**Ordinance Committee**

January 25, 2021

Votes and video timestamps

Video of meeting can be found at https://youtu.be/rQf7I\_d2JJQ

Narrative to follow

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

Other councilors present: Joseph McGiverin, David Bartley, Will Puello

Chairwoman Vacon called the meeting to order at 6:32 PM

Councilor Jourdain made a motion to remove item 1 from the table and open the public hearing. Councilor Maldonado Velez seconded the motion.

Item 1: PUBLIC HEARING (continued from 11-23-21, 12-14-21) 10-5-21 Zone Change Application from R1 to RM20 for Cherry Hill Estates Condominium Trust at 1 Maplecrest Circle (151-00-006.1C) to change the back 6.7 acres from R1 to RM20 to form one contiguous zoning.

Councilor Jourdain made a motion to close the public hearing. Councilor I. Rivera seconded the motion.

Councilor Jourdain made a motion to approve the zone change application. Councilor Maldonado Velez seconded the motion.

---> Approved 5-0.

(34:20)

Councilor Jourdain made a motion to remove item 2 from the table. Councilor Maldonado Velez seconded the motion.

Item 2: 12-7-21 BARTLEY -- The City remove the No Parking signs proximate to 274 South St. & 2 Brown Avenue.  The signs affect two homeowners and the W-3 councilor met with both 11/20/21 and both wanted the signs removed.

Councilor Jourdain made a motion to approve. Councilor Givner seconded the motion.

---> Approved 5-0.

(37:20)

Councilor Jourdain made a motion to remove item 3 from the table. Councilor Maldonado Velez seconded the motion.

Item 3: 12-7-21 BARTLEY -- The city amend its ordinances to limit parking in front of the business at 548 South St.  The new restaurant seeks to cap parking during its business hours to one hour.

Councilor Jourdain made a motion to approve one hour parking Monday-Sunday, 11 AM - 10 PM. Councilor Givner seconded the motion.

---> Approved 5-0.

(38:15)

Councilor Jourdain made a motion to remove item 4 from the table. Councilor Maldonado Velez seconded the motion.

Item 4: 9-7-21 VACON -- that additional speed limit signs be posted on Homestead Ave, north and south of 202, locations to be determined by our City Engineer.

Councilor Jourdain made a motion to approve. Councilor Maldonado Velez seconded the motion.

---> Approved 5-0.

(46:05)

Councilor Maldonado Velez made a motion to remove item 5 from the table. Councilor Jourdain seconded the motion.

Item 5: 12-7-21 LEBRON-MARTINEZ -- That a handicap sign be placed in front of 70 Walnut St. for Angel Lopez, Placard #PL3940078.

Councilor Jourdain made a motion to approve. Councilor I. Rivera seconded the motion.

---> Approved 5-0.

(46:50)

Councilor Jourdain made a motion to remove item 6 from the table. Councilor Maldonado Velez seconded the motion.

Item 6: 8-3-21 LEBRON-MARTINEZ -- That a handicap sign be removed from the front of 130 Cabot St.

Councilor Jourdain made a motion to approve. Councilor I. Rivera seconded the motion.

---> Approved 5-0.

(47:35)

Councilor Maldonado Velez made a motion to suspend the necessary rules to remove items 7, 8, and 9 as a package.

Item 7: 9-7-21 MURPHY -- Ordered that an ordinance be established prohibiting gas stations from selling gas to illegal dirt bikers/OHV's.

Councilor Jourdain made a motion to deny. Councilor Maldonado Velez seconded the motion.

---> Denied 4-1.

Item 8: 9-7-21 MURPHY -- Ordered that an ordinance establishing municipal fines for illegal operation of dirt bikes and OHV's be established at the highest possible level allowed.

Councilor Jourdain made a motion to approve. Councilor I. Rivera seconded the motion.

---> Approved 5-0.

Item 9: 6-1-21 MCGEE, LEAHY -- Order that the city of Holyoke look to adopt an ordinance similar to Springfield regarding recreation and off highway vehicles - see chapter 385- recreation & off-highway vehicles city of Springfield.
> <ORD-2019-11 Chapter 385-Recreation & Off-Highway Vehicles - City of Springfield, Massachusetts

Councilor Jourdain made a motion that the order has been complied with. Councilor Maldonado Velez seconded the motion.

---> Complied with 5-0.

(1:22:15)

Councilor Jourdain made a motion to suspend the necessary rules to remove items 10 and 11 from the table as a package. Chairwoman Vacon seconded the motion.

Item 10: 5-18-21 MURPHY -- Ordered, that That the Ordinance Committee meet with the Water Department Superintendent and commissioners to amend the ordinance restricting activities such as fishing and dog walking etc., both to increase the fines and to authorize either State Police or Environmental Police as well as Holyoke Police to issue citations.

Councilor Jourdain made a motion to draft into legal form for referral back to the committee. Councilor I. Rivera seconded the motion.

---> Laid on the table to review legal form 5-0.

Item 11: 12-7-21 VACON -- that the Ordinance Committee review and recommend ordinance language changes pertaining to our reservoirs including but not limited to: a) increase the fines/penalties from the current amount of not more than $50 for any offense to a minimum of $250 for subsequent offenses.  b) expand the language in the ordinance to include Massachusetts Environmental Police (MEP) and State Police for issuing citations and fines.  c) consider revising Section 90-53 to enforce that fines will be paid to the Holyoke Water Works.
d) consider other revisions to ensure safety of the water supply, including uses and activities at the reservoir.

Chairwoman Vacon made a motion to amend part b) to add “and any legally authorized representative” after “State Police.” Councilor Jourdain seconded the motion. Amendment passed 5-0.

Councilor Jourdain made a motion to lay on the table to review legal form. Councilor I. Rivera seconded the motion.

---> Laid on the table to review legal form 5-0.

(1:38:30)

Councilor Maldonado Velez made a motion to remove item 12 from the table. Councilor Jourdain seconded the motion.

Item 12: 5-18-21 VACON, BARTLEY, MCGIVERIN, LISI -- Ordered, that the setting of the sewer rate be returned from the City Council to the DPW Commission where it had been previously determined.

Councilor Maldonado Velez made a motion to lay on the table. Councilor Jourdain seconded the motion.

---> Laid on the table 5-0.

(2:24:40)

Councilor Maldonado Velez made a motion to remove item 13 from the table. Councilor Jourdain seconded the motion.

Item 13: 3-10-20 VACON -- that street vendors who have received a ~~special permit~~ license may be granted a renewal of the ~~special permit~~ license for the same location without a hearing when all required approvals are presented with the application and any required fees/taxes are paid.

Councilor Jourdain made a motion to draft into legal form for referral back to the committee. Councilor I. Rivera seconded the motion.

---> Laid on the table to review legal form 5-0.

(2:30:10)

Councilor Maldonado Velez made a motion to remove item 14 from the table. Councilor Jourdain seconded the motion.

Item 14: 8-3-21 MURPHY -- Ordered that the ordinance committee meet to discuss downtown parking meters in terms of the amount of time allowed & the price charged, as well as how we might increase the number of payment options available.

Councilor Maldonado Velez made a motion to refer to the Mayor for the purpose of making recommendations to the Ordinance Committee. Councilor Jourdain seconded the motion.

---> Referred to the Mayor to appoint Parking Advisory Board to make recommendations to the Ordinance Committee 5-0.

(2:35:55)

Councilor Jourdain made a motion to remove item 15 from the table. Councilor I. Rivera seconded the motion.

Item 15: 8-3-21 MURPHY -- Ordered that the ordinance committee meet to discuss amending the demolition order regarding historical commission review to begin the process once a property has been listed by the problem property group.  The goal of this would be to enhance the possibility of preserving structures, and to do so prior to extensive building deterioration, which then escalates costs.

Councilor Maldonado Velez made a motion to lay on the table. Councilor Jourdain seconded the motion.

---> Laid on the Table 5-0.

(2:39:15)

Chairwoman Vacon made a motion to suspend the necessary rules to remove items 16 through 54 from the table as a package. Councilor Jourdain seconded the motion.

Item 16: 9-5-18 VACON -- That speed humps be installed on Lower Westfield Rd, Richard Eger Dr, Whitney Ave and Lynn Ann Dr. (Petition attached)

---> Given Leave to Withdraw 5-0.

Item 17: 8-2-16 ROMAN -- That the City of Holyoke remove the loud speaker permit authority from the Police Department and include any loud speaker / outdoor permitting in special permits issued by the licensing board, this will improve efficiency, transparency and equity when issuing permits for loud speaker permits.

---> Given Leave to Withdraw 5-0.

Item 18: 12-16-16 ROMAN, LISI, LEBRON-MARTINEZ, VALENTIN -- Ordered that the City of Holyoke through ordinance create “gentrification mitigation zones.” "Gentrification Mitigation Zones," or GMZ will be areas with large working class and highest concentration of poverty according to the US Census Data tracts, above-average increases in property values and signs of resident displacement. The districts would be subject to stronger protections for tenants whose housing may be at risk as developers and people with higher incomes move into a neighborhood. In a gentrification mitigation zone, tenants of a building that’s put up for sale would have the first chance to buy it, with the possible assistance of local (i.e. CPA), state and federal funds. If renters opted not to buy their building, the sale would be subject to a tax of 1 percent or less to assist tenants who face displacement locally.​
Developers in these proposed zones would also have to create community impact statements to address how they would affect the neighborhood’s character, existing affordable housing, schools and other resources. They would be required to meet with any Ward Councilor in which a zone lies and the local neighborhood councils to present their plans.

---> Given Leave to Withdraw 5-0.

Item 19: 4-18-17 MCGEE, LISI, TALLMAN, VALENTIN -- that the ordinance committee amend ordinance 2-467, related to the Community Preservation Committee, by removing the position requirement of city council member to the CPC.

---> Given Leave to Withdraw 5-0.

Item 20: 12-5-17 LISI -- That the city develop a comprehensive sign ordinance that allows for the possibility of billboards and/or off site signage.

---> Given Leave to Withdraw 5-0.

Item 21: 2-6-18 LISI -- that the City Council adopt an ordinance that phases out and prohibits the use of plastic bags in the city (plastics bags are one of the greatest contributors to the trash and debris problems we have throughout the city and many neighboring city's have passed language that we can emulate).

---> Given Leave to Withdraw 5-0.

Item 22: 3-6-18 VALENTIN, TALLMAN, LISI -- That the DPW Superintendent reviews parking options on Hampden and Beacon and offer suggestions that may alleviate delivery issues for Eddie's Furniture. Request from business owner.

---> Given Leave to Withdraw 5-0.

Item 23: 4-3-18 ROMAN, BARTLEY -- Ordered that the City of Holyoke draft and adopt a Small Cell Tower Installation ordinance said ordinance would limit equipment must not extend further than 50 inches from the top of the pole/roof. Once installed, all rooftop poles/roofs would be subject to inspection by the city every other year at a fee of $500 apiece to said wireless company

---> Given Leave to Withdraw 5-0.

Item 24: 4-17-18 SULLIVAN -- Ordered, That ARTICLE II section 42-41 Organization: compensation be changed to allow for a stipend for fire commissioners.

---> Given Leave to Withdraw 5-0.

Item 25: 5-15-18 MCGEE, TALLMAN -- that permanent speed bumps be installed on Bemis Road, attached is the petition by residents requesting the speed bumps.

---> Given Leave to Withdraw 5-0.

Item 26: 6-19-18 Petition from residents of Elmwood Ave. for speed humps.

---> Given Leave to Withdraw 5-0.

Item 27: 6-19-18 MCGEE -- that the Supervisors Union please provide a list of all employees in the union and how long they have been part of the union for.

---> Given Leave to Withdraw 5-0.

Item 28: 6-19-18 ANDERSON-BURGOS -- that the PR Salary Schedule of Chapter 2 of the Code of Ordinances be amended to increase the salary of all PR 14 positions to PR 19.

---> Given Leave to Withdraw 5-0.

Item 29: 6-26-18 LISI -- that the City Council, in accordance with MGL Chapter 43, Section 43, submit the following question to the voters at the next biennial state election: " Shall this City allow the sale of marijuana products, as those terms are defined in G.L. c.94G, 1, for consumption on the premises where sold, a summary of which appears below?" Passage of this order shall be contingent on the state legislature's approval of House Bill 4284 or other legislative/interpretive change to M.G.L. c. 94G, sec 3(b) deemed acceptable by the Secretary of the Commonwealth.

---> Given Leave to Withdraw 5-0.

Item 30: 9-5-18 VACON -- that no change in pay for any elected official shall take effect during the current term of office.  Individuals know the pay for the position at the time they run for office.

---> Given Leave to Withdraw 5-0.

Item 31: 11-7-18 ANDERSON-BURGOS -- that a sign be placed on both ends of Monroe Street prohibiting large trucks from using it as a pass through. Residents have expressed that this creates a danger for children, and that one truck also damaged a power line leading up to a resident's house.

---> Given Leave to Withdraw 5-0.

Item 32: 11-7-18 LISI -- the City Council ordinance committee do a comprehensive review of the City's sign ordinance alongside technical support and feedback from the planning board and legal department.

---> Given Leave to Withdraw 5-0.

Item 33: 11-20-18 LISI, MCGEE, VALENTIN -- Ordered, that the most recent changes to the sign ordinance be rescinded.

---> Given Leave to Withdraw 5-0.

Item 34: 10-2-18 BARTLEY, BRESNAHAN, ROMAN -- The City council amend its ordinances to create a committee to study the costs and benefits of involved with the City of Holyoke establishing its own animal control facility.  The expectation is that the committee,
once created, will produce a report to be reviewed by the Board of Health, City Council, Mayor and other relevant departments.

---> Given Leave to Withdraw 5-0.

Item 35: 12-18-18 BARTLEY -- The City of Holyoke consider remaining the portion of Chapin St. that is south of South St. As a suggestion, it should be re-named South Chapin St.

---> Given Leave to Withdraw 5-0.

Item 36: 12-18-18 MCGEE -- Order that the following changes be made to the classification and compensation plans of chapter 2 proposed ordinance changes (see attached highlighted changes)

---> Given Leave to Withdraw 5-0.

Item 37: 2-19-19 LISI -- the Holyoke City Council pass a wage theft ordinance to ensure that all contractors and developers who receive public funds (city contracts, tax breaks, housing development breaks) would need to comply with state laws governing the payment of wage and hour laws as well as any other obligations that would otherwise be required by the municipality to meet. If possible, the ordinance should also include advantages for Holyoke residents to obtain this work and ensure women, people of color, and Veterans are hired on the construction projects.

---> Given Leave to Withdraw 5-0.

Item 38: 3-5-19 ANDERSON-BURGOS -- Order that a residents only parking signs be place on Columbus Avenue. Residents have expressed concerns that parking for area businesses are parking along street, including driveways in some instances.

---> Given Leave to Withdraw 5-0.

Item 39: 4-2-19 MURPHY, LISI -- Ordered that the ordinance committee meet with the director of planning and development and other appropriate parties to discuss the current zoning in South Holyoke.  The goal of this meeting would be to amend designated zoning to promote economic development and also enhance the residential redevelopment planned for the area.  As is, current zoning is preventing several areas which have been vacated either by fire or demolition from being used effectively."

---> Given Leave to Withdraw 5-0.

Item 40: 4-17-18 SULLIVAN -- Ordered, that That ARTICLE II section 42-41 Organization: compensation be changed to allow for a stipend for fire commissioners.

---> Given Leave to Withdraw 5-0.

Item 41: 5-7-19 MURPHY -- that in order to allow for development and redevelopment of properties in South Holyoke in alignment with existing City plans; more properly define two gateways to the City; and to properly align the overlying zoning to what is presently in place, bringing those parcels further into conformity while in turn reducing the possibility of future incompatible uses, the following parcels be zone changed to BC - Downtown Business as shown in the following table:
MBP Number    Address
028-03-007    398 MAIN ST, 028-03-009    370 MAIN ST, 028-03-010    358 MAIN ST
028-03-011    MAIN ST, 028-03-012    74 CABOT ST, 028-04-009    MAIN ST
028-04-010    MAIN ST, 028-04-011    454 MAIN ST, 028-04-012    452 MAIN ST
028-04-013    416 MAIN ST, 028-04-014    MAIN ST, 028-04-015    412 MAIN ST
028-04-016    60 HAMILTON ST, 028-06-001    MAIN ST, 028-06-002    341 MAIN ST
028-06-003    345 MAIN ST, 028-06-004    349 MAIN ST, 028-06-005    MAIN ST
028-06-006    363 MAIN ST, 028-06-007    365 MAIN ST, 028-06-008    369 MAIN ST
028-06-009    MAIN ST, 028-06-010    MAIN ST, 028-06-011    MAIN ST
028-06-012    385 MAIN ST, 028-06-013    389 MAIN ST, 028-06-014    MAIN ST
028-06-015    393 MAIN ST, 028-07-001    401 MAIN ST, 028-07-002    405 MAIN ST
028-07-003    409 MAIN ST, 028-07-004    415 MAIN ST, 028-07-005    MAIN ST
028-07-006    427 MAIN ST, 028-07-007    433 MAIN ST, 028-07-008    435 MAIN ST
028-07-009    437 MAIN ST, 028-07-010    447 MAIN ST, 028-07-011    449 MAIN ST
028-07-012    71 SARGEANT ST, 029-01-001    2 CABOT ST, 029-01-007    16 CABOT ST
029-01-008    14 CABOT ST, 029-04-001    20 CABOT ST, 029-04-001.1    18 CABOT ST
029-04-002    525 SOUTH SUMMER ST, 029-04-014    32 CABOT ST, 029-04-015    28 CABOT ST
030-03-004    CABOT ST, 030-03-005    CABOT ST, 030-03-006    57 CABOT ST
030-03-007    CABOT ST, 030-03-008    61 CABOT ST, 030-03-009    84 CLEMENTE ST
030-04-001    200 MAIN ST, 030-04-002    CRESCENT ST, 030-04-003    CLEMENTE ST
030-04-004    15 CLEMENTE ST, 030-04-005    CLEMENTE ST, 030-04-006    23 CLEMENTE ST
030-04-007    268 MAIN ST, 030-04-008    MAIN ST, 030-04-009    254 MAIN ST
030-04-010    MAIN ST, 030-05-006    330 MAIN ST, 030-05-015    MAIN ST
030-07-001    166 APPLETON ST, 030-07-002    MAIN ST, 030-07-003    MAIN ST
030-07-005    MAIN ST, 030-07-006    235 MAIN ST, 030-07-007    241 MAIN ST
030-07-008    251 MAIN ST, 030-07-009    MAIN ST, 030-07-010    267 MAIN ST
030-08-001    273 MAIN ST, 030-08-002    277 MAIN ST, 030-08-003    281 MAIN ST
030-08-004    285 MAIN ST, 030-08-005    289 MAIN ST, 030-08-006    293 MAIN ST
030-08-007    305 MAIN ST, 030-08-008    309 MAIN ST, 030-08-009    317 MAIN ST
030-08-010    321 MAIN ST, 030-08-011    325 MAIN ST, 030-08-012    329 MAIN ST
031-01-014    510 SOUTH BRIDGE ST, 031-01-017    SOUTH BRIDGE ST
031-01-018    31 CABOT ST, 031-01-019    37 CABOT ST, 031-01-020    41 CABOT ST
031-01-021    SOUTH EAST ST, 032-01-015    13 CABOT ST, 032-01-016    7 CABOT ST

---> Given Leave to Withdraw 5-0.

Item 42: 5-21-19 MCGEE -- Ordered that the Chapter 2, Section 2-336 (c) be amended to include the words, "with the exception of food vendors with the appropriate permits from the state, Board of Health and Department of Public Works."

---> Given Leave to Withdraw 5-0.

Item 43: 6-4-19 MURPHY -- Ordered that the contract with Zip Cars be reviewed to determine why the city is not receiving any revenue from this enterprise and what can be changed to make sure the city receives an appropriate payment for allowing this company special parking privileges downtown.

---> Given Leave to Withdraw 5-0.

Item 44: 6-18-19 LEBRON-MARTINEZ -- That a handicap sign be placed in front of 370 Maple St.

---> Given Leave to Withdraw 5-0.

Item 45: 9-3-19 Petition of Gomoto, LLC - Charles A. Theocles for a street vendor license for a mobile food truck.

---> Given Leave to Withdraw 5-0.

Item 46: 9-4-19 MCGIVERIN, ANDERSON-BURGOS, LISI -- Ordered, that 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).

---> Given Leave to Withdraw 5-0.

Item 47: 9-4-19 MCGIVERIN, ANDERSON-BURGOS, LISI -- Ordered, that the City of Holyoke 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.

---> Given Leave to Withdraw 5-0.

Item 48: 11-19-19 LEBRON-MARTINEZ -- that in order to allow for development and redevelopment of properties in the area in alignment with existing City plans; provide cohesiveness to the area and bring those parcels further into conformity, the following parcels be zone changed as shown in the following table:
PARCEL ID        OWNER                 PROPOSED        CURRENT USE
011-07-008         N.E. Telephone         RO to BC            parking lot
011-07-009         N.E. Telephone         RO to BC            parking lot
011-07-010         N.E. Telephone         RO to BC            telephone exchange station
011-10-002         2nd Cong. Church     RO to BC            religious
011-10-003         Foley Property           RO to BC            educational property
011-10-005         Foley Property           RO to DR            parking lot
011-10-006         Alecto Realty Trust    RO to DR            Two-Family
011-10-007         LC2 Holyoke LLC      RO to DR            developable land
011-10-008         LC2 Holyoke LLC      RO to DR            developable land

---> Given Leave to Withdraw 5-0.

Item 49: 11-19-19 MURPHY -- Ordered that the DG&R committee meet with the appropriate city departments to review the events leading up to the problems at 62-64 Commercial Street. Have there been previous concerns about the heating system within those buildings?  Also, please review what went well in terms of providing solutions for the tenants, and what did not go well, so that we can improve the process in the future

---> Given Leave to Withdraw 5-0.

Item 50: 11-19-19 VACON -- That City Council establish a school building study committee to review options and recommend steps for improvements within our city budget.
Membership to include but not be limited to:
Mayor, Receiver, one school committee member, one CC member, one small business owner, one large business owner, a parent with children in the public schools, a renter, a senior citizen, one teacher.  Membership should represent all wards of the city to the greatest extent possible.

---> Given Leave to Withdraw 5-0.

Item 51: 12-3-19 TALLMAN, LEAHY, MCGEE -- That the DPW install truck exclusion signs at both ends of Bemis Rd.

---> Given Leave to Withdraw 5-0.

Item 52: 12-17-19 BARTLEY, LEAHY -- The City council amend city ordinances to require property owners to:
a. Clear snow away from fire hydrants
b. Clear leaves from catch basins
Refer to Ordinance committee.

---> Given Leave to Withdraw 5-0.

Item 53: 10-6-20 VACON, BARTLEY -- that we review and amend the noise and  any other applicable ordinances to reduce the increased amount of unnecessary vehicle noise in our city.

---> Given Leave to Withdraw 5-0.

Item 54: 6-15-21 MCGEE -- Order that City Ordinance Chapter 2, Article II, Division 5, Section 2-152 and Chapter 2, Article II Division 1, Section 2-67 be examined and updated to remove the residency requirement for City Solicitor.

Councilor Jourdain made a motion to give items 16 through 54 a leave to withdraw. Councilor Givner seconded the motion.

---> Given Leave to Withdraw 5-0.

Adjourned at 9:18 PM