notify the Mass. Land Court that the City shall withdraw its Motion for Summary Judgement regarding 11 Yale St. and that the City supports remanding the matter back to the Holyoke Zoning Board of Appeals for a hearing based upon facts as the Land Court suggested might be appropriate.

Councilor Bartley noted that the city had been on record opposing the land court case . He stated that the judge in the case suggested that he would often give deference to a reasonable interpretation of a bylaw by a zoning board, but that there was only a decision for denial of a hearing from the Zoning Board and the Building Commissioner without any interpretation or discussion . He stated that the intent of the order was to have the city withdrew its support for MHA and allow the court to make a decision without legal input from the city.

Councilor Vacon expressed support for the order , noting that the already stressed Law Department did not need to be engaged in the matter.

Councilor Sullivan suggested that the Law Department would likely need to utilize outside counsel in the matter.

Councilor Lisi clarified that a denied ruling would have coming from the Zoning Board of Appeals and not from any specific city official . She also recalled that the previous City Solicitor advised that the city be removed from the case since the city was named in the case . She suggested that the litigants would have to decide to remove the city from being named in the case .

Motion was made and seconded to suspend the necessary rules to allow Atty Bissonnette to address the Council.

Atty Bissonnette advised that questions regarding the litigation or the city's role in the case should be discussed in executive session .

Councilor Bartley stated that executive sessions often do not become public until many months or years later. He noted that the land court session was a matter of public record with the city on record stating that the city opposes the litigation on Yale Street. He suggested that the land court judge likely will have already ruled in the case before the details of an executive session would be made public . He clarified that the order would not be a vote to withdraw but to offer that recommendation to the Mayor.

Atty Bissonnette stated that the abutter responses in the land court case would be due the second week of the current month and that the city's response would be due the second week of September. He stated that he would advise against discussing litigation strategy in a public forum , noting that he did not believe it would serve the city of Holyoke as his client .

---> Received and adopted.

Approved by the Mayor.

BARTLEY Ordered, that The city council amend its zoning ordinances to no longer allow by automatic right a "residential care or rehab center" in RA, R1, R1A, R2 zones and to require city council special permit for such a facility to be located in any other zone . This would be exactly what the city uses for "boarding houses with 4 or more boarders" and very similar to what is used for Independent Living , Retirement, and Assisted Living. Refer to ordinance and law department.

Councilor Bartley suggested that the Law Department weigh in on the matter to determine if the proposed changes are permitted under state law. He suggested that these facilities should have an open public process if they want to open a facility.

Councilor Vacon noted that a companion order was already in the Ordinance jacket.

Councilor McGiverin noted that there had been a constitutional challenge in the 1980's which had the result of removing a special permit requirement for group home facilities in the city. He then suggested that the legal opinion should be received before paying for a public hearing notice.

Councilor Lisi stated that public discussions of ordinances that could impact pending litigations should not be taking place.

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

LEAHY Ordered, that Ordered, a committee be formed called "The Tourism advisory committee."
The scope of the Committee is to:

1. Create and market a new brand for Holyoke,
2. Initiate permit reform for events, public gatherings, beautification, and public art.
3. Annually monitor and report the progress of tourism initiatives to Mayor and City Council.
4. Review infrastructure maintenance program.
5. Coordinate business communications and Holyoke tourism opportunities into one marketing effort.
6. Establish and support signature destinations and districts such as a Puerto Rican Cultural District on Main Street and The Canal District.
7. Promote ecotourism and outdoor recreation.
8. Make recommendations for a financial and human resources plan.
9. Recommend annual updates to the Holyoke Tourism Strategic Plan.

The Committee will utilize the Holyoke Tourism Strategic Plan. The Committee will, from time to time, update and revise the plan as they find necessary.

The Committee should comprise one representative appointed by each of the following agencies: Holyoke Local Cultural Council, Greater Holyoke Chamber of Commerce, Greater Springfield Convention & Visitors Bureau, Holyoke Office of Planning & Economic Development, Holyoke City Council, Holyoke Historical Commission, and Wistariahurst Museum. A minimum of five (5) and up to eight (8) at-large members will be nominated and recommended by the Committee and appointed by the Mayor for a three year term.

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

LEBRON-MARTINEZ Ordered, that That a handicap sign be removed from the front of 130 Cabot St.

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

LISI Ordered, that Review and amend section 6.4 of the zoning ordinance to be in compliance with Consent Judgment and Permanent Injunction ordered by Honorable Mark G. Mastroiani dated April 12, 2019 and any other updates to streamline the ordinance

Councilor Vacon asked for a clarification of the order.

Councilor Lisi clarified that the order was to assure that the sign ordinance was in compliance with the judgement in the case that was brought against the city by the ACLU.

Councilor Bartley clarified that the former City Solicitor had advised that the current sign ordinance was unconstitutional. He also noted that the vote for passage had been unanimous.

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

MCGEE Ordered, that Order that cross walks at Lincoln/Northampton and Hampden/Northampton be repainted.

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

Approved by the Mayor.

MCGEE Ordered, that Order that the DPW remove the following trees as they are unsafe:

Tree near 50 Fairfield Ave,
 Tree in front of 20 Jefferson
 Tree near 10 George Street
 Tree in front of 35 Amherst
 Tree in front of 37 Taylor
 Tree in front of 236 Locust St.
 Tree in front of 357 Appremont highway
 Tree in front of 419 Southampton Rd.
 Tree in front of 16 or 18 Willow St. (Kevva)
 Median on Fairfield Ave.

Councilor Anderson-Burgos made a motion to amend by adding 236 Locust Street.

Councilor Vacon made a motion to amend by adding 357 Apremont Highway and 419 Southampton Road.

Councilor Bartley made a motion to amend by adding 16-18 Willow Street.

Councilor Lisi made a motion to amend by adding the median on Fairfield Avenue , noting that many trees on the median were dead and branches regularly come down.

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

Approved by the Mayor.

MCGEE Ordered, that Order that the city council give a proclamation to Edward Eckert, (hired on 4/19/1988) retiring after 33 years of dedicated service as a Heavy Motor Equipment Operator at DPW.

President McGee stated that Mr. Eckert had retired the previous week.

---> Received and adopted.

MCGEE Ordered, that Order that the DG&R committee invite in the Boys & Girls Club of Greater Holyoke Leadership team to discuss their two ARPA proposals: child care expansion project and proposal to serve homeless/DCF involved youth.

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

Motion was made and seconded to suspend the necessary rules to take items 66 through 71 as a package

MCGIVERIN Ordered, that That in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds, at one time or from time to time, pursuant to G.L. c. 44, §21A, or pursuant to any other enabling authority, to refund all or any portion of the Town's general obligation bonds outstanding as of the date of adoption of this order, and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal , redemption premium and interest on the bonds of the Town to be refunded, and costs of issuance of the refunding bonds; and that the Mayor and the Treasurer are each authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.

Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under G .L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require .

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2022 STATE 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT, \$246,443, NO MATCH " grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said

grant.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2022 STATE 911 DEPARTMENT TRAINING GRANT, \$17,900, NO MATCH " grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant .

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "DIVERTING JUVENILES AND EMERGING ADULTS FROM CRIMINAL JUSTICE SYSTEM INVOLVEMENT, \$50,000, NO MATCH " grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that the amount of ONE THOUSAND THREE HUNDRED EIGHTY AND 00/100 Dollars (\$1,380.00) be authorized from the PERSONNEL Department's PROFESSIONAL SERVICES-EMPLOYEE TRAINING (11522-53010) appropriation in fiscal year 2022 for services rendered in fiscal year 2021 which were unencumbered at the 2021 fiscal year end.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that the amount of ONE HUNDRED NINETY SEVEN THOUSAND NINE HUNDRED TWENTY SEVEN AND 69/100 Dollars (\$197,927.69) be authorized from the DEPARTMENT OF PUBLIC WORKS Department's VARIOUS (-) appropriation in fiscal year 2022 for services rendered in fiscal year 2021 which were unencumbered at the 2021 fiscal year end.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, TWENTY FOUR THOUSAND EIGHT HUNDRED THIRTY SEVEN AND 16/100 Dollars (\$24,837.16) as follows:

FROM:			
12101-51104	LIEUTENANT		\$3,910.40
12101-51105	SERGEANT		5,715.23
12101-51107	PATROLMEN		15,211.53
		TOTAL:	\$24,837.16
TO:			
12101-51180	INJURED ON DUTY		\$24,837.16
		TOTAL:	\$24,837.16

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 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).
Approved by the Mayor.

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, FIVE THOUSAND DOLLARS AND 00/100 Dollars (\$5,000.00) as follows:

FROM:			
11211-51103	AIDE TO MAYOR		\$5,000.00
		TOTAL:	\$5,000.00
TO:			
11211-51102	EXECUTIVE ASSISTANT TO MAYOR		\$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, August 3, 2021.

Terence Murphy, Mayor

Councilor Murphy stated his intent was to transfer to compensate for the extra work that Nilka Ortiz has taken on in the office. He commended her work with constituents. He asked for immediate passage of the transfer.

Councilor McGiverin stated that the order could be taken up at the committee's next meeting on August 30th and be reported out for the first meeting in September. He stated there could be questions that come up for discussion

Councilor Leahy stated that he would have questions related to union considerations, retirement savings, and other possible concerns to consider. He noted that there had been issues with granting additional pay to former Admin Ryan Allen.

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE THOUSAND FIFTY DOLLARS AND 00/100 Dollars (\$1,050.00) as follows:

FROM:			
11211-51103	AIDE TO MAYOR		\$1,050.00
		TOTAL:	\$1,050.00

TO:			
11521-51201	LABOR SERVICES DIRECTOR		\$1,050.00
		TOTAL:	\$1,050.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGEE Ordered, that Order that the DG&R committee invite in representatives from Holyoke Medical to get an update on the hospital

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

MCGEE Ordered, that Order that the no parking sign in front of 982 Hampden street be removed.

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

MCGEE Ordered, that Update from Election Committee/Recommendations

---> Received and adopted.

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE HUNDRED SIXTY FOUR THOUSAND NINE HUNDRED EIGHTY THREE AND 00/100 Dollars (\$164,983.00) as follows:

FROM:			
16101-51103	REFERENCE LIBRARIAN		\$90,487.00
16101-51110	REFERENCE LIBRARY ASST EVENINGS		74,496.00
		TOTAL:	\$164,983.00
TO:			
16101-51115	COLLECTION DEVELOPMENT LIBRARIAN		\$38,610.00
16101-51109	ARCHIVIST		38,380.00
16101-51107	LIBRARY ASSISTANT		20,789.00
16101-51101	LIBRARY DIRECTOR		242.00
16101-51105	CATALOGER		139.00
16101-51400	LONGEVITY		150.00
16101-51102	REFERENCE LIBRARY ASSISTANT		29,674.00
16101-51104	CHILDREN'S LIBRARIAN		35,064.00
16101-51108	CUSTODIAN		1,740.00
16101-51113	ASSISTANT DIRECTOR		195.00
		TOTAL:	\$164,983.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, THREE HUNDRED DOLLARS AND 00/100 Dollars (\$300.00) as follows:

FROM:			
11211-51103	AIDE TO MAYOR		\$300.00
		TOTAL:	\$300.00
TO:			

11211-51103	EXTRA CLERICAL		\$300.00
		TOTAL:	\$300.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated that there had been an email from Sue Ellen Panitch from the Whiting Reservoir Study Committee requesting funds for clerical help.

President McGee stated that he had also received an email, adding that the committee planned to hold two public meetings and wanted to assure someone was hired to handle the minutes accurately.

Councilor Bartley commended the efforts of the committee to study the matter in depth, adding that he looked forward to a report in a couple months.

Councilor Tallman stated that he had spoken with Ms. Panitch on the need for help in recoding the minutes for their public meetings.

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

Approved by the Mayor.

MCGIVERIN Ordered, that That the City Council approve the expense of the FY2021 Holyoke Share-ValleyBike Administration in the amount of \$9,610.00 to be paid from the TNC-Rideshare receipts reserved for appropriation fund #2601.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that the amount of FOUR THOUSAND SEVEN HUNDRED FIFTY THREE AND 50/100 Dollars (\$4,753.50) be authorized from the CITY SOLICITOR Department's SPECIAL COUNSEL (11512-53010) appropriation in fiscal year 2022 for services rendered in fiscal year 2021 which were unencumbered at the 2021 fiscal year end.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

LATE FILED ORDERS & COMMUNICATIONS

From Holyoke School Department, Operational Budget

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

From Lisa Ball, Acting City Solicitor, legal opinion regarding City Council's role in relation to the City of Holyoke Chief of Police Contract

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

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby

accepts the provisions of the "FY20 MUNICIPAL VULNERABILITY PREPAREDNESS (MVP) - THE NATURE CONSERVANCY MATCH INCREASE, \$22,097.50," grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "GREEN COMMUNITIES COMPETITIVE GRANT, \$195,603, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant .

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 3, 2021.

Terence Murphy, Mayor

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

Petition of Patrick Leahy, of 9 Wyckoff Ave. for a Special Permit 4.7.2 Nonconforming use Special Petition Application - Patrick and Melissa Leahy at 9 Wyckoff Ave for a pool and equipment. Councilor Leahy abstained from the vote.

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

Adjourn at 11:17 PM.

A true record

ATTEST:

Brenna Murphy McLee

City Clerk