**Ordinance Committee**

January 12, 2021

Votes and video timestamps

Video of meeting can be found at https://youtu.be/5zVG8eKysSU

Narrative to follow

Members present: Chairwoman Linda Vacon, Vice Chairman Jose Maldonado Velez, Kocayne Givner, Kevin Jourdain, Israel Rivera

Other councilors present: Joseph McGiverin, Tessa Murphy-Romboletti, Jenny Rivera, Juan Anderson-Burgos

Chairwoman Vacon called the meeting to order at 6:33 PM

Item 1: 12-7-21 SULLIVAN, CHAIRWOMAN VACON -- That the City adopt a temporary moratorium on issuing special permits for MME’s and on the use of land and structures in the City for MME’s for a period of six months, so the City can study and enact ordinances that protect the health and well being of its citizens and businesses that may be negatively impacted by MME’s including but not limited to:
-Studying and evaluating the potential health hazards and economic impact of air emitted from MME’s
-Studying and evaluating the effectiveness of the latest filtration and mitigation technology for emissions from MME’s
-Implementation of effective filtration and mitigation system minimum requirements to eliminate air quality hazards and nuisance odors emitted from MME’s
-Implementation of effective buffers to protect citizens and businesses from air quality hazards and nuisance odors emitted from MME’s
-Development and implementation of clear and enforceable air quality and nuisance odor standards and penalties, including fines and operation shut downs
-Identifying the appropriate city department for monitoring and enforcement of air quality and nuisance odor violations
-Exploring dedicated funding for monitoring and enforcement of air quality nuisance odor emissions from MME’s.

---> Complied with 5-0, with a further recommendation that appropriate departments research potential health and quality of life impacts that have been raised.

(32:45)

Item 2: 6-1-21 (Referred back 12-21-21) 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.
Conditions added:
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.

---> Approved, with an additional condition that the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission, 3-2.

Item 3: 8-3-21 (Referred back 12-21-21) 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.
Conditions added:
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.

---> Approved, with an additional condition that the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission, 3-2.

Item 4: 11-16-21 (Referred back 12-21-21) Special Permit Application of Cannalive LLC to operate a marijuana manufacturing establishment at 532 Main St, Suite 301.
Conditions added:
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.

---> Approved, with an additional condition that the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission, 3-2.

(47:50)

Item 5: 12-21-21 BARTLEY, LEAHY, MURPHY, CHAIRWOMAN VACON -- 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.

---> Laid on the table, with recommendation to set a public hearing 5-0.

(1:50:30)

Item 6: 12-21-21 From Lisa A. Ball, Acting City Solicitor legal opinion re: marijuana facility special permits.

---> Received 5-0.

Item 7: 12-21-21 From Councilor Michael Sullivan, communication from John Aubin regarding the future of MME’s in the City of Holyoke

---> Received 5-0.

Item 8: 12-21-21 From Councilor Michael Sullivan, communication from John Aubin providing opinion from Atty Roger P Lipton on city liability related to denying marijuana establishment special permits.

---> Received 5-0.

(1:52:30)

Item 9: 2-16-21 (Referred back 11-16-21) HERNANDEZ Ordered, that That the City of Holyoke, re-examine the current ordinance which only specifies that the snow and ice shall be removed from the entire width of the sidewalk on all portions of streets on which parking meters are installed but does not state this for residential zones.
Sec. 78-141. - Removal of snow and ice.
(a) No owner or person in control of an estate abutting upon any street, lane, court, or square within the city where there is a sidewalk shall place or suffer to remain for more than 24 hours any snow upon such sidewalk, or any ice upon such sidewalk unless such ice is made even and covered with sand, sawdust, ashes or other suitable material to prevent slipping; nor shall any person place any ice or snow onto other private property or public ways. This section shall apply to snow or ice which may have fallen from any building upon such sidewalk and to snow which may have accumulated upon such sidewalk by drifting, and to ice formed from water running or accumulating upon such sidewalk.
(b)
On all portions of streets on which parking meters are installed, all snow and ice shall be removed from the entire width of the sidewalk within eight hours after the cessation of any snowstorm.
(Code 1972, § 18-15)
We are currently having issues with the owner of 921 Dwight Street, Holyoke, MA in which he does not abide by the ordinance and when he finally gets to complying he shovels out a 12 inch pad as wide as the shovel in his corner lot located on Linden and Dwight Street. Residents have raised their avid discontent in the matter, the HPD and BOH have tied resources in the matter and as most recent as this last snow storm it appears that the owner is not aware of his property lines and responsibility. See library of images that I am including as an example since the snow season started.

---> Approved, 5-0.

(2:00:00)

Item 10: 8-4-20 ANDERSON-BURGOS -- Ordered, that the language in the Holyoke municipal code, Sec 14-5, (a),(1), a, be removed from the code. The language of this code reads as: "A dog may be off restraint if under adequate voice control of a person, and that person has a leash in their possession. A dog which does not respond to commands of the person in control of such animal is not under restraint." This language, especially "if under adequate voice control," is overly subjective and does nothing to protect another person or animal from injury should a dog owner not maintain control of their dog.
\*Tabled 6-29-21, 9-14-21

---> Approved, 5-0.

Adjourned at 8:45 PM