

**AGENDA FOR THE CITY COUNCIL**  
**November 16,2021**

**LAI D ON THE TABLE**

1. The Committee on Development and Governmental Relations to whom was referred an order License Agreement between City of Holyoke and Edward A. Owen Recommended that the order has been adopted.
2. The Committee on Ordinance to whom was referred an order Petition from residents on Michigan Ave. for speed bumps Recommended that the order be adopted.
3. The Committee on Ordinance to whom was referred an order that section 4.6.3.2 be amended to allow for increased fence heights by special permit. Recommended that the order be adopted.
4. The Committee on Ordinance to whom was referred an order that That city council thru the appropriate committee consider a drop & pick up for 2 parking spots for the van that will pick & drop off the participants that attend the Vcare Adult at the addresses 200-210 High Street This program serve a population of 60 and older and is necessary to assure their safety. Enclosed letter of company request. Recommended that the order be adopted.
5. The Committee on Ordinance to whom was referred an order 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" shall 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. Recommended that the order be adopted.

6. The Committee on Ordinance to whom was referred an order Zone Change Application for Ivan Troshchiy to change from RA to RO at 405 Ingleside Street to rezone in a manner consistent with development patterns in the area. Recommended that the order be adopted.

## PUBLIC COMMENT

### COMMUNICATIONS

7. Settlement Agreement By and Between The City of Holyoke and the UFCW, Local 1459 Council on Aging employees.
8. From Office of Planning and Development, letter re: Cannalive Genetics LLC, at 532 Main Street, Suite 301.
9. Communication from OPED in regards to Census data for Holyoke
10. Letter of Resignation from Chief Assessor Anthony Dulude effective December 1, 2021
11. Letter from a Citizen of Holyoke, requesting a crosswalk be placed at the Whiting Street Reservoir.
12. From Board of Fire Commission minutes of September 23, 2021.
13. From Board of Public Works, Sewer Commission and Stormwater Commission minutes of October 18, 2021.
14. From Johnson, Sclafani & Moriarty letter re: Notice of Intent to sell, Lot 2 on Mountain Road, Holyoke, MA Pursuant to Massachusetts General Laws Chapter 61A, Section 14 Portion of 50 Mountain Rd; Assessors ParcelID 206-00-065.
15. From Mensing Group LLC letter re: Holyoke Zoning Ordinance, Section 7.10, Marijuana Establishments; request to Council to correct or rescind the Council Vote of May 20, 2021 due to errors in the ordinance.

### PETITIONS

16. Petition of Cannalive Genetics, LLC for a Marijuana Manufacturing Establishment at 532 Main St.

### PRESIDENT'S REPORT

### REPORTS OF COMMITTEES

17. Ordinance Committee Reports (if any)

- 17A. The Committee on Ordinance to whom was referred an order that That the City of Holyoke, re-examine the current ordinance which only specifies that the snow and ice shall be removed from the entire width of the sidewalk on all portions of streets on which parking meters are installed but does not state this for residential zones. Sec. 78-141. - Removal of snow and ice.
- (a) No owner or person in control of an estate abutting upon any street, lane, court, or square within the city where there is a sidewalk shall place or suffer to remain for more than 24 hours any snow upon such sidewalk, or any ice upon such sidewalk unless such ice is made even and covered with sand, sawdust, ashes or other suitable material to prevent slipping; nor shall any person place any ice or snow onto other private property or public ways. This section shall apply to snow or ice which may have fallen from any building upon such sidewalk and to snow which may have accumulated upon such sidewalk by drifting, and to ice formed from water running or accumulating upon such sidewalk.
- (b)  
On all portions of streets on which parking meters are installed, all snow and ice shall be removed from the entire width of the sidewalk within eight hours after the cessation of any snowstorm.  
(Code 1972, § 18-15)
- We are currently having issues with the owner of 921 Dwight Street, Holyoke, MA in which he does not abide by the ordinance and when he finally gets to complying he shovels out a 12 inch pad as wide as the shovel in his corner lot located on Linden and Dwight Street. Residents have raised their avid discontent in the matter, the HPD and BOH have tied resources in the matter and as most recent as this last snow storm it appears that the owner is not aware of his property lines and responsibility. See library of images that I am including as an example since the snow season started. Recommended that the order has been adopted.
- 17B. The Committee on Ordinance to whom was referred an order That the City Council review the Fire Department plan review fee for monitored fire alarm systems Recommended that the order has been complied with.
- 17C. The Committee on Ordinance to whom was referred an order Ordered that the city file a home rule petition with Representative Duffy and Senator Velis allowing the Holyoke Police Department the authority to confiscate and destroy illegal dirt-bikes and OHV's similar to the petition filed for Springfield and currently pending in the state legislature. Recommended that the order has been adopted, as amended, replacing "destroy" with "manage"
- 17D. The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 122 Brown Ave. for Norma Rivera. Recommended that the order has been adopted.
- 17E. The Committee on Ordinance to whom was referred an order That a handicap sign be removed from the front of 580 South Summer St. placard #P03205121 the person has moved. Recommended that the order has been adopted.

- 17F. The Committee on Ordinance to whom was referred an order That Chapter 66 "Secondhand Goods," Article II "Junk and secondhand dealers," Section 66-39 "exemptions from article" be amended to add "fabric" after "automobiles." The purpose of the current ordinance is to prevent the resale of goods such as electronics and other collectables that may be stolen. Secondhand fabric appears to not fit within the spirit of the ordinance and the requirements of the ordinance would present unnecessarily burdensome restrictions on business owners receiving and selling second hand fabric. Recommended that the order has been adopted.
- 17G. The Committee on Ordinance to whom was referred an order that the Ordinance Committee review and look to the change the residency requirement for the DPW Director. Recommended that the order has been adopted,
- 17H. The Committee on Ordinance to whom was referred an order that the ordinances be updated to reflect that Columbus Day will now be referred to as Indigenous Peoples Day. Recommended that the order has been adopted, as amended by adding ",formerly known as "Columbus Day" at the end..
18. Finance Committee Reports (if any)
- 18A. 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 "2021 BJA FY21 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANT GRANT (JAG) PROGRAM-LOCAL SOLICITATION, \$38,060" 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. Awaiting disposition
- 18B. The Committee on Finance to whom was referred an order that the sum of \$770,000 is appropriated to pay the costs of the War Memorial Replacement (\$750,000) and the installation of speed humps within the vicinity of Michigan Avenue(\$20,000) and the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1)of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore; that the Mayor is authorized to contract for and expend any state aid available for the project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.  
Further Ordered: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.  
Further Ordered: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and

execute such documents as may be required for such purposes.

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

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

- 18C. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$175,000) as follows:

FROM:

12101-51107 PATROLMEN	\$75,000
12101-51117 E911 DISPATCHER	100,000
TOTAL:	\$175,000

TO:

12101-51300 OVERTIME	\$175,000
TOTAL:	\$175,000 Awaiting disposition

- 18D. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, THREE THOUSAND AND 00/100 Dollars (\$3,000) as follows:

FROM:

12401-51110 PAY-LOCAL BUILDING INSPECTOR	\$3,000
TOTAL:	\$3,000

TO:

12401-51300 OVERTIME	\$3,000
TOTAL:	\$3,000 Awaiting disposition

- 18E. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWENTY ONE THOUSAND SEVEN HUNDRED EIGHTY FIVE AND 00/100 Dollars (\$21,785) as follows:

FROM:

14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR	\$21,785
TOTAL:	\$21,785

TO:

14252-54221 SUPPLIES TRAFFIC LINES	\$21,785
TOTAL:	\$21,785 Awaiting disposition

19. Public Safety Committee Reports (if any)

20. Public Service Committee Reports (if any)

21. Development and Governmental Relations Committee Reports (if any)

- 21A. The Committee on Development and Governmental Relations to whom was

referred an order Special Permit Application of Peter Rosskothan/Delaney House/Log Cabin at 3 Country Club Rd (226-00-005) to replace the existing double sided billboard facing I-91 with a new double sided 'non-accessory electronic sign" of approximately 672 sq ft, to be mounted on a poll of approximately 40' of height with a "V" shaped structure Recommended that the order has been adopted with the following conditions:

1. That the height of the sign from the ground to the top of the sign by no greater than 40 feet,
2. That the area of the sign be no greater than 672 square feet.
3. That the sign is allowed to be digital.

22. Charter and Rules Committee Reports (if any)

22A. The Committee on Charter and Rules to whom was referred an order that the Ordinance Committee review and look to the change the residency requirement for the DPW Director. Awaiting disposition

23. Joint City Council and School Committee Reports (if any)

#### MOTIONS, ORDERS AND RESOLUTIONS

24. LEAHY -- that the Holyoke City Council give a proclamation to Holyoke Sporting Goods and owner Betsy Frye as recognized by the Commonwealth of Massachusetts that Holyoke Sporting Goods is an outstanding Woman owned small business.
25. MCGEE -- Ordered that the City Council invite in all the newly Councilor Elects.
26. MCGEE -- Order that the public safety committee invite in the water dept to discuss and address the water issues on Michelle lane.
27. MCGEE -- Order that the city engineer review and determine if a four way stop sign(s) can be placed at Fairfield and Nonotuck.
28. MCGEE -- Order that the city council appoint a new assessor.
29. MCGEE -- ORDERED that the City Council amend Ordinance 2-69 by striking section (g) (2) from the ordinance. That section states " No employee of the city shall simultaneously serve on the city council during their time of employment."
30. MCGIVERIN -- to accept funds from the Holyoke Gas & Electric and to enter into the escrow agreement to pay off their 2012 General Obligation bonds .

31. MCGIVERIN -- that the amount of NINE THOUSAND SEVEN HUNDRED FIVE AND 00/100 Dollars (\$9,705.00) be authorized from the COMPUTER SERVICES Department's PROFESSIONAL CONSULTING SERVICES (11552-53010), TWENTY THOUSAND FOUR HUNDRED FIFTY SEVEN AND 00/100 Dollars (\$20457) be authorized from the POLICE/FIRE NETWORK ADMINISTRATION (11552-53020) appropriation in fiscal year 2022 for services rendered in fiscal year 2021 which were unencumbered at the 2021 fiscal year end.

32. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, FOUR THOUSAND FIVE HUNDRED THREE AND 74/100 Dollars (\$4,503.74) as follows:

FROM:		
12201-51105	FIREFIGHTER	\$4,503.74
	TOTAL:	\$4,503.74
TO:		
12201-51180	INJURED ON DUTY	\$4,503.74
	TOTAL:	\$4,503.74

33. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$1,500.00) as follows:

FROM:		
11611-51103	PRINCIPAL CLERK	\$1,500.00
	TOTAL:	\$1,500.00
TO:		
11611-51300	OVERTIME	\$1,500.00
	TOTAL:	\$1,500.00

34. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, ELEVEN THOUSAND EIGHT HUNDRED AND 00/100 Dollars (\$11,800.00) as follows:

FROM:		
14261-51102	MOTOR EQUIPMENT REPAIRMAN	\$11,800.00
	TOTAL:	\$11,800.00
TO:		
14261-51300	OVERTIME	\$11,800.00
	TOTAL:	\$11,800.00

35. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, TWENTY SIX THOUSAND FOUR HUNDRED AND 00/100 Dollars (\$26,400.00) as follows:

FROM:  
14301-51102 HEAVY MOTOR EQUIPMENT OPERATOR  
\$26,400.00

TOTAL: \$26,400.00

TO:  
14302-53100 REFUSE-OTHER SERVICES  
\$26,400.00

TOTAL: \$26,400.00

36. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, ELEVEN THOUSAND TWO HUNDRED AND 00/100 Dollars (\$11,200.00) as follows:

FROM:  
14251-51105 POWER SHOVEL OPERATOR  
\$11,200.00

TOTAL: \$11,200.00

TO:  
14251-51106 PROPERTY MAINT & DEMO WORKER  
\$11,200.00

TOTAL: \$11,200.00

37. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE HUNDRED SEVEN THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$107,500.00) as follows:

FROM:  
14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR  
\$89,100.00

14801-51101 PARKING CONTROL OFFICER  
5,000.00

16501-51109 PARKS MAINTENANCE MAN  
13,400.00

TOTAL: \$107,500.00

TO:  
14222-52502 R&M CITY HALL \$5,000.00  
14222-52503 R&M CITY HALL ANNEX 5,000.00  
14222-52504 R&M PELLISSIER BLDG 10,000.00  
14222-52505 R&M SENIOR CENTER 10,000.00  
14222-52509 R&M POLICE 10,000.00  
14222-52512 R&M FIRE STATION NO. 3  
2,500.00

14302-53100 REFUSE-OTHER SERVICES  
65,000.00

TOTAL: \$107,500.00

38. MURPHY -- Ordered, that the handicap sign located at 24 Hampden St be removed. The resident that applied for this has since moved to another location in the city, and has a new application pending for the new address.
39. VACON -- That City Councilors will attend City Council and City Council Committee meetings in person. Exceptions can be made for remote attendance by the City Council President and/or Committee Chair as long as the Chair and a quorum is present in person
40. ANDERSON-BURGOS -- Ordered, that the City Engineer work with the Public Safety committee to discuss and attempt to mitigate traffic concerns near the Ridgewood and Summit intersection that are a concern for residents, particularly during the winter months. A constituent stated that with the Community Field gate open where vehicles exit onto Summit and turn onto Ridgewood, visibility going up or down the hill is marginal with the potential of a tragic incident. There was a request to add caution signage or even a stop sign at the exit.
41. BARTLEY -- The City Council review and vote on whether the City Clerk should be appointed as opposed to elected. Refer to Charter and Rules
42. BARTLEY -- That a policy be implemented as to if and when any city vehicle, including police cars, may be rented for non-city related business. Refer to Ordinance.
43. BARTLEY -- That the Auditor report to the city council on collection efforts for police detail work. Refer to Finance, copy to Auditor.
44. BARTLEY -- City Council and the Mayor and the Law Dept review the J & J settlement agreement (see attached) and vote to approve joining as this will provide needed funds to fight the opioid crisis. According to the Attorney General's Office, municipalities that join will receive direct annual payments to expend on municipal abatement strategies developed with input from public health experts, municipal leaders, and families affected by the crisis. FYI: final action must be submitted to the A.G. by January 2, 2022 in order for Holyoke to receive funds.
45. BARTLEY -- That speed hump be placed on Fenton St.
46. BARTLEY -- That speed humps be placed on Mackintosh Terrace.
47. BARTLEY -- That speed humps be placed on Memorial Dr.

48. BARTLEY -- That a handicap sign be placed in front of 107 Brown Ave for Elizabeth Delgado.

**Addendum:**

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

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

*Brenna Murphy McLee*

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City Clerk