

REGULAR MEETING OF THE CITY COUNCIL
January 18,2022

The meeting was called to order by President McGee at 07:05 PM.

The Clerk called the roll. Absent members: 1 (Anderson-Burgos) Present Members 12 (Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon).

The Pledge of Allegiance was recited..

The name of Councilor Puello was drawn to head the roll call voting.

President McGee stated that there were technical issues with the signal preventing the meeting from being broadcast live in Channel 15 that evening. He added that the meeting would be available on Zoom and streamed online. He then stated that the interpreters would not be providing interpretation live but would translate the meeting for video for online posting. He then asked for a moment of silence in honor of Beverly Smith from the Parks and Recreation Department as well as Anna Velasquez from the Purchasing Department. Both had recently passed and had given many years of service to the City of Holyoke.

A moment of silence was observed in honor of Ms. Beverly Smith and Ms. Anna Velasquez.

President McGee stated that Councilor Anderson-Burgos would not be in attendance due to having just had surgery.

President McGee handed the gavel of authority to Councilor McGiverin who briefly took over as President Pro Tempore for the discussion on the next item on the agenda due to a conflict of interest.

LAID ON THE TABLE

Appointment for 2022 Water Commissioner 3 year term Expires 2025.

UNDER DISCUSSION:

Councilor Jourdain made a motion to go to the first ballot. Councilor Vacon seconded the motion.

Councilor Jourdain clarified that the appointment would expire in 2025.

Councilor Vacon asked to confirm that the other appointment was also to be taken up.

Councilor McGiverin clarified that the other appointment was item 5. He then suggested that it would be appropriate to take up the two appointments separately. He noted the term would begin in February. He stated that appointing to the position would require 7 votes, adding that they would vote in additional rounds until one candidate received 7 votes.

---> Henry "Butch" Seidel received 10 votes (Bartley, Givner, Jourdain, Maldonado Velez, McGiverin, Murphy-Romboletti, Puello, I. Rivera, Tallman, Vacon) for Water Commissioner. John Cavanaugh received 1 vote (J. Rivera). Henry Seidel appointed Water Commissioner. The term will expire January 31, 2025. President McGee abstained from the vote.

Councilor Jourdain suggested allowing Mr. Seidel to serve the remaining few weeks of the previous term, noting he himself had recently vacated the position. He then asked if it would require a vote.

Councilor Bartley made a motion to effectuate the appointment of Mr. Seidel immediately. Councilor Vacon seconded the motion. All councilors voted in favor.

Motion was made and seconded to suspend the necessary rules to remove item 5 from the table as a package.

That the public service committee interview for the water commissioner.

Councilor McGiverin handed the gavel of authority to President McGee. President McGee resumed duties of the President

Motion was made and seconded to suspend the necessary rules and take item 5 out of order:

UNDER DISCUSSION:

Councilor McGiverin clarified that the order had been removed from the Public Service Committee. He then stated that it was to fill the remainder of the term due to the seat becoming vacant following the passing of John Barrett. He then clarified that while it had been stated that it was one year, there were two years remaining as Mr. Barrett had been appointed the previous year.

---> Timothy Keane received 11 votes (Bartley, Givner, Jourdain, Maldonado Velez, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon) for Water Commissioner. Timothy Keane appointed Water Commissioner. The term will expire January 31, 2024. President McGee abstained from the vote.

Motion was made and seconded to remove item 2 from the table.

From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, regular minutes from the December 21, 2021.

---> Received.

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.

---> Laid on the table.

Motion was made and seconded to remove item 4 from the table.

The Committee on Ordinance to whom was referred an order that the city council consider adopting a wage theft ordinance for all contractors doing projects for the city or receiving special tax incentives by the city similar to Easthampton and Springfield with the following purposes: prevent misclassification of employees as independent contractors; assure that employees are paying all payroll taxes and workers compensation premiums; comply with state laws governing the payment of prevailing wages; assure that contractors provide opportunities for Holyoke residents, veterans, people of color and women.

Recommended that the order be adopted

Councilor Vacon suggested returning the order to committee, noting that many communications had come in requesting more review and changes to the legal language.

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

PUBLIC COMMENT

(12:40)

Jose Adastra, 139 Hillside Avenue, stated that a minute and a half was not long enough, discourages people from participating, and noted that surrounding towns offer double that time. He then suggested that the city needed to adopt an alternative to the Police Department, noting that there was an overdose crisis and a houselessness crisis. He suggested that funds should be diverted from a carceral and policing to non-violent ways to address these issues.

Jim Valeriani of the Mensing Law Group, 100 State Street, Boston, stated that he represented a client at 40-48 Main Street. He expressed concern that documentation filed with the Council the previous week, suggesting it would be a violation of open meeting laws due to the public hearing for the project having been closed.

Libby Hernandez, 245 Walnut Street, expressed support for new councilors filing many orders on the agenda. She then expressed support for Councilor Givner's order to install storm warning lights to communicate parking bans. She also expressed support for Councilor Givner's order to update the ordinances to reflect a change of Columbus Day to Indigenous Peoples Day.

John Rivera, 2 Laurel Street, made a request to have 5 minutes to speak, noting less than 5 people had signed up to speak.

President McGee stated that the regular rule would remain.

John Rivera expressed support for item 50 and additional orders filed by Councilor Puello, suggesting that the ideas were needed for Holyoke. He also expressed support for item 77, stating that it was also needed. He then stated that Holyoke did not have enough PCR testing sites for Covid-19. He emphasized that the current sites had long waits.

President McGee stated that there had been emails for public comment which had already been communicated to councilors due to their length.

President McGee summarized the emails during the meeting. For purposes of public record, the entirety is provided here:

Gerardo Ramos, 275 Sargeant Street, stated:

We support Holyoke Green Growers LLC, a CCC Certified Economic Empowerment and Social Equity Cannabis company (HGG).

HGG has been diligently working on funding for a major cultivation, manufacturing, and dispensary project for over four years. HGG is on the cusp of closing on a building and beginning construction on a multi-million facility that is expected to employ over 100 Holyoke residents. I am strongly opposed to the Cannabis Moratorium proposed by Councilors Councilor Vacon and Sullivan. Any further delay will adversely impact the most successful business sector Holyoke has attracted in decades. Uncertainty will drive cannabis projects outside of Holyoke. Specifically, HGG has worked for years to obtain financing to build its facility in Holyoke. Any delay will kill the HGG Holyoke project.

Bridie Ryan, 73 Sargeant Street, stated:

I am owner of Evergreen Industries LLC, we are a Cannabis Cultivation company. We have been negotiating with a real estate company, Sargeant Race LLC, to lease an Industrial space at 73 Sargeant Street, for the last three months. It faces the canal, it is an ideal location and spot for a small company, like ours, that hopes to start a Tier 1 (under 5,000 square foot) grow facility. We are a family run, female owned business. Myself and my husband lived in Holyoke for many years, when our children were small, and we attended HCC. We have hopes to be part of the Holyoke Revitalization effort. We chose Holyoke for its welcoming Cannabis reputation and because you have lots of Industrial zoned, empty buildings. Unfortunately, after months of consulting with attorneys, building contractors and substantial financial investment we have come to learn our space would be subject to denial, because of the ordinance requiring we be 200' from any other business. No other municipality has that stipulation and it currently prevents us from being able to lease any of the other available Industrial spaces in the entire city to cultivate.

We have also heard about the threatened moratorium on Special Permits related to odor regulation. Yet, the city has not issued any fines related to odor violations. It seems the city has other processes in place, it has not used, to manage concerns of odor, rather than stopping all Special Permits from proceeding. Time is money in business, we are not a huge corporation; we are just local Pioneer Valley people trying to make a career change. We cannot afford to carry the expense of leasing an empty 8,000 square foot Industrial unit, in a city threatening Cannabis Entrepreneurs with unrealistic restrictions and a halting of your permitting process. With COVID, so much of society has become unstable. Trying to start a new business carries great risk, but what Holyoke is proposing will cause even greater risk and uncertainty. We had hoped to be supporters of Holyoke, looked forward to investing in the community, but we cannot do that, if Holyoke is demonstrating it will not be supportive to us. I just wanted you to know these changes are directly impacting businesses looking to move to Holyoke, causing us to start looking elsewhere.

Christopher Renaudette, 73 Sargeant Street, stated:

So I write this letter today as a Holyoke native, born and raised, and am currently in the process of starting a business in the cannabis industry. Specifically located at 73 sargeant St., Which is actually also effected by the current ordinance language that I believe is considered to just be a typo and I also believe is supposed to be a simple fix. But as of right now I may be paying 5,000 dollars a month on a lease that could potentially not even qualify as being cannabis compliant if this wording isn't fixed. 5,000 dollars or

potentially even more might not be a lot of money to these big corporations but to me it's an awful lot, as I'm on a limited budget to start my business.

I am only asking that you take into consideration the hardships I've endured growing up in an area disproportionately impacted against the war on drugs. Growing up in this area I've been negatively affected my whole life while living there. After years of negativity being poured onto me and people just like me from these areas, we now have been given a chance to be involved in a legal booming cannabis industry.

But yet it still feels like it's us against the world and more specifically, us against the huge corporations, which always seem to have regulations and laws that cater to them while those same regulations and laws are just more hurdles presented to us, making the process more difficult and almost impossible for us small guys to even have a chance to get into the industry on an ownership level.

City and state officials always say this should be a fully inclusive industry with a very diverse portfolio of owners yet their actions tell us otherwise. This "proposed moratorium" seems to be yet another potential rule that will be just another hurdle in this already super hard process for us small guys to get thru, meanwhile being more like a speed bump for these big corporations that already pretty much run the whole industry.

I ask that anyone involved in this decision at least take into some consideration the hardships this ordinance would bring upon the small men and women in this industry that are just like me. I also can promise that everyone of us (small company & big corporations) are going thru extreme measures to mitigate the smell of cannabis and using the latest technology available to do so. Odor is a situation that is highly focused on when building out a cannabis cultivation site.

We are doing any and everything possible to the best of our abilities to mitigate this odor. Now with all that being said, there's a couple of other points I would like to make.

1. The air is filtered and a lot of cultivations don't even exhaust air outside to potentially cause an odor issue.
2. It poses no health risk to anyone.
3. There hasn't been a single complaint to the city about the odor of Marijuana.
4. It's crazy to me that you can walk by a factory that creates plastic and they're literally exhausting straight out of the building with no filter, no nothing and the surrounding area smells like straight chemicals but that's not an issue. Then you have businesses properly filtering air and mitigating the smell to the best of their abilities within the cannabis industry and it's a big issue.
5. These are literal plants that are part of nature and have a natural smell just like a pine tree or a rose and have no negative effects what so ever but yet there's a big cause for concern being raised. Which brings me to my final statement.....

Don't let something that is being taken ridiculously out of hand effect the booming cannabis industry here in Holyoke that is creating so many jobs and so much revenue for the city. I promise you that plenty of these residents of the flats would much rather be working in these good legal jobs rather than being arrested for cannabis!!

Gary Youm, 28 Appleton Street and 73 Sargeant Street, stated:

I am writing this email as I am extremely concerned about the proposed moratorium on issuing special permits for MMEs as well as any potential additional restrictions on Cannabis occupiers to deal with odor control.

My team and I recently acquired 28 Appleton Street and 73 Sargeant Street and we are looking to make further substantial investments in Holyoke because of the broad support it has shown for the Cannabis industry. We have several cannabis tenants (i.e., GTI, Analytics Labs) that have invested significantly in Holyoke (i.e., financial investment, investment into real property, as well as jobs) because of Holyoke's broad support for the cannabis industry. In addition, we have several prospective cannabis tenants that we have signed LOIs with that are owned by social equity applicants and that have chosen Holyoke because of its broad support for the cannabis industry and the social equity applicants.

A proposed moratorium on issues special permits for MMEs as well as proposed additional restrictions on Cannabis occupiers will have the following devastating effects:

Deter significant investment in Holyoke that has been coming from the Cannabis industry for years. According to the attached article,

The state's Cannabis Control Commission has approved 50 licenses for retail, cultivation, manufacturing, "micro businesses" and testing labs that are located in Holyoke – the most in the entire state. The next highest is Worcester with 32 approved applications, followed by Boston with 27.

Cannabis companies have been drawn to the city for its cheap electricity – one of the industry’s biggest expenses, given the massive energy footprint of cultivation facilities – and its location at the intersection of two interstates. City officials also have worked to attract the industry by making the bureaucracy of locating in Holyoke as smooth as possible.

By putting in effect a moratorium on special permits and placing additional unnecessary operating restrictions on the Cannabis industry, Holyoke will no longer be viewed as a city that is in broad support of the cannabis industry and one that makes it especially smooth to locate into Holyoke and risk all the good will it has built with the cannabis industry over the years.

We currently have 3 social equity applicants (woman and/or minority owned) that are going through the application process right now to become cultivators in Holyoke. With a moratorium and/or more restrictive odor control (i.e., more restrictive than what is reasonably necessary), these tenants will terminate our LOI arrangement and relocate to another town. I don’t believe Holyoke wants to deter this investment nor discourage these social equity applicants from locating in Holyoke. On the contrary, I believe Holyoke wants to support and do everything they can to promote these social equity applicants' success.

As a landlord, we are finalizing terms to purchase two additional buildings in Holyoke. This uncertainty (i.e., moratorium of special permits, potential for unreasonable restrictions on odor control, wavering of municipal support for the cannabis industry) would prevent us from moving forward in purchasing these assets. Other landlords would follow the same logic and decide not to invest in Holyoke anymore. It is quite simple - since we won’t be able to attract new tenants to Holyoke because of this uncertainty, we won’t be able to move forward with these investments.

Just as a further note, my understanding is that the the City of Holyoke currently has ordinance language to take care of odor and there have been NO odor complaints at city offices to date. The proposed moratorium and odor control restrictions are extreme measures to even consider when the cannabis industry has been a boom to Holyoke, taken buildings that would have otherwise been sitting abandoned, restored them and brought them up to code, as well as revitalized the economy. In addition, as a landlord that has non-cannabis tenants as well, I believe landlords are property motivated to want to make sure that their cannabis tenants control any odor that emanates from their operations.

I urge you to consider the bigger implications that have been mentioned above that a proposed moratorium on special permits and unreasonably and unnecessary odor control restrictions may have. Please do not hesitate to contact me if you would like to discuss further.

Thank you so much for your consideration.

Patti Devine, 58 Magnolia Avenue, stated:

I wish to thank the Ordinance Committee for voting in favor of Item 18E on your agenda today.

I especially want to thank Councilor Juan Anderson Burgos for filing this order. Of the many examples I heard at your meeting for deleting this section of the ordinance were that not having a dog on a leash on a public way would be detrimental to adults, children, other dogs, cats, public servants such as Police, Fire and DPW workers as well as Letter Carriers, and delivery services.

Two examples you did not mention were the blind or legally blind persons walking on public ways. In addition, there are many people who are very afraid of dogs. Interestingly back in the early 1990’s I had filed an order to delete this so I’m not sure how it got back into the ordinances, but regardless I do hope all councilors vote in favor of this change. My reasoning for deleting this ordinance in the first place was because of an owner who thought he had his dog under voice control, he did not. His dog, a large pit bull attacked a police officer who was answering a domestic call and clamped onto his arm. Thank goodness it was winter and his winter jacket prevented him from serious harm. The police officer had no choice but to shoot the dog. So, as you can see, dogs, no matter how gentle an owner thinks they are should always be on a leash on a public way when not in fenced in yards or controlled by electric fences.

Regarding Item #68, I’d also like to thank Councilor Anderson Burgos for filing this order on behalf of the DPW. The DPW board will be meeting next week to discuss this and offer changes to both section 2-2.01 and the Job Description of the Superintendent of the DPW. It is not imperative that the Ordinance Committee bring this order up immediately. Once the Board has made the necessary changes and they are approved by the Law Department and Personnel, we will be reaching out to Chair Councilor Vacon to have this put on the Ordinance Committee agenda so that we may discuss those necessary changes and the reason for the changes.

Lauri Solomon, 192 Walnut Street, stated:

I have a general request of the Council. With a number of new councilors and residents interested in city

politics, I would like it if the rules could be explained every now and then during council meetings. I don't want a dissertation every time something happens but there are councilors who seem like they might be using their expertise in Roberts Rules to obfuscate procedures. I think (hope) we all want a participatory government, which can't happen if only a few know what's going on. Thanks for your help and hope you and yours are feeling healthy.

COMMUNICATIONS

From Mayor Joshua A. Garcia, letter reappointing Mr. George Mettey, 7 Hemlock Dr. to serve as a member on the Library Board of Directors for the City of Holyoke: Mr. Mettey will serve a two-year term; said term will expire on February 2024.
---> Received and appointment confirmed.

Motion was made and seconded to suspend the necessary rules and take items 7 & 8 as a package
From Mayor Joshua A. Garcia, letter appointing Ms. Cheryl Figueroa, 223 Pine St. to serve as a Board Member for the Valley Opportunity Council for the City of Holyoke: Ms. Figueroa will replace Anthony Soto and will finish his term; said term will expire on December 31, 2022.
---> Received and referred to the Public Service Committee.

From Mayor Joshua A. Garcia, letter appointing Ms. Jacqueline Watson, 20 Easthampton Rd. #F6 to serve as a Board Member for the Valley Opportunity Council for the City of Holyoke: Ms. Watson will replace Kate Preissler and will finish her term; said term will expire on December 31, 2023.
---> Received and referred to the Public Service Committee.

From Mayor Joshua A. Garcia, letter appointing the following individuals to serve on the Citizens Advisory Committee (CAC) for the Office of Community Development for the City of Holyoke:

Mr. Terry Gibson
20 Oakwood Ave.

Mr. Russell J. McNiff Jr.
275 West Franklin St.

Mr. Victor Machado
40 Suffolk St.

Mr. Willie Spradley
8 Ross Rd.

Said terms for all appointments will expire on June 30, 2022.

UNDER DISCUSSION:

Councilor Bartley suggested that the appointments be confirmed right away, noting the critical timing of the committee's work. He emphasized the importance of the Mayor, Community Development, and the Development and Governmental Relations Committee to hear from the CAC on block grant funding. Councilor McGiverin questioned if the City Council had a role in confirming appointments to the CAC. Councilor Bartley suggested that may be accurate. He stated that he had not recalled confirming in the past, adding that there had been an intent for the City Council to approve all mayoral appointments through a petition to the state legislature. He then suggested that the Law Department may need to provide an update.

---> Received and appointment confirmed.

From Kathleen E. Degnan, Assistant City Solicitor, letter re: Number of Votes required to Transfer Monies for HR salary.
Councilor Jourdain asked that the council members receive a hard copy of the communication.

---> Received.

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin to City Council minutes of Special meeting of December 15, 2021, regular meeting of January 4, 2022 and Reorganization meeting of January 3, 2022.

---> Received.

From Tanya Wdowiak, City Auditor YTD budget Reports for the general fund and sewer enterprise ending December 31, 2021.

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

From Holyoke Planning Board communication re: Green Valley, 306 Race St. Annual Report.

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

From Holyoke Planning Board communication re: Mill Town Agriculture Annual Report January 2021.

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

From Holyoke Planning Board communication re: The High End Cannabis Co. 110 Winter St. Annual Report.

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

From Thomas J. O'Connor Animal Control information through year end December 31, 2021. Councilor Jourdain noted that Holyoke has a seat on their Board of Supervisors. He then asked who filled that seat.

Councilor Tallman suggested it could be the Animal Control Officer.

Councilor Jourdain noted they do great work.

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

From Board of Fire Commission minutes of November 30, 2021.

---> Received.

REPORTS OF COMMITTEES

(33:35)

Motion was made and seconded to suspend the necessary rules to take up items 18A and 18B as a package.

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.
- 6. That the applicant must abide by Massachusetts General Laws and guidance's from the Cannabis Control Commission.

Committee Members:
 Linda L. Vacon
 Jose Maldonado-Velez
 Kocayne Givner
 Kevin A Jourdain
 Israel Rivera_I

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 10--Nays 2 (Jourdain, Vacon)--Absent 1 (Anderson-Burgos).

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.
6. That the applicant must abide by Massachusetts General Laws and guidance's from the Cannabis Control Commission.

Committee Members:

Linda L. Vacon
 Jose Maldonado-Velez
 Kocayne Givner
 Kevin A Jourdain
 Israel Rivera_I

UNDER DISCUSSION:

Councilor Vacon stated that the motion from the committee was to approve the special permits, noting they had been 3-2 votes in committee. She stated there had been arguments relative to concerns about liability to the city if there were to not be approved. She then deferred to Councilor Jourdain to present a minority report.

Councilor Jourdain stated that his concern was a procedural issue. He stated his conclusion was that the special permits were required to be denied, noting that the ordinances setback buffer of 200 feet had been in effect when the applicants had applied. He noted that he researched if they had filed before the new ordinance was adopted. He then stated that while he understood there was discussion of different buffer language, the special permits would not be in compliance with the law. He suggested that a fair remedy would be to deny without prejudice, allowing the applicants to apply again following an amendment to the buffer distance language without needing to wait two years following a denial. He then emphasized that the date of the closing of their public hearings compelled the City Council to take a vote that night to avoid having the permits granted automatically.

Councilor I. Rivera stated that the intent of approving the permits was to assure the Council had the opportunity to place conditions on the permits before the 90 day deadline for action expired. He then stated that they understood the Council would work quickly to fix the language issue. He also noted that applicants had been under the impression that the language would have already been fixed. He suggested that it applicants should not be penalized for the Council's mistake. He then made a motion to request that the law Department weigh in on the concerns expressed by Councilor Jourdain. Councilor Tallman seconded the motion.

Atty Bissonnette stated that many issues existing with the Council's action when the ordinance amendments were adopted in April 2021. He then stated that relative to the buffer language, there had been an error on the approved legal form. He stated that zero buffer had been a mistake, suggesting it had been a place holder and that 200 feet should have been in place. He suggested that the Council should take up a motion to rescind to correct the buffer language and restore it to the previous language. He stated that in case law, scrivener's errors have been able to fixed within a period of time, adding it would require a two-thirds vote due to lack of notice.

Councilor I. Rivera reiterated that the intent to fix the issue quickly had been the reasons why the petitions were moved forward.

Councilor Givner asked if such a vote could be taken at that time.

President McGee stated that a vote on the permits would take place.

Councilor Bartley made a motion to amend in order to add a condition “that the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit.” Councilor Vacon seconded the motion.

Councilor Bartley stated that the Council can add reasonable conditions under 94G, Section 3 of Mass General Laws (M.G.L.). He then noted that Section 9.3.3 of Holyoke Zoning Ordinances states, “Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this ordinance.”

He then suggested it was bad form to change the ordinance on a Robert’s Rule motion without having anything printed on a public agenda. He then stated that adding an extra condition would allow the Council to regulate potential public nuisances such as odors while giving abutters an opportunity to file complaints to city departments. He then suggested that the condition could be added to previously approved permits when they come back for renewal.

Councilor Jourdain asked Atty Bissonnette if the final legal form adopted by the Council included a 200 foot buffer from all other uses.

Atty Bissonnette stated that had been the intent but not what was voted on.

Councilor Jourdain stated that had actually occurred. He then asked Atty Bissonnette what he believed was adopted.

Atty Bissonnette asked for the source of that information. He then noted that there had been issues with what was available on the city website, adding that the updated cannabis zoning ordinance had not been updated when the applicants had filed their applications.

Councilor Jourdain asked to confirm that the current ordinance says zero.

Atty Bissonnette stated that was correct. He then stated that if that was not correct, there would not be an issue with the petitioners.

Councilor Jourdain stated that the issue was a 200 foot buffer from any other use, adding that zero feet would mitigate the issue. He then asked to confirm definitively that the current ordinance was a zero foot buffer.

Atty Bissonnette stated that a 200 foot buffer from any other use would be effectively a full ban. He then suggested that a manufacturer/cultivator could be within 200 feet, noting they would be a similar use.

Councilor Jourdain stated that it was allowed in IG, adding that the concern would be distance from uses such as residential areas.

Councilor Givner noted that the committee added condition 6 requiring adherence to M.G.L. and CCC, suggesting that this condition would cover the use of the motion made by Councilor Bartley. She then stated she had no issue with adding more specificity. She then emphasized that correcting errors in written laws was not uncommon and should not be difficult in the pending matter. She then stated that having such a buffer would not allowed according to CCC guidelines.

Councilor I. Rivera stated that the discussion in committee addressed some of the points of the proposed amendment, adding that condition 6 was a consensus decision that would cover those points.

Councilor Vacon clarified that the current ordinance language had been a 200 foot buffer. She noted that the confusion came from the posted ordinance only providing for a 500 foot buffer from schools, adding that the Planning Board language recommended a zero foot buffer from any other use.

Councilor McGiverin emphasized that a final vote needed to be taken that night or the decision would be made for them. He then recalled that during debate for the original cannabis ordinance, location and use had undergone much discussion. He then stated that in current ordinance, the intent had been clear. He also noted that the historic purpose of the IG zone had been for the purposes of having a robust downtown with convenient walking distance for workers employed at industrial locations. He then noted that the traditional conditions had been and should be special. He then stated that he supported the sixth condition as odor regulations were a part of M.G.L. He also noted that there had been no complaints about odor up

to that pint.

Councilor Jourdain read from a letter submitted by Atty Degnan on December 17, 2021:

"It is my understanding that the reason for the amendment to the Zoning Ordinance was to correct a scrivener's error. More specifically, I have reviewed a letter from the Holyoke Planning Board dated November 18, 2021, which states that their suggested changes to the Zoning Ordinance was to correct an inadvertent imposition of a 200-foot buffer for all Marijuana Establishment Uses from any other uses in the Table of Principal Uses."

He then emphasized that this letter states a 200 foot buffer was implemented. He then noted that on the April 20, 2021 agenda had an order stated that the intent was to reduce the buffer from 500 feet to 200 feet. He then reiterated his concern that the applicants could be granted if they were not following the current law.

Atty Degnan stated that her letter came attached to a Planning Board recommendation of a zero buffer, highlighted in red to indicate a change to the current ordinance.

Councilor Maldonado Velez emphasized that while there was a reference to M.G.L. 94G, the law includes language that clarifies condition can be added, "provided that they are not unreasonable impracticable." He then suggested that with over 30 community host agreements signed, if there were not 30 spaces for all businesses, the buffer would be unreasonably impracticable. He then suggested that the ordinance was against M.G.L. He also noted that another condition was considered to address odor. He then emphasized that marijuana was not the only odor that could be an issue from manufacturing, suggesting that any orders addressing odor should encompass all odor issues.

Motion to amend to add a seventh condition passed by a majority on a show of hands vote.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 10--Nays 2 (Jourdain, Vacon)--Absent 1 (Anderson-Burgos).

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.
6. That the applicant must abide by Massachusetts General Laws and guidance's from the Cannabis Control Commission.

Committee Members:

Linda L. Vacon
 Jose Maldonado-Velez
 Kocayne Givner
 Kevin A Jourdain
 Israel Rivera_I

UNDER DISCUSSION:

Councilor Bartley made a motion to add a seventh condition, stating "that the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit." Councilor Vacon seconded the motion.

Councilor Vacon stated that the committee's motion was to recommend approval, adding that it had been a 3-2 vote. She then stated that the debate was largely identical to that of the previous two application. She then noted that in light of a statement made during public comment, she emphasized that as the deed was a matter of public record, it was fair for the applicant or any other interested citizen to weigh in. She also stated that the minority would be the same as before.

Councilor Bartley questioned the statement made in public comment that new information could not be considered by the body. He then emphasized that new information received that day, the property deed, had been a fact of public record. He then stated that while he understood points by another attorney regarding issues with the property deed, he requested a legal interpretation from the city's attorneys on the effect of the deed.

Atty Bissonnette stated that property had been purchased from the city at a tax title auction. He then stated that there had been a provision allowing them to transfer it to another entity if the purposes would be consistent with their initial proposal. He then confirmed that this had been the intent of the owner.

Councilor Bartley noted that the warranty deed, H & H Holdings had appeared as the signatory, appearing as though they were signing it to themselves. He suggested that it was not a fatal issue, but would be problematic.

Atty Bissonnette stated that they would have to correct it to be within the city's requirements before they could get state approval.

Councilor Bartley asked if 42 Main St and H & H Holdings were the same people.

Atty Bissonnette stated they were.

Councilor Bartley stated that it would make the correct more easily fixable.

Motion to amend to add a seventh condition passed by a majority.

Councilor Jourdain expressed his intent to oppose for the same reasons as stated with the previous two orders.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 10--Nays 2 (Jourdain, Vacon)--Absent 1 (Anderson-Burgos).

The Committee on Ordinance to whom was referred an order that That the City of Holyoke, re-examine the current ordinance which only specifies that the snow and ice shall be removed from the entire width of the sidewalk on all portions of streets on which parking meters are installed but does not state this for residential zones.

Sec. 78-141. - Removal of snow and ice.

(a) No owner or person in control of an estate abutting upon any street, lane, court, or square within the city where there is a sidewalk shall place or suffer to remain for more than 24 hours any snow upon such sidewalk, or any ice upon such sidewalk unless such ice is made even and covered with sand, sawdust, ashes or other suitable material to prevent slipping; nor shall any person place any ice or snow onto other private property or public ways. This section shall apply to snow or ice which may have fallen from any building upon such sidewalk and to snow which may have accumulated upon such sidewalk by drifting, and to ice formed from water running or accumulating upon such sidewalk.

(b)

On all portions of streets on which parking meters are installed, all snow and ice shall be removed from the entire width of the sidewalk within eight hours after the cessation of any snowstorm.

(Code 1972, § 18-15)

We are currently having issues with the owner of 921 Dwight Street, Holyoke, MA in which he does not abide by the ordinance and when he finally gets to complying he shovels out a 12 inch pad as wide as the shovel in his corner lot located on Linden and Dwight Street. Residents have raised their avid discontent in the matter, the HPD and BOH have tied resources in the matter and as most recent as this last snow storm it appears that the owner is not aware of his property lines and responsibility. See library of images that I am including as an example since the snow season started.

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

Committee Members:

Linda L. Vacon
 Jose Maldonado-Velez
 Kocayne Givner
 Kevin A Jourdain
 Israel Rivera_I

UNDER DISCUSSION:

Councilor Vacon stated that the committee arrived at a consensus following amendments and review of legal form.

Councilor Bartley noted that the current ordinance stated, "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."

Councilor Vacon stated that part would remain.

Councilor Bartley made a motion to amend the language to change eight hours to twenty-four hours. Councilor Tallman seconded the motion.

Councilor Bartley stated that eight hours would be inconsistent with M.G.L., adding that there could be no carveout for metered areas. He then emphasized that the Supreme Judicial Court had also been clear on this.

Councilor McGiverin noted his legal form only mentioned twenty-four hours.

Councilor Vacon clarified that the proposed legal language was what would be added to the ordinance, noting that the current ordinance would remain. She stated the intent was to add without removing any of the current language.

Councilor McGiverin read the legal language which stated that all snow and ice must be removed from the entire width of the sidewalk within twenty-four hours, as well as a section laying out a fine of \$50 for violations.

Councilor Vacon reiterated that the current language specified eight hours for metered streets and was not being addressed by the proposed ordinance change. She then suggested that Councilor Bartley's amendment be a separate order.

Councilor Maldonado Velez reiterated that the legal language was only what was being added. He then suggested that the eight hour section be deleted to not specific metered streets.

Councilor McGiverin suggested that the motion may be out of order.

President McGee noted that the order language specified eight hours because it was the language of the current ordinance, then reiterating the legal language was only specifying any changes being proposed.

Councilor Bartley made a motion to refer to the Law Department to amend the language, deleting the eight hour section. Councilor McGiverin seconded the motion. Motion passed.

Councilor McGiverin made a motion to lay on the table. Councilor Bartley seconded the motion. ---> Report of Committee received and laid on the table.

The Committee on Ordinance to whom was referred an order 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. have considered the same and Recommended that the order be adopted.

Committee Members:

Linda L. Vacon
 Jose Maldonado-Velez
 Kocayne Givner
 Kevin A Jourdain
 Israel Rivera_I

UNDER DISCUSSION:

Councilor Vacon stated that there had been consensus understanding in committee that while dogs could

be under voice control, there had been several incidents when voice control had not been adequate. She then stated that the idea of restraint should be clear to make sure people can safely walk on public sidewalks. She added that there was recognition that dogs could be off leash if in their own yard, striking a balance between private property and public safety.

Councilor Maldonado Velez noted that M.G.L. already requires dogs to be leashed in public places.

---> Report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays

--Yeas 12--Nays 0--Absent 1 (Anderson-Burgos).

The Committee on Ordinance to whom was referred an order 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.

have considered the same and Recommended that the order has been complied with, with a further recommendation that appropriate departments research potential health and quality of life impacts that have been raised.

Committee Members:

Linda L. Vacon

Jose Maldonado-Velez

Kocayne Givner

Kevin A Jourdain

Israel Rivera_I

UNDER DISCUSSION:

Councilor Vacon stated that the Law Department advised that since the community had voted to approve marijuana in the city, adopting a moratorium would require a lengthy process. She stated that rather than moving in that direction, they would seek to collaborate with city departments to address the issues and concerns being raised relative to odors.

Councilor McGiverin asked to clarify if the order was being complied with or that the Council would be following a recommendation.

Councilor Vacon clarified that the order was being complied with in that the intent was discussed but found not to be possible.

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

(1:49:30)

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:
 11411-51101 ASSESSOR \$5,000.00
 TOTAL: \$5,000.00
 TO:
 11412-53090 ASSESSMENT UPDATE \$5,000.00
 TOTAL: \$5,000.00

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

Committee Members:
 Joseph McGiverin
 Kevin A Jourdain
 Will Puello
 Juan . Anderson-Burgos
 Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that Assessor position had a surplus due to being vacant at that time and would have enough to cover the salary when it is eventually filled. He then stated that the request was to pay for the assessment update and to have it certified by the state.

---> 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 (Anderson-Burgos).

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, SIXTEEN THOUSAND ONE HUNDRED EIGHTY AND 00/100 Dollars (\$16,180.00) as follows:

FROM:
 11351-51102 ASSISTANT AUDITOR - PAY \$9,800.00
 11351-51105 HEAD CLERK - PAY 6,380.00
 TOTAL: \$16,180.00
 TO:
 11452-56000 IRS PENALTIES \$16,180.00
 TOTAL: \$16,180.00

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

Committee Members:
 Joseph McGiverin
 Kevin A Jourdain
 Will Puello
 Juan . Anderson-Burgos
 Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the accounts where the transfers were coming from had surpluses due to vacancies. He then stated that the IRS penalties total was \$18,000 and that the transfer would assure enough was in the account. He then stated that the penalty was due to a withholdings transfer error the previous summer where the withholding had been around 10 days late. He then noted that the initial penalty being asked for was \$138,000 and that the Treasurer was able to work with them to decrease the amount.

Councilor Jourdain stated that he would support the transfer due to the legal requirement to do so. He then emphasized that the taxpayers were paying \$18,000 due to an employee's mistake, adding that this was not acceptable.

Councilor Vacon noted that the error had taken place while the previous Treasurer was in place.
 ---> 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 (Anderson-Burgos).

The Committee on Finance to whom was referred an order That the Assessors appear before the City

Council to discuss the current property tax exemption amounts and qualifying criteria to see if any adjustments can and should be made to ensure all deserving residents who should qualify for assistance get that assistance. We also want to make sure we are strategically taking advantage of all state subsidized exemptions for the financial support of our needy residents especially as the city has continued to increase property taxes to record levels. This is hitting many people hard and they need our help. have considered the same and Recommended that the order has been complied with, with a further recommendation that the age for eligibility of a 41C exemption be lowered to 65.

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan . Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that recommendation came as a result of a healthy discussion with broad agreement, including that the age of the 41C exemption should be lowered.

Councilor Jourdain emphasized that there is help for financially cash strapped seniors on their property taxes. He noted that taxes were creating struggles for many, further emphasizing that the city has the highest tax rate in the state. He then stated that there were 259 exemptions for reimbursement by the state with a reimbursement of \$500 each if they qualify, noting that only 49 seniors had applied for them in the past year. He then stated that the city set the amount at \$750, with \$250 of it being paid for by the city. He added that more should be done to promote the exemption. He encouraged more people to apply, adding that the Assessor's office had the information people may need.

Councilor McGiverin noted that there had been a document describing all of the exemptions available.

Councilor Bartley suggested that new councilors can learn a lot from the work done by veteran councilors.

Councilor Tallman reiterated how much of a need there was to help seniors and veterans. He stated that he would plan to post a list of the exemptions at the Senior Center.

President McGee noted that the Admin Asst posted the information to the city's social media accounts.

Councilor I. Rivera expressed appreciation that the information had been discussed and promoted.

Councilor Murphy-Romboletti suggested translating the information into Spanish.

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

Councilor McGiverin noted that the committee meeting had also included lengthy discussion of a bond to pay for the feasibility study of a new middle school project. He then stated that there had been questions posed to the School Building Committee, with answers expected to come back later that week. He then emphasized that there was a tight timeline to get the project before the MSBA.

President McGee stated that there had been no committee meetings for the committees on Public Safety, Public Service, Development and Governmental Relations, Charter and Rules, or the Joint Committee. He then reminded councilors that on the new orders, debate on matters being referred to committee should take place in committee.

Councilor Tallman stated that the Public Service Committee would be meeting the following evening.

Councilor Maldonado Velez stated there would be meetings for the Charter and Rules Committee on January 26th and February 23rd.

ORDERS AND TRANSFERS

(2:09:10)

Motion was made and seconded to suspend the necessary rules to take up items 25, 26, 27, 28, and 29 as a package.

MALDONADO-VELEZ Ordered, that Order that we degender the language of rule 2

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

MALDONADO-VELEZ Ordered, that Order that we degender the language of rule 4

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

MALDONADO-VELEZ Ordered, that Order that we degender the language of rule 37

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

MALDONADO-VELEZ Ordered, that Order that we degender the language of rule 62

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

MALDONADO-VELEZ Ordered, that Order that the City Council Rules are reviewed, reorganized, and that titles are added for accessibility.

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

MALDONADO-VELEZ Ordered, that Order that we include closed captioning on Zoom and other virtual spaces.

---> Received and adopted. Referred to the Holyoke Media. Copy to Jeffery Anderson-Burgos.

MALDONADO-VELEZ Ordered, that Order that we ban single use plastic bags, straws, and/or food containers.

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

MALDONADO-VELEZ Ordered, that Order that we look into creating an ordinance around trash pick up that is similar to when it snows, where residents, business owners, and the city are responsible for the trash on their property.

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

MALDONADO-VELEZ Ordered, that Order that we create a Technology Advisory Board to advise the council on the impact and implications of technological innovations on financial services, human services, infrastructure, politics, taxing of tech companies. The board will give recommendations on policy change in order to bring our systems up to date.

President McGee suggested it be referred to the Mayor, noting that the City Council cannot enter into contracts.

Councilor Maldonado Velez stated the intent was to consider creating a new subcommittee for the City Council.

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

MALDONADO-VELEZ, Anderson-Burgos Ordered, that Order that we create a Food Economy Coalition to identify and propose innovative policies, programming, and/or project solutions to improve the Holyoke food system and food entrepreneurship. Recommendations will be made to aligned bodies, such as the Office of Planning & Economic Development, the City Council, and relevant city departments (eg. DPW, BoH, etc.)

Councilor Maldonado Velez asked if it would be appropriate to lay the item on the table to allow him to attach a communication to it.

President McGee stated it could be referred to the committee and then the information could be provided at the committee.

---> Received and referred to the Public Service Committee. Copy to Public Safety.

Motion was made and seconded to suspend the necessary rules to take up items 35, 36, 37, 39, 40, 41 as a package.

MCGEE Ordered, that the chief of police come before the finance committee to discuss the staffing issues it is having with the department and the budgeting concerns.

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

MCGEE Ordered, that the legal department, chief of police, auditor and mayor come before the finance committee to address the 4th captain position.

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE HUNDRED EIGHTY FIVE THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$185,500.00) as follows:

FROM:		
12101-51510	SICK BUYBACK	\$100,000.00
12101-51505	TIME OWED	45,000.00
12101-51500	VACATION BUYBACK	40,500.00
	TOTAL:	\$185,500.00
TO:		
12102-55860	PERSONNEL EQUIPMENT	\$21,000.00
12102-54221	SUPPLIES-AMMO	14,500.00
12102-53010	DATA MAINTENANCE	36,000.00
12102-52410	R&M M/V	20,000.00
12102-53190	EDUCATION & TRAINING	30,000.00
12102-54830	M/V SUPPLIES	14,000.00
12102-54800	M/V FUEL	30,000.00
12102-54200	OFFICE SUPPLIES	20,000.00
	TOTAL:	\$185,500.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 18, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2022 SENATOR CHARLES E. SHANNON, JR. COMMUNITY SAFETY INITIATIVE (SHANNON CSI), \$556,355.26, 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 18, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, that Ordered to accept the recent in-kind gift contribution from Ceaco to the Veteran's Services Office of 1 pallet of various games/puzzles valued at \$2,821.50.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 18, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022,

SIXTEEN THOUSAND NINE HUNDRED TWO AND 10/100 Dollars (\$16,902.10) as follows:

FROM:		
12101-51104	LIEUTENANT	\$3,883.22
12101-51105	SERGEANT	3,361.90
12101-51107	PATROLMEN	9,656.98
	TOTAL:	\$16,902.10
TO:		
12101-51180	INJURED ON DUTY	\$16,902.10
	TOTAL:	\$16,902.10

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 18, 2022.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated that the order was an accounting measure for public safety employees who have injured on duty claims. He then expressed his understanding that the transfers cover 5 employees. ---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Anderson-Burgos).

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO HUNDRED FIVE THOUSAND AND 00/100 Dollars (\$205,000.00) as follows:

FROM:		
12101-51104	LIEUTENANT	\$30,000.00
12101-51107	PATROLMEN	105,000.00
12101-51117	E911 DISPATCHER	70,000.00
	TOTAL:	\$205,000.00
TO:		
12101-51109	RESERVES	\$30,000.00
12101-51300	OVERTIME	175,000.00
	TOTAL:	\$205,000.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 18, 2022.

Joshua A Garcia, Mayor

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

MURPHY-ROMBOLETTI, Anderson-Burgos Ordered, that Ordered that the City Council amend Holyoke Zoning Ordinances Section 7.10.5.3(a) by deleting “other use as listed in Table 4.3 of Principle uses” and inserting the following language in its place: “any pre-existing public or private school providing education in pre-kindergarten, kindergarten, or any grades 1 through 12” or other such legal form sufficient to resolve any uncertainty over the interpretation of the existing ordinance as compliant with state law. ---> Received and referred to the Ordinance Committee.

MURPHY-ROMBOLETTI, Anderson-Burgos Ordered, that Ordered that the City Council amend Holyoke Zoning Ordinances to correct the site plan review process in Section 7.10.6.5(b). ---> Received and referred to the Ordinance Committee.

MURPHY-ROMBOLETTI Ordered, that Ordered that the City Council consider-and, requested that the Mayor direct appropriate City staff to study-options for amending existing zoning regulations for Cannabis

Businesses to better diversify the siting of marijuana businesses in the City.

Proposed options should consider all permissible uses under 935 CMR 500.050 and give consideration to the state's "recommendation [] to zone cannabis businesses based on the nature of their primary business operations" as opposed to overly restrictive zoning, resulting in marijuana businesses being "crowded into small sections of a municipality, often areas with a vulnerable or low-income population."

---> Received and adopted. Referred to the Mayor Garcia.

MURPHY-ROMBOLETTI, Rivera_I Ordered, that Ordered that the City of Holyoke equally and equitably investigate air quality concerns relating to commercial uses in and around the IG zone, regardless of whether the commercial use is a cannabis business or non-cannabis business.

---> Received and referred to the Public Safety Committee. Copy to Board of Health.

MURPHY-ROMBOLETTI Ordered, that Ordered that the City Council adopt a rule to establish a two year legislative term. Any orders pending in committee or not acted on by the end of the legislative term must be re-filed at the start of the subsequent legislative term.

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

MURPHY-ROMBOLETTI Ordered, that Ordered that the City Council amend or clarify enforcement of Rule 61 so that a committee must act on an order within 30 days of City Council referral. Any order not acted on within 30 days shall be deemed tabled.

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

Motion was made and seconded to suspend the necessary rules to take up items 48, 49, and 50 as a package.

MURPHY-ROMBOLETTI Ordered, that That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal and sell 299 and 307 Walnut Street for \$10,000 to OneHolyoke CDC. 299 and 307 Walnut Street are adjacent vacant lots totaling approximately 10,976 square feet in size. The properties are identified in the Holyoke Assessor's records as Map 004, Block 06, Parcels 004 and 005, zoned Downtown Residential (DR) and have a combined assessed value of \$69,000.

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

MURPHY-ROMBOLETTI Ordered, that That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal and sell 394 High Street for \$15,000 to WF Real Estate Holdings LLC (affiliated with Way Finders, Inc.). 394 High Street is a vacant lot approximately 4,095 square feet in size. The property is identified in the Holyoke Assessor's records as Map 011, Block 04, Parcel 014, zoned Downtown Business (BC) and has an assessed value of \$21,900.

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

MURPHY-ROMBOLETTI Ordered, that That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal and sell 400 High Street for \$15,000 to WF Real Estate Holdings LLC (affiliated with Way Finders, Inc.). 400 High Street is a vacant lot approximately 3,833 square feet in size. The property is identified in the Holyoke Assessor's records as Map 011, Block 04, Parcel 013, zoned Downtown Business (BC) and has an assessed value of \$24,300.

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

PUELLO Ordered, that That the Law Department give an opinion regarding who is at fault, if a property owner clears/properly removes snow for their area of responsibility within the allotted twenty four hours, and a DPW plow truck or similar city contracted vehicle plows snow back onto that property owners area of responsibility before/after the allotted time.

Councilor Bartley made a request to receive feedback in 30 days.

Councilor Jourdain noted that in instances when this has happened, the Department of Public Works has returned to clear their mess.

---> Received and adopted. Referred to the Law Department. Please respond within 30 days..
 Motion was made and seconded to suspend the necessary rules to take up items 52 and 75 as a package.
 PUELLO Ordered, that That the DPW Superintendent work with the Fire Department Alarm Division and explore the costs to install blinking/flashing lights to alert residents of any upcoming parking bans, possibly at the following locations or throughout the City (Main and Cabot, Sargeant and Main, Jackson and Main, Maple and Sargeant, Maple and Jackson, Pine and Resnic.

---> Received and referred to the Public Safety Committee. Copy to Gas and Electric, DPW, Alarm Division.

GIVNER Ordered, that That the city of Holyoke install storm warning lights much like those in neighboring communities. These would act to signal coming snow and other inclement weather storms, prompting residents to check our city web site as well as their preferred news sources. Storm warning lights would also act as a parking ban notification in an effort to assist our overextended police department.

---> Received and referred to the Public Safety Committee. Copy to Gas and Electric, DPW, Alarm Division.

PUELLO Ordered, that That the DPW install the appropriate signage and convert the intersection of Chestnut and Franklin streets into a three way stop. Drivers are speeding on Franklin Street and an existing blind spot on Chestnut street poses a significant hazard.

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

PUELLO, Bartley Ordered, that That the DPW install another "Do Not Enter" sign at the intersection of Springdale Avenue and Main Street. Drivers are entering Springdale Avenue from Main Street traveling against the "One Way" and are failing to see the only existing sign. Please add Glen St. as well. Councilor Bartley made a motion to amend the order to add "and Glen Street." Councilor Vacon seconded the motion. Motion adopted.

Councilor Bartley then asked to be added to the order.

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

RIVERA_I Ordered, that the City Council invite the Department of Public Works as well as the Park & Recreation Department to meet with the Public Safety Committee around addressing the graffiti at the SkatePark located at Pulaski Park along with also exploring the possibility of developing a larger master plan for Pulaski Park in its entirety.

Councilor Bartley made a motion to amend to include Holyoke Police Department. Motion passed.

Councilor I. Rivera stated the intent was to bring departments together to develop a larger cohort of service providers that can help provide resources to those facing homelessness and substance and find spaces for prevention for kids in the community.

Councilor Vacon stated that the Sheriff's office had a coalition that should be worked with as well.

Councilor I. Rivera stated that was the Safe Neighborhood Initiative.

Councilor Tallman asked to be added to the order.

---> Received and referred to the Public Safety Committee.

RIVERA_I Ordered, that that the City council invite the Department of Public Works as well as the Parks & Recreation Department to a Public Safety committee meeting to address the upkeep and or improvement of Laurel St. Park.

---> Received and referred to the Public Safety Committee.

RIVERA_I Ordered, that the city council invite the Mayor, Community Development, Parks & Recreation Department, HPD as well as Public health to a Public Safety committee meeting to discuss developing so form of community coalition around addressing homelessness, substance abuse, and youth programming.

---> Received and referred to the Public Safety Committee.

VACON, Tallman Ordered, that each city department ensures compliance with the ordinance to clear snow from sidewalks within 24 hours for city owned properties. There is a specific constituent request for the sidewalk near the field near McMahon School.

Councilor Vacon stated that if fines are going to be given to residents, city departments should be held accountable as well.

Councilor Tallman asked to be added to the order. He then noted that he had a conversation with a resident about the issue on Westfield Road near Kane Road, adding that Homestead Road needed to receive more treating.

Councilor Vacon stated that there may be a division of labor issue where different departments are responsible for various locations.

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

VACON Ordered, that our City Engineer recommend and implement safety improvements on Westfield Road at the curve near #292. Another driver ran off the road in December into two front yards and left the scene.

---> Received and referred to the Ordinance Committee. Copy to DPW & Engineer.

VACON Ordered, that That the current buffer in the marijuana ordinance (200feet from any other use...)be reviewed and revised to schools, residences etc. to ensure opportunities for new marijuana businesses and to ensure continued development opportunities for established local business in accordance with our master plan, Connect, Construct, Create.

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

VACON Ordered, that Amend city council rules by adding: Legal form for Ordinance changes shall be provided 48 hours prior to a City Council meeting.

If legal form is not provided 48 hours prior to the meeting, upon objection of any member of the City Council, the matter will be tabled until the next meeting. The purpose of this rule is to ensure that each Councilor has time to read proposed changes prior to voting on the matter.

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

ANDERSON-BURGOS Ordered, that Ordered that a pedestrian crosswalk be placed where Portland St meets Beech St. A student was struck by a car as she tried to cross the street from the front of Holyoke High School.

Refer to Public Safety, copy to DPW

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

Motion was made and seconded to suspend the necessary rules to take up items 63, 64, 65, 66, 67 as a package.

ANDERSON-BURGOS Ordered, that Ordered that SUEZ and the Holyoke Housing Authority meet with the public safety committee to discuss how to fix the flooding issues that residents from Beaudoin Village have been experiencing for years.

Refer to Public Safety, copy to Suez, HHA

---> Received and referred to the Public Safety Committee. Copy to Suez & HHA.

ANDERSON-BURGOS Ordered, that Ordered that DPW and Parks & Rec look into making Rohan Park a kids and dog park. As it stands only half of the park is being utilized.

Refer to Public Safety, copy to DPW, Parks & Rec

---> Received and referred to the Public Safety Committee. Copy to DPW & Parks and Rec.

ANDERSON-BURGOS Ordered, that Ordered that the DPW change the size of the "no turn on red" signs located on the corner of Hillside Ave and Cherry St. The current signs are too small, making drivers unaware of them.

Refer to Public Safety, copy to DPW

---> Received and referred to the Public Safety Committee. Copy to DPW.

ANDERSON-BURGOS Ordered, that Ordered that "cross street does not stop" signs be placed on the stop signs where Locust meets Hampshire. There have been many near misses from drivers on Hampshire likely expecting drivers on Locust to stop at the intersection.

Refer to Public Safety, copy to DPW

---> Received and referred to the Public Safety Committee. Copy to DPW.

ANDERSON-BURGOS Ordered, that Ordered that the sidewalk in front of 211 West Franklin St be repaired. The roots from the tree in front of the house has raised the sidewalk making it difficult to transport their disabled child.

Refer to Public Safety, copy to DPW

---> Received and referred to the Public Safety Committee. Copy to DPW.

ANDERSON-BURGOS Ordered, that Ordered, "Pursuant to the authority granted them under section 3 of chapter 556 of the Acts of 1948, the city council declares the duties and qualifications of the general superintendent of the department of public works under qualifications and duties."

The code in question is Sec. 2-201 Duties and Qualifications

This was a request from DPW Commissioner, Patti Devine. They'll explain more when it's taken up in committee.

Refer to Ordinance

Councilor Vacon noted that the order does not ask for anything.

President McGee stated that the committee could discuss it to understand what the intent was.

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

BARTLEY Ordered, that The city amend its ordinances to limit parking during business hours in front of 548 South St as this is a new restaurant in W-3. Refer to Ordinance, city engineer.

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

BARTLEY Ordered, that The DPW and Mayor consider repairing the sidewalk and tree belt proximate to 548 South St. Send copy to Finance. Request appropriation from Mayor if this Order makes sense.

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

BARTLEY Ordered, that The city DPW fix the gaping hole in sidewalk proximate to 366-372 High St.

Refer to DPW. Please repair asap as the property is soon to go under massive renovation.

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

BARTLEY Ordered, that That the DPW fully plow, sand, salt all of Ogden St. Receive, adopt, refer to DPW with copy of Public Safety.

---> Received and adopted. Copy to Public Safety.

GIVNER Ordered, that That a streetlight be installed, by the City of Holyoke, at pole #10 on Sycamore St as requested by Mr. White of 50 Sycamore St. There is a retaining wall there and it is very dark in the evening. Suspicious activity has been occurring frequently. Lighting this area will add to the safety of our community and contribute as a deterrent against crime and loitering.

---> Received and adopted. Referred to the Gas and Electric. Copy to Mayor Garcia.

GIVNER Ordered, that That the City of Holyoke address poorly or un-plowed alleyways. Residents on the block of 192 Walnut str have been paying to have been paying to have alley plowed. Why are these not being plowed by the city if they are used by DPW for refuse pickup and access for Fire, Utilities, and police?

Councilor Jourdain stated that alleyways do not get plowed if not accepted public ways, adding that they are the extended property of the abutting homeowners.

Councilor Givner clarified that the request was due to the alleyway being where they were instructed to place their trash for pickup.

---> Received and adopted. Copy to Public Safety.

GIVNER Ordered, that That the City of Holyoke amend ordinance that provides Columbus day as a Holiday be updated to wording that reflects that Columbus Day will now be referred to as "Indigenous Peoples Day, formerly known as Columbus Day".

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

GIVNER Ordered, that That the Holyoke City Council adopt 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.

---> Given leave to withdraw by maker.

GIVNER Ordered, that That the City of Holyoke enforce no parking zones and implement warnings and or small fines for vehicles in violation. This is a danger and in many neighborhoods, makes it impossible to see oncoming traffic when turning onto or of side streets. Especially concerning in Ward 4 is the intersection of Hampden St at O'Connor Ave.

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

GIVNER Ordered, that That the City of Holyoke adopt a camera speed violation system in order to deter speeding on commuters through streets especially Beach, Hampden, Dwight, Maple, and High Streets . Holyoke has a city wide speed limit of 25mph. A ticketing system would remove this burden from our police department in some of the busiest areas while creating revenue for our city. It would also greatly reduce speeding and the running of traffic lights, by default increasing resident safety and life quality in all of our neighborhoods.

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

LATE FILED ORDERS & COMMUNICATIONS

(2:43:00)

Communication from Anthony Soto, Receiver/Superintendent letter regarding Agenda Item 15: Financial Literacy course.

Councilor Jourdain stated that it could just be received. He noted that it had already been discussed during a meeting which included information that they were already engaging in a financial literacy program.

---> Received.

Communication from Councilor Israel Rivera regarding: Guidance for Municipalities (Massachusetts Cannabis Control Commission).

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

GIVNER Ordered, that That the city of Holyoke establish/make public a reporting system for immediate safety issues such as the lack of stop signs or other traffic signage at the corners of Sycamore and Hampshire streets.

Councilor Givner asked if there was a way to address right away, noting there were no signs in the area.

President McGee asked if there were supposed to be signs that are just missing.

Councilor Givner stated that there should be stop signs if there are through streets.

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

Councilor Maldonado Velez asked if item 3 was taken up.

President McGee stated that it had remained tabled.

MCGIVERIN Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2021 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP, \$42,000, MATCH \$21,000," 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.

To the City Council:

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

January 18, 2022.

Joshua A Garcia, Mayor
---> Received and referred to the Finance Committee.

Adjourn at 09:50 AM.

A true record

ATTEST:


City Clerk