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REGULAR MEETING OF THE CITY COUNCIL
December 21, 2021

The meeting was called to order by President McGee at 07:06 PM.

The Clerk called the roll. Absent members: 0 Present members 13 (Anderson-Burgos, Bartley, Greaney, Jr., Hernandez, Leahy, Lebron-Martinez, Lisi, McGee, McGiverin, Murphy, Sullivan, Tallman, Vacon).

The name of Councilor Anderson-Burgos was drawn to head the roll call voting.

Councilor Leahy escorted Betsy Frey, owner of Holyoke Sporting Goods, into the Chambers. He noted that the store had a great history owned by a wonderful family. He stated that the store opened in 1928 and was purchased by Ms. Frey's father, Ernie Brunault, in 1954. He then added that Betsy took over in 1984. He then stated that part of the store's history included helping kids get athletic gear they needed even if they could not pay. He then presented a City Council proclamation to Ms. Frey honoring the store's recognition by the Commonwealth of Massachusetts as an Outstanding Woman Owned Small Business.

B. Frey expressed that the honor had been a proud moment for her, and one that her father would have been proud of. She then thanked the Council for the proclamation.

President McGee invited City Solicitor, Atty Lisa Ball, and several other guests into the Chamber for a presentation.

Atty Ball, flanked by Community Development Director Alicia Zoeller, City Auditor Tanya Wdowiak, Purchasing Director Lori Belanger, and Fire Chief Jeffrey Przekepowski, stated that they were giving a presentation on behalf of all department heads in the city. She offered thanks to Councilor Terry Murphy for his services as councilor, but especially stepping up to serve as Acting Mayor that year. She expressed that it had been an honor to work with him. She then presented a framed picture of City Hall signed by all department heads.

Councilor Murphy expressed that it had been his honor to work with department heads. He noted that it had been difficult at times, adding that they always sought to respect his thoughts and that he sought to respect theirs. He then stated that 7 months went by faster than he expected them to. He then expressed his hope that efforts to respect the word of departments would continue with Mayor Garcia's administration.

LAI D ON THE TABLE

MCGIVERIN Ordered, 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	

IN CITY COUNCIL
January 4 2022
Laid on the
table
Breanna McGee CLERK

To the City Council:

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

December 21, 2021.

Joshua Garcia, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated that Mayor Garcia submitted the request for a transfer. He stated that the surplus in the Head Clerk account was due to a vacancy in the position. He then stated that the purpose was to allow the Mayor to have flexibility of offering up to \$80,000 when hiring a new Personnel Director. He noted that the position was appointed by the mayor and confirmed by the City Council.

Councilor Murphy expressed his intent to oppose the transfer. He recalled when he had begun serving as Acting Mayor earlier that year, he noticed morale had been low and observed that part of the reason had been due to some positions were treated better financially than other positions. He then listed the salaries of several department heads who were making much less than what the new Personnel Director would be making if hired at \$80,000. He then stated that more concern needed to be shown for those who had worked for the city for years.

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

Late File A. From Tanya Wdowiak, City Auditor, explanation of transfer to Personnel Director account.

President McGee read the content of the item into the record:

"Councilor Bartley,

My apologies I didn't have this information available for you at our Special Meeting on 12/15/2021. I actually was thinking that this transfer would be referred to Finance so did not bring the appropriate documentation.

Tanya"

He then stated that the document provided a breakdown of the financial needs motivating the transfer request.

--> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 8--Nays 5 (Bartley, Greaney, Jr., Leahy, Murphy, Vacon)--Absent 0.

Councilor Bartley stated that the intent of his request for the communication was to assure that councilors had the information in front of them when taking a vote. He then stated his intent to give the mayor the flexibility he would need, adding that he would hear out the other arguments made on the matter. He then emphasized how critical the Personnel Director was, observing that there had been much turnover in recent years. He also emphasized that the City Council has limited impact on the budget other than approving transfers and making cuts. He also noted that the Council sets the salary range but does not fund the accounts.

Councilor McGiverin stated that while he respected Councilor Murphy's position as appropriate, he believed that the argument had been the same position that had led to the city engaging in a salary study to address issues and redefine salary ranges. He noted that the former Assessor had not received a raise in ten years, having recently transferred to a higher paying position within the city. He then emphasized that the Council should take advantage of opportunities to properly pay employees when they come up. He also emphasized that the Personnel Director impacts every other position in the city, adding that \$80,000 wasn't close to the salary for the same position in surrounding communities.

Councilor Vacon clarified that the salary study included a rating of every position, establishing a grade based on education, responsibility, and requirements for the positions. She then expressed concern about hiring a new employee at a higher salary than many other employees who had been with the city for years.

Councilor Greaney emphasized that morale was just as, if not more, important as money. He expressed his intent to oppose the transfer.

President McGee noted that in a conversation with the Mayor, he understood there were three candidates interviewed with one they were looking to hire. He then stated that the candidates worked in the School Department in an HR position, emphasizing they would not be a new person that had not already been working in the city. He then stated the proposed salary would be close to what they were already making. He then noted that the Personnel Department had one remaining employee working without a great deal of experience.

Councilor Leahy stated that anyone applying for the position would know what the salary range was. He then expressed his intent to oppose the transfer, echoing concerns with certain employees making more than others or getting more vacation time than others. He then suggested renewing the salary study.

Councilor Lisi clarified that a new salary and compensation plan had been adopted earlier that year. She then noted that language was added in stipulating that any new employee would be placed within the min and mid range of their salary range. She then noted that the Personnel Administrator was in grade 11, with a min to mid range of \$64,000 to \$78,000. She emphasized that according to the salary the new Personnel Administrator starting salary could not exceed \$78,267. She then asked if there was another transfer order that would bring the salary to the mid range salary.

President McGee stated there was not.

President McGee recalled that during the previous special meeting, the salary range was described to \$68,000 to \$91,000.

Councilor Lisi clarified that while the range was \$64,544 to \$91,991, the mid range was capped at \$78,267, adding that new hires must be placed within the mid and mid range of the schedule according to the way the compensation plan was written.

Councilor McGiverin noted that the Mayor was the appointing authority and determined what salary to offer. He then clarified that the transfer did not determine what would be offered but would allow enough to be in the account through the end of the fiscal year.

Councilor Vacon stated that the min to mid range language had been included in the compensation plan out of concern that some employees would be brought in high salaries in an unfair manner relative to those who had been working for the city for years.

President McGee clarified that the order was a transfer to fund the account, adding that if there is an amount that cannot be exceeded, the mayor would handle that.

Councilor Lisi stated that part of the reason for passing the salary and compensation plan had been due to City Hall offices being gutted out and several department heads serving in acting capacity's. She then stated that both morale and the lack of competitive salaries were factors in the struggle to hire people. She then stated that she would support the transfer, reiterating that the person hired could not be offered more than the mid range salary.

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)

UNDER DISCUSSION:

Councilor Lisi observed that there had been amendments to the marijuana ordinance earlier that year based on needs that had been observed after marijuana establishments had opened in the city. She noted that one change had been to reduce the buffer between manufacturing establishments to schools or other places that children regularly congregate from 500 feet to 200 feet. She then stated that there had been a scrivener's error which had the result of creating a 200 foot buffer from all uses, effectively creating a blanket prohibition on all projects as well as creating confusion of other projects that had come through prior to the ordinance amendments. She then stated that this order was to correct the error and stipulate that it would be a 200 foot buffer between marijuana manufacturing establishments and schools and places where children regularly congregate. She then clarified that a 500 foot buffer would remain for retail marijuana establishments.

Councilor Sullivan noted that two late files had been submitted related to this order.

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

Councilor Sullivan stated that letters just received had a direct effect on the order up for discussion. He then stated that the issues was about the impacts on health and safety of residents, as well as on economic development in the city. He then noted that while there was a legal opinion from the Solicitor's office, it would be relevant to see a counterpoint to that opinion.

Councilor Murphy noted that there had been additional information coming in as this matter progressed. He also noted that he had heard from people that odor was an issue. He suggested that anyone planning to move or open a businesses in the area, there needed to be a way to address the odor issue as a major concern of impact. He then expressed concern that some businesses could be harmed by not addressing the issue. He suggested that potential additional restrictions or specific actions for odor related violations should be considered.

Councilor Lisi clarified that the order was filed specifically to address two issues with the language or the marijuana ordinance. She then stated that the concerns being raised were worth addressing, adding that an order should be filed to discuss them. She then reiterated that the order was filed specifically to correct two scrivener's errors.

Councilor Leahy expressed concern about placing too many unnecessary restrictions on businesses that could come into the city as taxpayers, adding that they could decide to go to other cities. He noted that issues to related to quality of life or odors with businesses in the past were handled by communicating with those businesses.

Councilor McGiverin expressed support for the order. He then emphasized that state laws and city ordinances were already in place to address odor and other safety issues. He then noted that the City Council had already been in favor establishing a 200 foot buffer zone for marijuana manufacturing establishments. He then emphasized that vacant buildings in the industrial zone would go to waste without businesses using them, adding that the marijuana industry had invested millions of dollars to update the buildings.

Councilor Vacon noted that tenants of a downtown property communicated through their property owner that odor issues from marijuana manufacturers were affecting their business. She then suggested that unintended consequences had come up since creating the marijuana ordinance. She then recognized that the order maker had an intent, adding that there were new realities to consider.

Councilor Anderson-Burgos emphasized that the order had nothing to do with air quality. He then expressed that reports of odor issues did concern him, leading him to contact the tenants that were referenced by the property owner. He then stated that they denied complaining about any smells. He then reiterated that the order not nothing to do with smell, adding that issues with odor should be addressed with another order.

From Councilor Michael Sullivan, communication from John Aubin regarding the future of MME's in the City of Holyoke

---> Report of committee was received and denied on a call of the roll of the yeas and nays--Yeas 8--Nays 5 (Bartley, Greaney, Murphy, Sullivan, Vacon)--Absent 0.F

From Office of Planning & Economic Development letter re: Notice of intent to sell, Lot 1 and Lot 2 on Mountain Rd. Holyoke.

---> Laid on the table.

PUBLIC COMMENT

(53:50)

Motion was made and seconded to limit comments to 1 minute and allow over 10 speakers to participate. Kevin Jourdain, 18 Raymond Avenue, referred to a newspaper quote of Israel Rivera: "this is all moot. I never had a problem resigning. He then questioned efforts to change the ordinance to carve out an exception for School Department employees. He then suggested that similar attempts to carve out exceptions would be attempted for other city departments. He also expressed concern that opponents of the change had been labeled as racist. He then stated that the ordinance had been approved by the Law Department because it was consistent with the City Charter.

Owen Broadhurst, 1328 Northampton Street, noted that the Charter states that all city councilors shall be meet and be sworn in, adding that no motions or any other business were in order until the City Council President was elected. He then noted that points of order were not voted on but handled by ruling of the Chair. He then suggested that the Charter references elected offices and department heads and not public personnel in restricting eligibility to serve as city councilors. He emphasized that the Council was the judge of the qualifications of its members. He then suggested that the ordinance was in violation of Article IX of the Massachusetts Constitution.

Isaac Carrero, 246 West Franklin Street, expressed support for the adoption of the wage theft ordinance. He then stated he was a union carpenter, adding that he had been a carpenter prior to joining a union and had suffered abuse relative to pay. He then emphasized the issues with those who work hard to provide for their families, are exhausted, and then do not receive the pay they earn.

Scott Goulding, 19 Quinn Drive, stated that he had been a union carpenter for 33 years. He expressed his support for the adoption of a wage theft ordinance. He noted that they see wage theft issues often and had become accustomed to it as a widespread issue. He also expressed concern that taxpayer money would go to companies engaging in wage theft. He also noted that similar ordinances has been adopted in many surrounding communities.

Jose Maldonado Velez, 210 Pine Street, expressed support for adopting the wage theft ordinance, noting that new investment in infrastructure should go along with taking care of workers. He also expressed support for item 37, adding that he would intend to cosponsor the order after joining the Council in two weeks. Referencing item 18F, he then stated that section (g)(2) of the ethics ordinance was a mistake that would silence thousands of voices that voted. He then suggested that the new Council should address the ordinance language when they take office.

Linda Pratt, 39 St Kobe Drive, suggested a suspension of Rule 38 to allow a simple majority to decide the vote on item 18F. She then suggested that there could be a conflict of interest, noting that councilors who were not reelected may desire to remain on Council should the full new Council not be seated.

Laura Clappitt, 182 Locust Street, suggested that everyone would agree that ethics were important. She then noted that Israel had done the ethical thing by consulting with the city's Law Department and the state ethics commission to determine if he could serve and had been given information that he could. She then asked what message was sent when a candidate had taken the right steps and then ran into issues later. She then suggested that School Department employees did not need to be included in the ethics

ordinance since the City Council did not hold line item or policy control over that department. Motion was made and seconded to suspend the necessary rules to allow residents from outside of Holyoke to speak.

Juan Valencia Rojas, Hatfield, stated through interpretation he had worked for 4 months and had not been paid for his last pay period. He then stated that he had been owed over \$3,000. He then stated that he was paying all of the bills while his wife went to school. He then stated he sued through the Department of Labor and found that his job was not secure. He then asked that the Council support the wage theft ordinance.

Lori Belanger, 16 Roland Street, speaking as the Chief Procurement Officer, offered her thanks to outgoing Councilors Councilor Greaney, Councilor Murphy, Councilor Hernandez, Councilor Lebron-Martinez, Councilor Lisi, Councilor Leahy, and Councilor Sullivan for their service to the City Council and their support of her. She then stated that the city did not have wage theft issues and would not while she remained in her position. She then suggested that some of the restrictions in the wage theft ordinance relative to TIFs could be problematic for the ability to develop properties. She also stated that 90% of the ordinance was already covered in M.G.L., adding a suggestion that the Council adopt a statement of support in lieu of adopting the ordinance.

President McGee stated that there were three public comments sent in by email.

Mimi Panitch, 134 Madison Avenue, stated through email:

"I am writing to ask the Council to suspend Rule 38, and allow the vote on Item 18F to be taken by simple majority vote.

I actually agree with those who've argued that the amendment as it stands is flawed. It is, and I hope the new council will make it a priority to replace it with better, more targeted language.

But the amendment does take care of the immediate problem before you, which is removing any roadblocks to seating a duly elected councilor who the majority here agrees should not be disqualified from serving by reason of his employment.

Taking the vote on it under suspension of Rule 38 is the only way to avoid the very serious conflict-of-interest issues that are present for any member of this Council who would be interested in pursuing, or would even accept an appointment to, any Council seat that may be open in January by reason of a failure to pass this ordinance change.

It's extremely unlikely that any such seat will fall open, but this is nevertheless an important safeguard. Our system depends on citizens being able to have confidence in the integrity of their officials, and in no area is that more important than where the sanctity of the people's vote may be implicated. Part of the reason we have ethics rules at all is to prevent even the appearance of improper motives, and thus to protect our collective confidence in our elected officials.

We may disagree on issues, but we should never, ever have cause to wonder whether our elected representatives are voting in their own interest, or in the interest of the City as best they can judge it.

Please don't give any of us cause to ask that question tonight."

Mark Hickey, 16 Oakwood Avenue, stated through email:

"I would of liked to do this in person but things being the way they are it is wiser to send this message remotely. Thank you to Councilor McGee for relaying this. Tonight is the last meeting for 2 of Holyoke's very best councilors. I want to thank Councilors Sullivan and Greaney for all they have done for Holyoke's taxpayers, citizens and the city itself. Howie and Sully were a credit to the city and stood their ground even when the angry mob was against them. Fighting for what is right is just who they are. They did it for neither power nor glory. They did it for the city they so deeply care for. So thank you Howie and thank you Sully. You will truly be missed on this council and I wish you both all the best in whatever is next for you "

Helene Busby, 31 Wellesley Road, stated through email:

"It is my understanding that you already have the Wage Theft Ordinance and any proposed revisions. We would like you to consider postponing passage of the Wage Theft Ordinance at the meeting on December 21, 2021. It is our belief that the Ordinance as proposed, goes way to far at a time when the bootstraps of Holyoke are being pulled up, with the importance of development finally being recognized as integral to success in Holyoke. This Ordinance is "overreach" at best as it expands to include TIF developers and potential CPA Projects. We are looking for quality developers to take on long term expansive investments in our city. If you carefully review each portion of the proposal, you will find that there are duplicative crossover items which are costly and not needed. The majority of the items required in the proposed ordinance are already covered under Massachusetts General Laws (prevailing wages, insurances) The proposal originally was intended for Public Construction and now it covers TIF's, Goods

& Services and Grants (CPA). This also has contingencies included which will potentially have a negative effect on our local smaller businesses, driving them from the act of bidding on projects.

HTA supports the proper classification of employees, wages and insurances. This is good business practice however, the proposed Ordinance as written adds additional layers of requirements over and above MGL and City contracts that could impact the overall cost of a development project and or a request for a specific TIF amount. We would expect contractors to pass on additional charges to the city to offset the time and costs of the requirements in the proposed Ordinance.

It's time for the City Council, and the City Departments, to work together to welcome investment, simplify the process, and encourage investment in Holyoke. We need developers to be talking about how Holyoke has pulled their act together and is working to help development. Please take time to take a true and careful look at what we already have in the contracts locally that each developer already must sign onto in agreement, without adding another layer of forms and regulations. If with careful review you find there may be a form that needs tweaking, work to do that, do not work to turn people away. This original proposal was for Wage Theft regarding Public Construction projects. It should not go further. It should not be reaching into private businesses. Please do not accept the Ordinance as proposed on Tuesday, December 21, 2021."

John Aubin, 42 Clinton Avenue, stated that he had been a developer in Holyoke for over 20 years. He then stated he had supported the legalization of marijuana. He then expressed concern that there had been a flood of businesses in the downtown area. He then suggested that city councilors would not allow a manufacturer or grower in their own neighborhoods.

John Roche, 1244 Holyoke Street, expressed support for item 18A to create an RC zone. He then stated he was one of the owners and developers of a new shopping center on Holyoke Street on the access road to the mall. He then stated the proposed zone would create a cohesive zone for all property owners and would level the competitive playing field. He then noted that his property falls within 3 different zones, creating difficulty in evaluating uses and development for the property.

Yazan Haddad, 562 Southeast Street, spoke to address the marijuana ordinance change. He stated that as an entrepreneur investing resources to develop in Holyoke, it had been difficult to follow the city's rules due to a lack of ability to correct a simple text error. He then suggested that issues of odors should be addressed separately.

Lyn Horan, 100 Southampton Road, expressed concern about the ethics of some councilors who lost their seats were asking questions about challenging the seating of incoming councilors, adding a concern that they voted on the ordinance change that would allow some elected councilors to be seated. She suggested that would be a conflict of interest. She then thanked Councilor Anderson-Burgos for his suggested amendment to Rule 38.

Jordan Hart, 213 Beech Street, spoke as Executive Director of the Holyoke Chamber of Commerce. She expressed support for adopting of the wage theft ordinance. She stated it would be a way keep jobs in Holyoke secure and equitable. She noted there were systemic issues of wage theft among non-English speaking workers that not everyone may be aware of. She then suggested that contractors following state laws should not have an issue signing an affidavit and should not be a deterrent to developing business in the city.

Israel Rivera, 25 Willow Street, offered thanks to those who had supported him. He then stated that he was not seeking special rules for himself. He then stated that resigning his job was a possibility, adding his concerns with others seeking to tell him how he should handle his own affairs. He then stated that conflict of interest concerns should not only apply to him.

James Valeriani, 100 State Street, Boston, stated he was with the Mensing Law Group. He then noted that Yazan Haddad was his client and that he had represented Mr. Haddad for 6 months. He then stated that the City Council violated many confirmational and state statutes that evening. He then expressed concern with statements suggesting that there were no protections against odor, noting there was language in the ordinance. He then read the language:

"All marijuana establishments shall be ventilated in such a manner that no marijuana cultivation, processing or consumption can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use."

He then stated that the Building Inspector did not have an enforcement action against any cultivation facility, adding that anyone smelling an odor can file an enforcement action. He then asked the City Council to reconsider its previous vote.

(1:23:45)

COMMUNICATIONS

Motion was made and seconded to suspend the necessary rules to take up items 3, 4, and 5 as a package.

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.

---> Received and appointment confirmed.

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.

---> Received and appointment confirmed.

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.

---> Received and appointment confirmed.

From Lisa A. Ball, Acting City Solicitor legal opinion re: marijuana facility special permits.

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

From Lisa A. Ball, Acting City Solicitor Communication re: Subdivision settlement participation forms.

---> Received.

From Brenna Murphy McGee, MMC & Jeffrey Anderson-Burgos, Admin. Ass't to City Council, minutes of December 7, 2021.

---> Received and adopted.

From Holyoke School Committee letter informing transfer to the City of Holyoke the St. Vincent St. Property.

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

From Parks and Recreation Commission meeting of September 30, 2021.

---> Received.

From Board of Health minutes of July 20, August 31 and September 29, 2021.

---> Received.

From Holyoke Redevelopment Authority minutes of June 9, August 18, September 29 and October 27, 2021.

---> Received.

PETITIONS

(1:28:35)

Motion was made and seconded to suspend the necessary rules to take up items 15, 16, and 17 as a package.

Petition of Karen A. Spear of 778 Homestead Ave. for a renewal of a home occupation for a Nail Salon.
 ---> Received and adopted.

Petition of Kenrick Williams of 97 Locust St. for a renewal of a home occupation for Property Management/ Preservation.
 ---> Received and adopted.

Petition of Erin Kelly, 123 Homestead Ave. for a renewal of a home occupation for a Yoga Studio.
 ---> Received and adopted.

PRESIDENT'S REPORT

(1:29:40)

President McGee wishes safe and happy holidays to all.

He then stated that the City Council holiday party would take place at Wyckoff Country Club on January 29th at 5:30 PM.

He stated that the City Hall Christmas party would take place the December 22nd at 5:30 PM.

He then offered congratulations to the City Clerk's office for running a successful election. He then stated that he was amazed by the work to set up every polling location.

He then offered thanks to all of outgoing members of the City Council for their service, wishing them well on their future endeavors. He then offered each member an opportunity to speak.

Councilor Greaney thanked the residents of Holyoke for their support. He stated that he had sought to serve with dignity, integrity, and common sense. He then stated that he may seek to run again. He also stated that he would continue to support the people of Holyoke and offered good wishes to the new councilors joining the Council. He then thanked his fellow councilors, as well as those he served with on the School Committee.

Councilor Lisi thanked the Holyoke residents that had supported her for 7 terms. She stated that while she had not originally been from Holyoke, she felt she had become a big part of Holyoke while doing the work of serving as a councilor. She noted she had been meaningfully involved in shaping the city. She then noted that she had been considering her role with the city, as well as the current Council's role in the history of the city. She then suggested that the city reconsider its reputation as closed off to outsiders, expressing concern about the notion that someone would never truly be a Holyoker if they had not been born in the city. She stated that she felt embraced by the community, adding that the city was more welcoming than the story the community tells itself. She then noting emphasized the value of focusing on the city's potential as a world-class city. She suggested thinking more about how action could be taken to realize the city's potential. She noted that some cultures view time differently, believing the future to have already been written by the decisions made in the present. She then referenced an inscription on the wall in Chambers, "Makers of Law. Makers of History." She then suggested that the makers of law should look to themselves as the makers of the future to recognize the impact that the actions of the present will have.

Councilor Lebron-Martinez thanked her Council colleagues for their support and mentorship. She then thanked those who supported her to serve on Council, as well as her previous service on the School Committee. She also emphasized the need to support the members of the incoming Council. She stated that she had no regrets on what she had been able to do for the community. She noted that most of the work she did for the community had been directly working with her constituents on matters that had not come before the Council.

Councilor Hernandez recognized that serving one term during a pandemic had been a non-traditional way to learn, adding that the service had been an honor. She then offered thanks to the residents of her ward

for their trust. She stated that she arrived in 1994, raised her kids in town, had learned that the town was kind, and that there were opportunities. She then emphasized the need to work on being more inclusive, more accepting, and more able to embrace different cultures. She then expressed that the city should work to move away from antiquated methods in favor of those that will bring people together.

Councilor Sullivan expressed his appreciation for the opportunity to serve, adding that it had been an honor. He then stated that it had been an honor to work with his colleagues, expressing that he respected the hard work and dedication everyone put in. He then offered good wishes to the incoming Council as well as the new mayor.

Councilor Murphy thanked his wife her support and sacrifice while he served on Council as well as Acting Mayor. He then thanked his Council colleagues for their trust in choosing him to serve as Acting Mayor. He expressed that he has always sought to develop mutual respect with those he worked with, even through disagreements. He then offered advice to work through differences without getting personal, do research, attend meetings, enjoy the experience, and seek advice from those who have been around longer.

Councilor Leahy thanked those who had voted for hm and placed their trust in him to help make Holyoke a promising place for their families. He then thanked his parents and sibling for their support. He recalled having been told that Holyoke was a tough place to get involved in politics. He then emphasized that people just want to move forward and try to make Holyoke a better place. He then offered congratulations to new city councilors. He then offered a quote from Theodore Roosevelt:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena." He then offered congratulations to Mayor Garcia, expressing his expectation that he would do a great job. He then credited Patti Devine and Ernie Ross for encouraging him to get involved in politics. He then thanked Sheila Moreau for her help as his campaign manager. He expressed that he had been proud of his work in the city as a part of various community organizations and boards that he had served on. He then thanked his children and his wife for their support over the years. He then stated that he planned to run again.

President McGee stated that all councilors had served with honor and integrity.

REPORTS OF COMMITTEES

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.

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

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi stated that the proposal would create a retail center in the city to help consolidate different types of uses that were within the zones where businesses could be sited, including business highway, industrial park, businesses among them. She then stated that after creating the zone, they city could work

with property owners to change the entire zoning around the mall area to the retail center district, noting that was a separate order remaining in committee. She noted that malls had been led to diversity their business offerings in order to compete in a changing retail environment. She also noted that the mall area has a patchwork of different zones, adding that the RC zone would create a universal zone for the area. She then referred to the legal language for the zone, noting that there would be a limit of four stories by right, any uses requiring a special permit would be through the City Council in alignment with special permits for all other uses. She then noted that uses for amusement parks and race tracks that had been in the recommendation from the Planning Board had been amended out by the committee.

Councilor Vacon stated that the legal language would establish the zone as well as replace the Shopping Center (SC) district with the Retail Center zone. She then stated that the committee had separate votes for the two changes but were put together in the legal form. She stated that while she supported creating the zone, she had been opposed to substituting one spot zone for another, noting that the SC parcel was a spot zone. She further clarified that the vote for creating the zone was a 5-0 vote, while the vote to replace SC with RC was a 3-2 vote.

President McGee suggested allowing the Law Department to address the matter.

Councilor Vacon suggested allowing the committee to review the legal form before the Council voted on it. She then emphasized that the language involved complex zone changes, adding that they should be handled in a deliberate manner. She then quoted from a letter from the mall manager: "the Holyoke Mall is comfortable with the RC zoning changes if we're able to retain our current rights as they exist today. Upon further review, notations on changes relative to residential and multi-family housing, and restaurant and drive-through provisions are fundamental changes we wouldn't support as written today."

She then emphasized that the mall currently had multi-family housing and restaurant drive-through rights in the Business Highway (BH) zone. She then stated that mandating that the mall be rezoned to RC would take away those as of right uses.

Councilor Lisi confirmed that there had been two separate votes. She then clarified that the order to rezone the mall was a separate order that had remained in committee. She then stated that the deletion of the SC district has been a 3-2 vote and was a separate order on the agenda. She suggested amending the portion of the legal language deleting the SC district until the order pertaining to that change was taken up and voted on.

Atty Degnan suggested that the legal form could be amended to delete the part that would delete the SC district. She then stated that in addition to creating the zone, the Table of Uses was being amended, and the Planning Board approval of special permits was amended to require City Council approval in the RC district. She then reiterated that there be a vote to just create the RC zone, leaving out the section to delete the SC zone. She also suggested that the legal forms to address dimensional regulations as well as definitions of the RC zone could be adopted.

Councilor Vacon made a motion to refer the order back to allow the committee to review the legal form. Councilor Leahy seconded the motion.

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

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.

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.

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

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

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

- 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. .

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

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

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.

- 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.

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

UNDER DISCUSSION:

Councilor Lisi stated that all three orders were special permits for manufacturing cultivation and product manufacturing at different ends of Main Street. She stated that all three applications were comprehensive, noting that changes made to the marijuana ordinance earlier that year required a pre-application meeting to help applicants understand the ordinances, ask questions, and develop complete applications. She stated that this meant submissions were coming to the Ordinance Committee as polished and complete proposals. She then stated that the marijuana ordinance was not clear due to an issue with the buffer language.

Councilor Lisi made a motion to reconsider the previous action on item 2. Councilor Anderson-Burgos seconded the motion. Motion failed for lack of a majority on a show of hands vote.

Councilor Murphy stated that he sought to add a condition in committee to address potential issues with odors. He then stated that part of the Council's role should be seeking to address potential issues before they come up. He noted that research of marijuana industry in other locations showed that odor had consistently come up as an issue to rectify. He recognized that while science had not been clear on health issues, odors would have an impact on convenience and quality of life.

Councilor Murphy made a motion to amend items 18B and 18C, adding a condition stating that if a concern regarding odors was reported to the city, the petitioner would have 30 days to rectify the situation, or the city would take action. Councilor Vacon seconded the motion.

Councilor Leahy suggested that the special permit applications be sent back to committee. He then expressed support for the additional condition. He then stated that there should be more clarity developed on how to address reports of odors, including who to report to and what courses of actions could be done.

Councilor Bartley stated that a condition regarding odor could be a valuable step toward addressing the issue before it started. He then suggested that the special permit applications be tabled rather than referring back to committee. He stated that there should be more thought given to adding a condition, including working with the Law Department and the Building Commissioner. He also noted that special permits are good for a year and any new standard conditions could be added when they come up for renewal. He then stated he would be in favor of Councilor Leahy's suggestion.

Councilor Lisi stated that if odor issues are an issue, a separate order to address those matters should be filed to build it into an ordinance. She then expressed concern for the idea of adding conditions to specific special permits. She noted that additional conditions on top of the standard conditions should be based on concerns related to a particular project, adding that odor should be dealt with through an order to address the ordinance so that it would be universally applied. She then reiterated that item 2 was to specifically address setbacks for one type of use, adding that the error mistakenly created a citywide prohibition. She then suggested that the special permit application be laid on the table, noting that the projects would not be able to move forward without adoption of item 2. She then made a motion to lay on the table. Motion failed for lack of a second.

President McGee stated that Admin Asst Anderson-Burgos informed him that the applications in items 18B and 18D would require action prior to January 24th, noting that this was 90 days following the closing of their hearings before they would be automatically approved according to state law.

Councilor Lisi made a motion to lay items 18B, 18C, and 18D on the table. Councilor Hernandez seconded the motion. Motion failed for lack of a majority on a show of hands vote.

Councilor Bartley made a motion to refer to the Ordinance Committee. Councilor Leahy seconded the

motion.

Councilor McGiverin suggested that laying the items on the table was the better approach, noting that there was no guarantee there would be a committee formed in time to take action before the deadline.

Councilor Bartley suggested that the committee could be formed quickly enough to have a more thorough discussion. He then stated that he could submit a late filed order to invite the Building Commissioner and the Board of Health to discuss a way to address odor complaints, and then have the City Council take action for January's second meeting. He also stated that a special meeting could be called if nothing else can be done in time.

Councilor Sullivan expressed agreement that the items should be returned to committee. He then questioned the notion that odor was just about a smell. He suggested that there was more potential health hazard from a marijuana establishment than smells coming from other businesses such as a bakery.

Councilor Greaney stated that conditions needed to be defined.

Councilor Anderson-Burgos suggested that members were allowing a property owner to cloud their judgement. He then noted that he had visited marijuana establishments throughout the state and had not smelled it until they opened doors to their grow rooms. He emphasized that businesses were under strict rules for air mitigation, spending thousands of dollars. He then suggested that the city was potentially liable to be sued. He then questioned the honesty of the property owner, reiterating that he spoke with the businesses the property owner referenced in the downtown area and had been told they never complained about odors.

Councilor Lisi suggested that there was a misunderstanding of what was being taken up. She clarified that the items were three special permit applications for marijuana manufacturing establishments. She stated they applied, followed the laws, had been through preapplication meetings. She stated the issue was that there was not language in the ordinance to address enforcement of odor complaints. She then reiterated that without addressing the text change through item 2, marijuana establishments could not be permitted, either with or without conditions. She also reiterated that steps to address odor concerns should be taken by filing an order to assure it would be universally applied.

Councilor Vacon suggested that the buffer issue and the odor issue could be addressed together.

Councilor Hernandez emphasized the importance of addressing the health of the community. She then stated that the allegations of marijuana odor had not been proven to affect the community. She noted that complaints had not been filed with the city in odor for them to be investigated properly.

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

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

Committee Members:
Rebecca Lisi
Juan . Anderson-Burgos
Linda L. Vacon

Terence Murphy
Libby Hernandez

UNDER DISCUSSION:

Councilor Lisi stated that committee supported the order. She then noted that the City Council's Administrative Assistant had taken on the duties to assure that information continued to be communicated online through the website and social media accounts for the city. She stated this would be a text change to the duties. She then noted that she had sought feedback from Mayor Garcia, noting that the role would typically fall under the management of the Mayor's office. She then noted that the Admin had already taken on the duties and that they should be formally written into the job description.

Councilor Vacon noted that it would be expanded the role of the Administrative Assistant into a citywide role, putting the employee under the purview of two heads. She expressed a need to hear from the Mayor for clarification of the lines of authority. She then asked if it would change the grade of the job.

Councilor Murphy stated that he had conversations with the labor attorney to clarify if the role could be added to the job description and if it would potentially impact the grade. He then expressed support for the change upon hearing from the Mayor that he would support the ordinance. He also suggested that the next Council would have more additional information to consider regarding the salary grade. He then reiterated that the order was an attempt to codify work that was already being performed and pay him appropriately.

Councilor Bartley asked if the Mayor had provided any input.

Motion was made and seconded to suspend the necessary rules to allow Mayor Garcia to address the Council.

Councilor Vacon reiterated her question was to clarify that if the website was under the purview of the Mayor and the Administrative Assistant worked specifically for the City Council, would he support the duties going to the employee that reports to the City Council.

Mayor Garcia clarified that the arrangement had been in place before he took office. He then suggested that it had been largely due to a collaborative effort for City Hall employees to support each other. He then expressed he was open to having a further discussion on whether the job was too much or if it was an opportunity to improve on the job description.

Councilor Bartley suggested that the item be tabled in order to give it time for more thought and discussion.

Mayor Garcia expressed his support for more discussion.

Councilor McGiverin suggested more consideration, noting that each department controls their own sections. He then stated that department head should not have the Admin doing work for them. He then noted that the job description had already been expanded without changing it when the Admin began running the Holyoke Media feed for committee meetings.

Councilor Bartley made a motion to lay on the table. Councilor Tallman seconded the motion.

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

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." have considered the same and 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.

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi stated that the committee had previously approved striking the section entirely to resolve conflicts with incoming councilors working for the city. She then noted that additional restrictions were sought at the last Council meeting out of concern that striking the section was an overly broad approach. She then stated that the intent was to assure that the ordinances reflected the will of the public. She then stated that two incoming councilors would be precluded from serving on the City Council with the current language, even if they were to forego their pay. She then noted that Ordinance Committee was provided with two options, one was felt to be too restrictive and the other not restrictive enough. She then stated that the committee amended the order to specifically exempt School Department employees from the restriction. She then stated this would allow the next Council to determine how to further amend the ordinance.

Councilor Greaney asked for a clarification on if he would be allowed to vote on the issue, noting that concerns had been expressed questioning the motivation of some councilors who would oppose this change. He then stated that there could be conflict issues with School Department employees, such as budget appropriations, school buildings, curriculum questions, and teacher union contracts.

Atty Degnan stated that while she had not considered the possibility of having a conflict to vote, she was not sure it was accurate to assume an elected councilor would be seated if an incoming councilor facing a challenge was not seated.

Councilor Greaney emphasized that his concerns about his integrity had been raised by members of the public.

President McGee stated that the Council never approved a rule allowing the next highest vote getting to be seated if an incoming councilor did not take office or was removed. He added that any member can vote for whoever they want if there was a vote to fill a vacancy. He also stated that the Solicitor did not see a conflict in any member voting on this order.

Councilor McGiverin suggested that the question should be posed to the state ethics commission.

Councilor Vacon stated that the Law Department provided two options to the committee that would meet legal tests and fit with the Charter if adopted. She then recalled that the two options received little discussion. She then suggested that the new Council should address the matter without the influence of a recent election or to help a single person. She then noted that the amendment approved by the committee had no legal review. She asked that the Law Department review the language to assure that the language would not open the city to legal issues.

Councilor McGiverin reiterated his past argument that addressing the matter should begin with respecting Mass General Laws. He also reiterated that the state ethics commission handled ethical questions and not the City Council. He also noted that the ordinance had no enforcement within it.

Motion was made and seconded to request a legal opinion on if the amended language was legal appropriate.

Councilor McGiverin made a motion to lay on the table. Motion failed for lack of a second.

Councilor Hernandez asked the Law Department if Rule 38 could be suspended to allow adoption by a simple majority.

Atty Degnan stated that she was not sure if that had been done before. She then stated that would be a decision for the Council to make.

Councilor Hernandez asked President McGee if the rule could be suspended to allow adoption by a simple majority.

President McGee stated that an ordinance adoption required 9 votes. He then stated that the normal way to change the rules would be to send proposals to committee. He then stated that they could take up item 36 if they wanted to change the rule that evening.

Councilor Hernandez made a motion to suspend the necessary rules to take up item 36 out of order. Motion failed for lack of a second.

Councilor Lebron-Martinez asked if a special meeting could be called before the end of the year if the item was to be laid on the table.

President McGee expressed doubt that there would be enough time.

Councilor Lebron-Martinez stated her intent was to seek feedback from the ethics commission.

President McGee clarified that the item up for a vote was an up or down vote on approving the language. He then stated that there was an opinion request to clarify if the language was valid if adopted, likely leading to a call to the ethics commission.

Councilor McGiverin made a motion to strike the amendment and replace it with the originally filed language. Councilor Lisi seconded the motion.

Councilor Vacon noted that the Council already voted on that language, did not pass it, and referred it to the Ordinance Committee to make changes. She then suggested it should be returned to committee if the language was to be changed again.

President McGee clarified that the standard had been that if an order was amended after legal form had been provided, there should not be a vote on it.

Councilor Lisi stated that it would be a simple text change to the legal form, not any major or substantive changes.

Motion to amend to change the order back to the original language passed on a show of hands vote.

Councilor Vacon asked for an on the record clarification of what the vote would now be.

President McGee stated that the vote was to amend Ordinance 2-69 by striking section (g) (2) from the ordinance, which states " No employee of the city shall simultaneously serve on the city council during their time of employment."

---> Report of Committee received and Denied on a call of the roll of the yeas and nays --Yeas 8 (Anderson-Burgos, Hernandez, Lebron-Martinez, Lisi, McGee, McGiverin, Sullivan, Tallman)--Nays 5--Absent 0.

Councilor Murphy made a motion to reconsider the previous action and refer it back to the Ordinance Committee. Councilor Vacon seconded the motion.

Councilor Lebron-Martinez noted that if the order was referred back to committee, many current councilors would not be able to vote on the order. She then asked if a special meeting could be called.

President McGee stated that if it was referred back to committee, the committee would have to meet, and then refer it out in time to call a special meeting.

Councilor Lebron-Martinez asked if the councilor in question would be sworn in on January 3rd even with the ordinance change not being adopted that evening.

Councilor Bartley stated that he would be.

Councilor Hernandez stated that they could then be challenged.

President McGee stated that a challenge would be a different procedure, as described by the Law Department.

Councilor Lisi noted that the order had not been adopted two weeks prior due to Councilor Sullivan and Councilor Murphy seeking to add additional language. She then stated that language was presented and was not approved by the Ordinance Committee. She then stated that there had been an opportunity to discuss the language at the previous week's Ordinance Committee meeting. She then stated that the committee had done its work on the language, questioning the intentions to refer it back to committee without providing any guidance on what language was being sought. She also noted that feedback from the public had been overwhelmingly in favor of striking the language. She then suggested that the next Council do the heavier work of developing the language.

Councilor Anderson-Burgos emphasized the impact that Council decisions have on the community. He then asked for consideration of the impact this was having on the incoming councilor who had a family to take care of. He asked for the Council to consider the impact of their decisions on the voices of the people who voted.

Councilor Murphy asked to clarify that even with a challenge, the City Council could allow the councilor to serve with a majority vote.

Atty Degnan stated that she would have to refer to the opinion written by Attys Ball and Bissonnette.

Councilor Murphy expressed that this was his understanding. He then expressed his expectation that the incoming Council would vote to support his seating on the Council. He then reiterated that the ordinance should have more legal review. He then expressed that he did not believe every employee should be prohibited, adding that there were many who would have significant conflicts, including in the School Department.

Atty Bissonnette stated that the incoming Council would be the sole judge of its members qualifications. He then stated that any candidates receiving a certificate of election were entitled to be sworn in under state law. He then stated that if there were one challenge, the challenged members would not be eligible to vote on it. He then stated that if there were a vacancy, the seat is filled by a vote of the remaining members of the Council.

Councilor Bartley asked what the status of the ordinance would be if the Council allowed a challenged member to be seated. Specifically, he asked if the ordinance could be ignored by virtue of an organizational vote.

Atty Bissonnette clarified that is what the Charter stated.

Councilor Bartley asked to clarify that the Charter allowed the Council the ability to waive the city ordinance. He noted that there would be a law on the books and a situation in reality that would be in violation of that law. He then questioned if that was defensible.

Councilor McGiverin noted that according to the Charter, the only business that could take place at the organizational meeting on January 3rd would be the election of the president. He then suggested that there would need to be an item on the agenda, noting that there was no provision in the Charter allowing for the vote on the qualifications of the members of the Council. He then reiterated that Mass General Laws should be considered first, adding that the Charter only refers to officials which was an unclear definition. He then suggested that state should be involved prior to the new Council being sworn in on January 3rd.

Motion to refer to committee passed by majority on a show of hands vote.

Motion was made and seconded to suspend the necessary rules and reconsider action. Motion was made and seconded to send the order to the Ordinance Committee.

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.

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

Committee Members:

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

UNDER DISCUSSION:

Councilor Lisi stated that the ordinance replicated provisions of Mass General Law which would require that any city contract above \$50,000 to abide by prevailing wage laws. She then stated that wage theft had been found to be a major problem in the Commonwealth, noting that the Fair Labor Division had required businesses to pay millions in restitution and penalties, with over 12,000 workers being assisted as a result of the Attorney General's office actions. She stated that the AG's office received thousands of complaints every year, adding that they had encouraged municipalities to adopt wage theft ordinances to preclude cheating. She then stated that the ordinance says that any contractor working a public works project needs to pay prevailing wage to every person working on the job, per state law. She then stated that the law was really an anti-exploitation law, noting that many workers do not have the means to hire an attorney and are often non-English speaking workers. She stated that the Ag's office was the only agency that could confirm findings of wage theft. She then stated that through the ordinance, those found to have engaged in wage theft would be precluded from bidding on city contracts for up to 3 years. She also stated that the ordinance would allow the city to take back TIFs from those who were found to have engaged in wage theft. She also emphasized that the ordinance would not apply to private contracts.

---> Report of Committee received and Denied on a call of the roll of the yeas and nays --Yeas 8 (Anderson-Burgos, Hernandez, Lebron-Martinez, Lisi, McGee, McGiverin, Murphy, Tallman)--Nays 4--Absent 1 (Leahy).

Councilor Lisi made a motion to reconsider the previous action and lay on the table. Councilor McGiverin seconded the motion. Motion passed with a show of hands vote.

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

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

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

UNDER DISCUSSION:

Councilor Lisi made a motion to lay on the table, noting its dependence on the previous RC zone order. Motion failed for lack of a second.

Councilor Vacon made to refer to the Ordinance Committee. Councilor Bartley seconded the motion.

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

(3:34:55)

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

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

UNDER DISCUSSION:

Councilor McGiverin stated that the grant was similar to adoption of block grant funds. He then stated that Holyoke would get 52% of the \$3,329.24 grant, Westfield would get 15%, and Chicopee would get 27%. He added that it could be used for qualified projects through 2024.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Leahy).

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

Committee Members:
 Joseph M. McGiverin

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

UNDER DISCUSSION:

Councilor McGiverin stated that the grant would provide \$14,000 to the city's recycling program.
 ---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
 --Yeas 10--Nays 0--Absent 3 (Greaney, Jr., Leahy, Murphy).

The Committee on Finance to whom was referred an order CPA Project funding extension recommendations
 have considered the same and Recommend that the order be adopted.

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

UNDER DISCUSSION:

Councilor McGiverin stated that Valley Opportunity sought an extension through the end of 2023 and the War Memorial sought an extension through the end of July 31, 2022. He added that the committee found the requests to be appropriate.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
 --Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

Motion was made and seconded to suspend the necessary rules to take up Late File D out of order.
 COUNCILOR SULLIVAN -- That the City Council approve the recommendation of the CPA for the expenditure of \$60,000 for the restoration of the Lady Liberty statue in Veterans Park. Total cost estimate is \$110,000. State has already "earmarked" balance but must be used in FY22.

Motion was made and seconded to suspend the necessary rules to take final action.

Councilor Sullivan stated that the matter was passed unanimously by the CPA. He noted that there had been a study which made a recommendation under Department of the Interior Guidelines for historic preservation projects. He then stated the Senator Velis had already secured \$50,000 for the project, allowing the project to proceed with this \$60,000. He noted it was time sensitive due to the state funds needing to be expended by June 30th.

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

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

UNDER DISCUSSION:

Councilor McGiverin stated that the request was sent to allow the increase of the hourly salary for the Administrative Assistant to the CPA. He noted that she had been a hard worker in the role. He stated that increase would change her hourly rate from \$25 to \$30.

---> Received.

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.

have considered the same and Recommend that the contract be ratified.

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

UNDER DISCUSSION:

Councilor McGiverin stated that Auditor pointed out that at the time of the creation of the Memorandum of Understanding with the Association, it had been her understanding that all funds for the increases were in the budget, adding that two positions had not been in the budget and required a transfer to pay the salaries. He clarified that this would be correcting the mistake.

President McGee asked to clarify that this order was to ratify the agreement.

Councilor McGiverin confirmed that was correct, noting that it had already been done but with incorrect information. He further clarified that the positions were the Executive Director and the Assistant Director of the Council on Aging.

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

Motion was made and seconded to suspend the necessary rules to take up item 19P out of order.

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.

UNDER DISCUSSION:

Councilor McGiverin stated that the Auditor explained that some of the positions in the receiving accounts had been in the budget.

President McGee asked to clarify that the motion was to return to the Auditor, noting that such orders had been denied in the past.

Councilor McGiverin noted that this had been a new step taken during the current year in order to get the orders back to the Auditor, noting that financial orders could not just be withdrawn.

----> Report of Committee received and Adopted.

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

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

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

UNDER DISCUSSION:

Councilor McGiverin stated that the order was to replace the funds for the contract that had already been adopted.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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

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

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

UNDER DISCUSSION:

Councilor McGiverin stated that the order was to transfer within the budget for the Building Commission. He then stated that the surplus was due to an employee leaving, adding that the overtime was needed due to current employees needing to cover for vacancies in the department.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

Motion was made and seconded to suspend the necessary rules to take up items 19H, 19I, 19K, 19L, 19M, and 19N as a package.

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

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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	

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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	

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

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

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

--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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

TO:
14222-52505

TOTAL: \$10,000.00

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

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

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
\$2,500.00

HEAVY MOTOR EQUIPMENT OPERATOR

TOTAL: \$2,500.00

TO:
14222-52512

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

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
--Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

UNDER DISCUSSION:

Councilor McGiverin stated that this group of orders had been submitted altogether into one transfer order, combined with an additional transfer of \$65,000 for services from the Sheriff Department. He then stated that transfer had been separated out at the last meeting in order to receive more information about the service. He noted that the surpluses had been due to many vacancies in the Public Works Department. He then stated that the reasons for the deficits due to funds being transferred around to address the roof on the Children's Museum and Volleyball Hall of Fame.

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

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

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

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays
 --Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

Motion was made and seconded to suspend the necessary rules to remove an item from the jacket for the Development and Governmental Relations Committee, as well as remove items 9 and 10 from the table.

The Committee on Development and Governmental Relations to whom was referred an order Johnson, Sclafani & Moriarty letter re: Notice of Intent to sell, Lot 1 and Lot 2 on Mountain Road, Holyoke, MA Pursuant to Massachusetts General Laws Chapter 61A, Section 14 Portion of 50 Mountain Rd; Assessors Parcel ID 206-00-065.

Councilor Bartley made a motion to waive the city's right of first refusal of the two lots on Mountain Road. Councilor Tallman seconded the motion.

UNDER DISCUSSION:

Councilor Bartley stated that the properties were Chapter 61A properties, defined as farmland. He stated that the taxes had been deferred for many years due to statutory provisions allowing that for farmland. He then stated the owners entered into a contract to sell the lots for a sale totaling \$350,000. He noted they sought options from the city's Planning Board and Conservation Commission. He then read from the letter provided by Conservation:

"Given the sum total price of \$350,000 for both parcels, neither the City nor any local or regional land conservation partners are in a position to act on a sale within the allotted time period.

It is unfortunate that the owner was unwilling to discuss financing options for protecting and continuing to own the entire 34 acres."

He then read from the letter providing by the Planning Board:

"While these parcels are only two acres, they seem destined for residential development if Holyoke cannot find a way to exercise its option...this proposed sale creates an opportunity to discuss the future of the entire parcel with the property owner...such as the Agricultural Restriction Program. Exploring these options will take time, and the 120-day notice period is designed to give the City that time...critically, no decision about the fate of this property should be made without input from abutters and neighbors."

He added that he then sought input from the Mayor, who stated in an email:

"Councilors, it does not seem there is any opportunity at this point to discuss and execute alternatives. Therefore, my position is to waive our right of first refusal in regards to the parcels on Mountain Road."

He then stated that he met with the Mayor to follow up and review the letters. He added that the Mayor reiterated the same position. He noted that while the Council would make the decision, exercising the City's right would be subject to an appropriation by the Mayor. He then stated his own position was that while the 2 acres may become residential, there would be over 30 acres of conservation remaining. He also stated that the Assessor provided a calculation sheet showing a conveyance tax or a rollback tax that the city could take, adding that the higher amount of \$28,000 would be received by the city upon the sale. He also stated that while he respected the position of the Planning Board, there appeared to be no prospects for the agricultural restriction program within the 120 day window which began on October 7th.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays. Yeas 10--Nays 1 (Lisi)--Absent 2 (Greaney, Leahy).

From Office of Planning & Economic Development letter re: Notice of intent to sell, Lot 1 and Lot 2 on Mountain Rd. Holyoke.

---> Received.

From Michael Dodge, Chairperson Conservation, letter re: Notice of Intent ot sell lot 1 and Lot 2 on Mountain Rd.

---> Received.

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

ORDERS AND TRANSFERS

MCGEE Ordered, that 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.

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

MCGEE Ordered, that Order that the DPW remove the dead tree at the end of Green Lane (right side in cul de sac).

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

Motion was made and seconded to suspend the necessary rules to take up items 27 28, and 29 as a package.

Councilor McGiverin stated that there had been no request to adopt items 27 and 29 right away, noting that the next Finance Committee meeting would not take place until after the new Council takes office and the committee was to be reformed. Referring to item 28, he then stated that the School Department had been working to develop the middle school project. He added that the bond would be to hire a project manager. He also noted there was a tight deadline to submit to the MSBA.

Councilor Murphy noted that the plan appeared to be to work with the same planned and manager from the previous proposal, adding that the original figure had been much higher.

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 21, 2021.

Terence Murphy, Mayor

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

MCGIVERIN Ordered, that 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 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 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 21, 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, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 21, 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, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 21, 2021.

Terence Murphy, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated that the surplus was due to vacancy. He then stated that the refuse line item was an account they use to hire outside help to fill vacancies to cover services. He then noted they learned that the city had a contract with the Sheriff Department to provide services to the city through the York Street Industries Program. He noted that while there was more that needed to be understood about the agreement, adding a concern the cost, bills should be paid.

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

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 21, 2021.

Terence Murphy, Mayor

President McGee stated that the transfer covered 1 employee.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 21, 2021.

Terence Murphy, Mayor

President McGee stated that the transfer covered 7 employees. He then stated that these two orders were a standard process of accounting for employees who were being paid their salary while out of work due to being injured on duty.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 11--Nays 0--Absent 2 (Greaney, Jr., Leahy).

ANDERSON-BURGOS, Bartley Ordered, that 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.

Councilor Bartley made a motion to amend the order to add the words "and maintain" after the word "place." He then asked to be added to the order. He stated that while he appreciated the way the order was written, it may not be doable on U.S. 5. He suggested that it could be applied to other areas of the city such as Westfield Road.

---> Received and adopted. Referred to the DPW. Copy to Public Safety.

Motion was made and seconded to suspend the necessary rules to take up items 34, 35, 36, and 37 as a package and lay on the table. Motion failed for lack of a majority on a show of hands vote.

Councilor McGiverin suggested that the orders needed to be referred to the Charter and Rules Committee.

Councilor Bartley asked why the intent was to lay on the table instead of referring to committee.

Councilor Anderson-Burgos stated his intent was to have the new Council vote on them when they adopt the rules at the beginning of the new term.

Councilor McGiverin stated he had additional questions he'd like addressed on item 34.

Councilor Anderson-Burgos stated that he support referring item 34 to committee.

Councilor Bartley stated that the work of committees should not happen with the full City Council.

ANDERSON-BURGOS Ordered, that 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.

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

Motion was made and seconded to suspend the necessary rules to take up items 35, 36, and 37 as a package. Motion passed on a majority vote.

Councilor Anderson-Burgos expressed opposition to laying on the table, reiterating his intent to have the voted on when the new Council votes on its rules.

Councilor McGiverin stated that this would require a two-thirds vote for passage.

ANDERSON-BURGOS Ordered, that 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.
 ---> Received and referred to the Charter and Rules Committee.

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.

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

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

Councilor Hernandez asked if the process is for the City Council to vote on their rules at their first meeting. President McGee confirmed that was correct.

Councilor Hernandez asked if these proposals could be voted on without discussion in committee. President McGee stated that while he understood the intent, the committee could amend the language and refer them out for the following meeting. He stated that they could then be added to the rules if adopted.

BARTLEY Ordered, that That a handicap sign be placed in front of 76 Chapin St. #1L for America Rivera, placard # PL4780829.

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

LATE FILED ORDERS & COMMUNICATIONS

From Councilor James Councilor Leahy, letter from Holyoke Taxpayers Association regarding proposed wage theft ordinance

---> Received.

From Mayor Joshua A. Garcia, letter detailing position on the Wage Theft ordinance

---> Received.

Communication from Councilor Sullivan regarding the future of MME Special permits.

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

BARTLEY, Leahy, Murphy, Vacon Ordered, that That the Health Director, Building Commissioner and any other relevant city official meet ASAP with the Ordinance Committee to discuss odor mitigation at marijuana entities in Holyoke for the purpose of a) amending city ordinances and/or b) adding language to the list of conditions typically added to the Marijuana Special Permit.

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

Communication from Tanya Wdowiak, City Auditor regarding financial transfer for Personnel Director.

---> Received.

TALLMAN Ordered, that That the city council give a proclamation to Garvulenski Service Station for 50 years of service to the citizens of Holyoke ,and surrounding communities.

Motion was made and seconded to suspend the necessary rules to take final action.

Councilor Lebron-Martinez, Councilor Sullivan, and Councilor Bartley asked to be added to the order.

---> Received and adopted.

Adjourn at 11:33 PM.

A true record

ATTEST:

Brenna Murphy McLee

City Clerk