

AGENDA FOR THE CITY COUNCIL
December 21, 2021

LAI D ON THE TABLE

1. that there be and is hereby appropriated by transfer in the fiscal year 2022, FOUR THOUSAND TWENTY AND 00/100 Dollars (\$4,020.00) as follows:

FROM:

11521-51104	HEAD CLERK	\$4,020.00
	TOTAL:	\$4,020.00

TO:

11521-51101	PERSONNEL DIRECTOR	\$4,020.00
	TOTAL:	\$4,020.00

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

PUBLIC COMMENT

COMMUNICATIONS

3. From Mayor Joshua A. Garcia, letter reappointing Mr. Jeffrey Horan, 100 Southampton Rd. to serve as a member of the Conservation Commission for the City of Holyoke: Mr. Horan will serve a three-year term; said term will expire on February 1, 2025.
4. From Mayor Joshua A. Garcia, letter reappointing Ms. Chelsea Gazillo, 79 Lawler St. to serve as a member of the Conservation Commission for the City of Holyoke: Ms. Gazillo will serve a three-year term; said term will expire on February 1, 2025.
5. From Mayor Joshua A. Garcia, letter reappointing Ms. Olivia Mausel, 25 Briarwood Dr. to serve as an Alternate to the Fairfield Avenue Historic District Commission effective December 9, 2021; Ms. Mausel will serve a three-year term; said term will expire on December 1, 2024.
6. From Lisa A. Ball, Acting City Solicitor legal opinion re: marijuana facility special permits.
7. From Lisa A. Ball. Acting City Solicitor Communication re: Subdivision settlement

participation forms.

8. From Brenna Murphy McGee, MMC & Jeffrey Anderson-Burgos, Admin. Ass't to City Council, minutes of December 7, 2021.
9. From Office of Planning & Economic Development letter re: Notice of intent to sell, Lot 1 and Lot 2 on Mountain Rd. Holyoke.
10. From Michael Dodge, Chairperson Conservation, letter re: Notice of Intent ot sell lot 1 and Lot 2 on Mountain Rd.
11. From Holyoke School Committee letter informing transfer to the City of Holyoke the St. Vincent St. Property.
12. From Parks and Recreation Commission meeting of September 30, 2021.
13. From Board of Health minutes of July 20, August 31 and September 29, 2021.
14. From Holyoke Redevelopment Authority minutes of June 9, August 18, September 29 and October 27, 2021.

PETITIONS

15. Petition of Karen A. Spear of 778 Homestead Ave. for a renewal of a home occupation for a Nail Salon.
16. Petition of Kenrick Williams of 97 Locust St. for a renewal of a home occupation for Property Management/ Preservation.
17. Petition of Erin Kelly, 123 Homestead Ave. for a renewal of a home occupation for a Yoga Studio.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

18. Ordinance Committee Reports (if any)
- 18A. The Committee on Ordinance to whom was referred an order Zone change proposal to create a Retail Center (RC) zone taking into account both present tenancies and desired future development of such properties with appropriate criteria to ensure proper cohesive uses and promote continued mixed commercial/retail in Holyoke. Recommended that the order be adopted

- 18B. The Committee on Ordinance to whom was referred an order Special Permit Application of ACMJ Inc for a Marijuana Manufacturing Establishment at 532 Main St (026-03-012) to build and operate a marijuana cultivation and processing establishment. 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.
- 18C. The Committee on Ordinance to whom was referred an order Special Permit Application of Cannalive LLC to operate a marijuana manufacturing establishment at 532 Main St, Suite 301 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.
- 18D. The Committee on Ordinance to whom was referred an order Special Permit Application of H&H Holdings Inc for a Marijuana Establishment at 40-48 Main St (033-04-009) and (033-04-010) to operate a cultivation and product manufacturing establishment. 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.

- 18E. The Committee on Ordinance to whom was referred an order that Chapter 2, Article II, Division 6 "Administrative Assistant to the City Council," Section 2-181 "Duties generally" be amended to add an additional category of duties pertaining to the management and updates of the city website and social media accounts, including offering guidance to staff members of city departments on use of the website as a records access and communication tool. Recommended that the order be adopted
- 18F. The Committee on Ordinance to whom was referred an order 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." Recommended that the order be adopted as amended, instead of striking, adding "excepting employees of the Holyoke Public Schools over which the City Council has neither line item or policy control.
- 18G. The Committee on Ordinance to whom was referred an order that the city council consider adopting a wage theft ordinance for all contractors doing projects for the city or receiving special tax incentives by the city similar to Easthampton and Springfield with the following purposes: prevent misclassification of employees as independent contractors; assure that employees are paying all payroll taxes and workers compensation premiums; comply with state laws governing the payment of prevailing wages; assure that contractors provide opportunities for Holyoke residents, veterans, people of color and women. Recommended that the order be adopted
- 18H. The Committee on Ordinance to whom was referred an order Zone change proposal to have the City of Holyoke remove from its Code of Ordinances, Appendix A, Zoning Ordinance, Section 8.3 "Shopping Center Districts" and any other references to said zone and replace with Retail Center (RC). Recommended that the order be adopted
19. Finance Committee Reports (if any)
- 19A. 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 "HUD HOME Investment Partnerships- American Rescue Plan (HOME-ARP)" 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. The grant was awarded for the purpose of affordable housing, homelessness support, and rental assistance
- Recommended that the order be adopted.
- 19B. 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 "RECYCLING DIVIDENDS PROGRAM, \$14,400, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the

accounting of the receipts and expenditures of all resources associated with the administration of said grant

Recommended that the order be adopted.

19C. The Committee on Finance to whom was referred an order CPA Project funding extension recommendations
Recommend that the order be adopted

19D. The Committee on Finance to whom was referred an order Letter from Meagan Magrath-Smith Holyoke Community Preservation Act Chairman, regarding Amy Landau increase in salary
Recommend that the order be adopted

19E. The Committee on Finance to whom was referred an order Settlement Agreement By and Between The City of Holyoke and the UFCW, Local 1459 Council on Aging employees. Recommend that the contract be ratified

19F. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, NINE HUNDRED FIFTEEN AND 00/100 Dollars (\$915.00) as follows:

FROM:

15411-51500	VACATION BUYBACK	\$915.00
	TOTAL:	\$915.00

TO:

15411-51101	EXECUTIVE DIRECTOR	\$675.00
15411-51103	ASST. DIRECTOR	240.00
	TOTAL:	\$915.00

Recommended that the order be adopted.

19G. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, EIGHT HUNDRED AND 00/100 Dollars (\$800.00) as follows:

FROM:

12401-51400	LONGEVITY	\$800.00
	TOTAL:	\$800.00

TO:

12401-51300	OVERTIME	\$800.00
	TOTAL:	\$800.00

Recommended that the order be adopted.

19H. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, FIVE THOUSAND AND 00/100 Dollars (\$5,000.00) as follows:

FROM:

14801-51101	PARKING CONTROL OFFICER	\$5,000.00
	TOTAL:	\$5,000.00

TO:
14222-52502 R&M CITY HALL \$5,000.00
TOTAL: \$5,000.00

Recommended that the order be adopted.

- 19I. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, FIVE THOUSAND AND 00/100 Dollars (\$5,000.00) as follows:

FROM:
16501-51109 PARKS MAINTENANCE MAN \$5,000.00
TOTAL: \$5,000.00

TO:
14222-52503 R&M CITY HALL ANNEX \$5,000.00
TOTAL: \$5,000.00 Recommended that the order be adopted.

- 19J. 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 THOUSAND SIX HUNDRED FIFTY AND 00/100 Dollars (\$1,650.00) as follows:

FROM:
15411-51400 LONGEVITY \$1,385.00
15411-51500 VACATION BUYBACK 265.00
TOTAL: \$1,650.00

TO:
15411-51102 NUTRITION DIRECTOR \$975.00
15411-51202 HEALTH SERVICES 675.00
TOTAL: \$1,650.00 Recommended that the order be adopted.

- 19K. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TEN THOUSAND AND 00/100 Dollars (\$10,000.00) as follows:

FROM:
16501-51109 PARKS MAINTENANCE MAN \$8,400.00
14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR 1,600.00
TOTAL: \$10,000.00

TO:
14222-52504 R&M PELLISSIER BLDG \$10,000.00
TOTAL: \$10,000.00

Recommended that the order be adopted.

- 19L. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TEN THOUSAND AND 00/100 Dollars (\$10,000.00) as follows:

FROM:
14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR \$10,000.00
TOTAL: \$10,000.00

TO:

14222-52509 R&M POLICE \$10,000.00
TOTAL: \$10,000.00

Recommended that the order be adopted.

- 19M. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TEN THOUSAND AND 00/100 Dollars (\$10,000.00) as follows:

FROM:

14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR \$10,000.00
TOTAL: \$10,000.00

TO:

14222-52505 R&M SENIOR CENTER \$10,000.00
TOTAL: \$10,000.00

Recommended that the order be adopted.

- 19N. 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 FIVE HUNDRED AND 00/100 Dollars (\$2,500.00) as follows:

FROM:

14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR \$2,500.00
TOTAL: \$2,500.00

TO:

14222-52512 R&M FIRE STATION NO. 3 \$2,500.00
TOTAL: \$2,500.00

Recommended that the order be adopted.

- 19O. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO THOUSAND FOUR HUNDRED NINETY FIVE AND 00/100 Dollars (\$2,495.00) as follows:

FROM:

11351-51102 PAY - UNION ACCOUNTANT \$2,495.00
TOTAL: \$2,495.00

TO:

11211-51103 PAY - AIDE TO MAYOR \$2,495.00
TOTAL: \$2,495.00

Recommended that the order be adopted.

- 19P. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO THOUSAND FIVE HUNDRED SIXTY FIVE AND 00/100 Dollars (\$2,565.00) as follows:

FROM:

15411-51400 LONGEVITY \$1,385.00

15411-51500 VACATION BUYBACK 1,180.00
TOTAL: \$2,565.00

TO:
15411-51102 NUTRITION DIRECTOR \$975.00
15411-51202 HEALTH SERVICES 675.00
15411-51101 EXECUTIVE DIRECTOR 675.00
15411-51103 ASSISTANT DIRECTOR 240.00
TOTAL: \$2,565.00

Recommended that the order be denied and returned to the Auditor.

20. Public Safety Committee Reports (if any)
21. Public Service Committee Reports (if any)
22. Development and Governmental Relations Committee Reports (if any)
23. Charter and Rules Committee Reports (if any)
24. Joint City Council and School Committee Reports (if any)

MOTIONS, ORDERS AND RESOLUTIONS

25. MCGEE -- Ordered, that 3 salary reports for 2021 be provided to the City Council as an update to the past year's reports published on the City website: the top 100 salaries for the City of Holyoke, the top 100 salaries for the Holyoke Public Schools, and a report of salaries for elected officials. Reports should not include confidential identifying information such as social security numbers.
26. MCGEE -- Order that the DPW remove the dead tree at the end of Green Lane (right side in cul de sac).
27. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, FIVE THOUSAND AND 00/100 Dollars (\$5,000.00) as follows:

FROM:
11411-51101 ASSESSOR \$5,000.00
TOTAL: \$5,000.00

TO:
11412-53090 ASSESSMENT UPDATE \$5,000.00
TOTAL: \$5,000.00
28. MCGIVERIN -- Ordered that the sum of \$475,000 is appropriated to pay the costs

of the new middle school design phase 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(7) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; 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 outstanding bonds of the City, as well as any bonds issued pursuant to this Order, and in connection therewith, to issue refunding bonds in accordance with Chapter 44, Section 21A of the General Laws.

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

29. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, EIGHTEEN THOUSAND EIGHT HUNDRED EIGHTY ONE AND 72/100 Dollars (\$18,881.72) as follows:

FROM:		
15431-51103	PAY-INVESTIGATOR	\$18,881.72
	TOTAL:	\$18,881.72
TO:		
15431-51105	PAY- NATIONAL SERVICE OFFICER	\$18,881.72

TOTAL: \$18,881.72

30. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, SIXTY FIVE THOUSAND AND 00/100 Dollars (\$65,000.00) as follows:

FROM:

14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR
\$65,000.00

TOTAL: \$65,000.00

TO:

14302-53100 REFUSE-OTHER SERVICES
\$65,000.00

TOTAL: \$65,000.00

31. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO THOUSAND TWO HUNDRED NINETY SIX AND 78/100 Dollars (\$2,296.78) as follows:

FROM:

12201-51105 FIREFIGHTER \$2,296.78

TOTAL: \$2,296.78

TO:

12201-51180 INJURED ON DUTY \$2,296.78

TOTAL: \$2,296.78

32. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, SIXTEEN THOUSAND FIVE HUNDRED SEVENTY TWO AND 71/100 Dollars (\$16,572.71) as follows:

FROM:

12101-51104 LIEUTENANT \$3,883.22

12101-51105 SERGEANT 6,387.61

12101-51107 PATROLMEN 6,301.88

TOTAL: \$16,572.71

TO:

12101-51180 INJURED ON DUTY \$16,572.71

TOTAL: \$16,572.71

33. ANDERSON-BURGOS -- Ordered, that the DPW place signs at the crosswalk on Northampton Street at the intersection with Winthrop Street informing drivers that stopping for pedestrians is a state law, and to meet with the Public Safety Committee to consider if this would be a good location for a raised crosswalk which could help pedestrians as well as address issues of speeding. Many residents have expressed concern that drivers do not stop when they are attempting to cross the street at this

location.

34. ANDERSON-BURGOS -- Ordered, that Rule 32 be amended to add "and Marijuana Establishments" after "except for Home Occupation" to the description of the D&GR Committee. This needs to be updated to reflect that the Ordinance Committee handles those petitions.
35. ANDERSON-BURGOS -- Ordered, that a new rule be created stating that "For the purposes of determining voting majorities and super majorities at full City Council meetings, eligible voting members shall mean the full body of the City Council except any members that may have properly abstained from participating in debate for a vote." In addition, in any rules referring to the full membership of the City Council for determining a voting majority or super majority, amend them to state "eligible members of the City Council." These locations are in Rule 35 and Rule 66.
36. ANDERSON-BURGOS -- Ordered, that Rule 61 be amended by inserting "or at the next meeting of the committee, whichever comes later," after the words "30 days." Also amend this Rule by adding a new section: "Orders laid on the table in a committee shall be acted on with a vote with or without recommendation within six months of the committee receiving them. If not acted on, they shall be placed on the agenda of the next regular City Council meeting for action, referral, or disposal. Orders may be acted on up to the end of the term following the one in which they are filed. Such orders that remain in committee following the end of the term after the one in which they were filed shall be placed on the agenda for the next regular City Council meeting for disposal."
This is to make sure that orders are handled in a timely manner when councilors file them for consideration and to establish a step to be taken if they are not taken up. It also clarifies a time period before orders go stale and can no longer be acted on.
37. ANDERSON-BURGOS -- Ordered, that Rule 38 be amended by striking out "a 2/3 super majority" and replacing it with "a majority of all eligible members"
38. BARTLEY -- That a handicap sign be placed in front of 76 Chapin St. #1L for America Rivera, placard # PL4780829.

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 McKee

City Clerk