REGULAR MEETING OF THE CITY COUNCIL January 4,2022

The meeting was called to order by President McGee at 07:02 PM.

The Clerk called the roll. Absent members: 0 Present Members 13 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon)..

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

The Pledge of Allegiance was recited.

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

President McGee started that there was a full mask mandate through the city the following day. He also noted that the Board of Health Director advised that masks must be warn in Chambers. He stated that the interpreters were participating via Zoom due to Covid protocols, adding that it could lead to audio issues but would provide full interpretation for the video recording if necessary. He also noted that signal issues may create audio disruptions in the broadcast.

Councilor Tallman clarified that the mask mandate would begin in two days. Councilor Tallman made a motion to accept the City Council rules. Councilor Vacon seconded the motion.

---> City Council rules adopted as currently constituted.

LAID ON THE TABLE

President McGee stated that an order to adopt a wage theft ordinance had been laid on the table at the previous meeting but did not make it onto the evening's agenda. He noted that there had been debate at the previous meeting on the Council's intent on whether or not to refer back to the Ordinance Committee. He added that the video confirmed it had been laid on the table. He suggested there may be open meeting law concerns.

Councilor Jourdain suggested that the proper course would be to leave it on the table. President McGee stated that the next item was laid on the table to get the Mayor's opinion. Motion was made and seconded to remove item 1 from the table.

The Committee on Ordinance to whom was referred an order that Chapter 2, Article II, Division 6 "Administrative Assistant to the City Council," Section 2-181 "Duties generally" be amended to add an additional category of duties pertaining to the management and updates of the city website and social media accounts, including offering guidance to staff members of city departments on use of the website as a records access and communication tool.

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

Committee Members:

Rebecca Lisi

Juan . Anderson-Burgos

Linda L. Vacon

Terence Murphy

Libby Hernandez

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

UNDER DISCUSSION:

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

Mayor Garcia stated that he had a conversation with the Admin Asst Anderson-Burgos, adding that his intent was to clarify in the language that the position would collaborate with the Mayor's office and department heads on use of the City website and social media accounts.

Councilor Jourdain suggested proceeding with adoption if the language was available.

President McGee asked if there was language to be added to the previous draft of the

amendment.

Mayor Garcia expressed his expectation that the language would have already been drafted. President McGee suggested it could be laid back on the table in order to draft updated language.

Motion was made and seconded to lay on the table.

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

MCGEE Ordered, that The Committee on Ordinance to whom was referred an order that Chapter 2, Article II, Division 6 "Administrative Assistant to the City Council," Section 2-181 "Duties generally" be amended to add an additional category of duties pertaining to the management and updates of the city website and social media accounts, including offering guidance to staff members of city departments on use of the website as a records access and communication tool.

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

Committee Members:

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

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

PUBLIC COMMENT

(6:45)

Owen Broadhurst, 1328 Northampton Street, stated that the new Council was elected to get things done and could and should do so by amending rules that evening. He suggested that Rule 38 be amended to change the requirement of a super majority for ordinance adoption to a simple majority. He then suggested amending Rule 44A to allow items to be pulled from a committee with a simple majority. He also suggested passing amendment proposals of Rules 35, 66, and 61 submitted by Councilor Anderson-Burgos. He then noted that these amendments would allow adoption of ordinance changes to 2-69, passage of a wage theft ordinance, abolish panhandling ordinances, establish safe injection sites, pass an error correction to the marijuana ordinance. He then suggested that a super majority of the Council could adopt the proposed rule changes that evening.

Nancy Capron, 72 Congress Avenue, stated that marijuana smell. She stated that Denver tightened up requirements to mitigate smells for their marijuana district as well as for food production. She noted that the marijuana was the second most complained about smell behind chemicals. She suggested that mitigation should be addressed. She then stated that an order regarding implementing a financial literacy curriculum was classist, and lacking analysis. She stated that poverty was caused by public policies and not personal failures, adding that intimating that people did not understand money was offensive.

Jose Adastra, 139 Hillside Avenue, echoed the statements by Mr. Broadhurst. He then stated that the city should follow Northampton's lead to establish a Department of Community Care as an alternative to the police. He then noted that black and Latinx men were over represented in prisons. He added that black men made up 7% of the state population but 27% the prison population. He then stated that Latinx men made up 11% of the state population but 26% of the prison population. He then stated that black men were incarcerated at almost 6 times the rate as white men, adding that native people were incarcerated at 5 times the rate of white people. He reiterated that there needed to be an alternative led by those form their demographics, with resources and power to distribute funds.

John Rivera, 2 Laurel Street, offered congratulations to new city councilors, expressing his expectations that there would be progress for the city. He then echoed statements by all of the previous speakers. He then stated that Covid remained a deadly virus, and asked that the mask mandate remain permanent until full control of the virus was achieved. He noted that he had many friends had been hospitalized or at least had contracted the virus at that time.

COMMUNICATIONS

List of Appointments for 2022

---> Motion was made and seconded to go to the first ballot for the position of Administrative Assistant to the City Council.

(14:25)

List of Appointments for 2022

President McGee stated that the Administrative Assistant position was a one year term, held currently by Jeffery Anderson-Burgos. He then stated that the Assessor as well as the Water Commissioner were vacant. He then stated that the Whiting Street Fund was a three year term and had been held by Maria Burke.

Councilor McGiverin made a motion to move to the first ballot for the Administrative Assistant. Councilor Jourdain seconded the motion.

City Clerk Murphy McGee asked if the roll would be called alphabetically or starting with the name drawn to vote first,

President McGee clarified for the benefit of new councilors that a name is drawn at the beginning of each meeting to determine who votes first in order to prevent the same councilor from voting first at every meeting.

Councilor McGiverin expressed his understanding that voting is done in alphabetical order on appointments.

Councilor Bartley suggested going in order based on the name pulled.

Councilor Jourdain stated that it had historically been done in alphabetical order for balloting.

City Clerk Murphy McGee stated that she sought clarification since it wasn't in any rules.

Councilor Bartley agreed that it was not a rule.

Councilor McGiverin clarified that it had been precedent.

---> Jeffery Anderson-Burgos received 12 votes (Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon) for Administrative Assistant to the City Council. Jeffery Anderson-Burgos appointed Administrative Assistant to the City Council. The term will expire January 31, 2023. Councilor Anderson-Burgos abstained from the vote.

Councilor Bartley made a motion to move to the first ballot for Chief Assessor.

Councilor Jourdain stated that there were no candidates.

President McGee clarified that Deborah Brunelle had been appointed to serve the remainder of the previous term, adding that the position's vacancy was still being actively advertised.

Councilor Jourdain made a motion to lay the appointment for the Assessor on the table. Councilor Tallman seconded the motion. Motion passed on a majority voice vote.

Motion was made and seconded to suspend the necessary rules to allow Water Works General Manager, Dave Conti, to address the Council.

Councilor Jourdain noted that there were two openings, further encouraging his colleagues to appoint for both openings that evening. He further stated that there was a one year seat for the remainder of the seat held by Commissioner Barrett who passed away. He added that the other seat was a full three year term that he had recently vacated, noting that it would normally be voted on that evening. He then noted he resigned a month early, noting the term starts in February. He further suggested that the person filling that term should be enabled to start right away.

Councilor Murphy-Romboletti expressed her understanding to extend the three year term. She then noted that there had been interest with many people contacting councilors about the openings. She then expressed a desire to have an opportunity to communicate with the candidates.

Councilor Anderson-Burgos stated that it would be fair to new elected officials to see how the process is run. He suggested referring the matter to the Public Service Committee. He then stated that he asked Mr. Conti if there were any pressuring issues requiring a vote to be taken that evening, and had been assured that there were not. He reiterated that holding off would be in the interest of the new councilors.

Councilor Vacon expressed that while she respected the concern about new councilors, many applicants filed applications months ago. She also noted that the city had faced challenges in getting people to participate on commissions. She also noted it was problematic to have a commission without a quorum. She then suggested that at least one spot could be filled that evening and leave the other to the committee as a compromise.

Councilor Jourdain emphasized the need to have a functioning body, noting that the Water Commission did not have enough members to meet. She reiterated that the three year seat had always been voted on at the first Council meeting of the year. He then expressed an understanding that the other seat was in committee because it had become vacant in the middle of the term. He then reiterated that one seat should be filled to create a quorum.

Councilor Tallman stated that someone is normally appointed on the first night of because it is just reappointing someone who has been there and seeking to return for another term. He then stated that this was an opportunity to hear from candidates and evaluate their strengths and weaknesses. He then noted that there were 6 new councilors and at least 4 candidates. He then stated that he would support appointing at least one if Mr. Conti expressed an immediate need.

Councilor McGiverin stated that the Water Commission would reorganize on February 4th as the date they would need to have a quorum. He then emphasized that the Commission had important work to do and the Councill should hear from Mr. Conti. He then emphasized that the agenda only listed the three year term. He then expressed that it would be more fair to new councilors to vote on both positions in the same evening. He then stated that they could have leeway of two weeks, but only two weeks.

Councilor Anderson-Burgos expressed respect for all opinion, then emphasizing the importance of the role as pertaining to the water that everyone uses for many uses every day. He then reiterated the importance of the new councilors having an opportunity read though resumes and speak with candidates before being asked to vote on appointments.

President McGee stated that as one of the candidates was his brother-in-law, he was advised by the State Ethics Commission to step away when the discussion of candidates and voting begins. He then handed the gavel of authority to Councilor McGiverin.

Councilor McGiverin briefly took over and President Pro Tempore for the remainder of the discussion on this matter.

D. Conti stated that their reorganization meeting would take place on first Monday in February, adding that any subsequent meetings would not take place until the following Monday. He then stated that as the Commission may not meet for six weeks, the department would do its best to assure the department operates and functions.

Councilor Tallman asked if the department could manage with just one commissioner until February.

D. Conti stated that it would be ideal to have at least one more commissioner for the reorganizational meeting.

Councilor Tallman asked if the Council could appoint one by the first meeting of February and hold off for another month to appoint the other, or if he would prefer to have both appointed by that time.

D. Conti stated sooner than later would be better for one appointment, adding that both should be made before their February reorganization meeting.

Councilor Tallman asked to clarify that they could run with just one until the reorganizational meeting.

D. Conti stated that important issues were coming before the board and it would be ideal to have a full

Commission by the second Monday in February.

Councilor Jourdain asked if it was accurate that the Commission would not be able to meet to make decisions, make abatement decisions, or offer guidance or approvals until mid-February. He then asked to clarify that the Commission had not often went six weeks without meeting.

D. Conti stated that it would be the first time in his 30 years with the department that there would be just one commissioner.

Councilor Jourdain emphasized that the Commission could not meet until there was at least one more commissioner. He then suggested that it should not take much time for councilors to research all candidates. He also stated that they should be prepared to vote on the appointments at the next meeting in two weeks.

Councilor Anderson-Burgos noted while that the Council has the role of making the appointments, he believed Mr. Conti should be a part of the process of determining which candidate was the best fit. He then asked if he had been a part of the process in the past, noting he was the one who would have to work with the Commission.

D. Conti stated that he had not been, adding that he trusted the judgment of the City Council. He then expressed a concern in potentially being involved in the selection process, noting the difficulty in working with someone that may be selected but may not have been his recommendation.

Councilor Anderson-Burgos stated that while he respected that concern, the priority was determining the right person for the job. He noted that these would be people who must work together to assure the services that provide water to the people of the city are at their best.

Councilor Givner noted that the next City Council meeting would take place on the 18th. She then stated that she had received several communications about the Water Commission and was planning to speak with candidates over the course of the following week. She then agreed with the value of seeking departmental input, noting she was not a water professional. She suggested that everyone could do research in the next two weeks to understand the candidates, their qualifications, and vote together as a Council at the next meeting.

Councilor Vacon stated that as one vacancy was known to be open for several months, candidates had already expressed an interest in that position. She then suggested that both terms should come before the Council together. She also noted that while Public Service meetings tended to be sparsely attending, councilors were welcome and encouraged to reach out directly to candidates as well as to department heads.

Councilor McGiverin clarified that an order to appoint for the existing vacancy has been referred to the Public Service Committee on August 3rd of the previous year.

Councilor Jourdain made a motion to remove the order from committee. Councilor Vacon seconded the motion. All councilors voted in favor.

Councilor Givner asked how the public would learn about the vacancy on the Water Commission.

Councilor McGiverin stated that the vacancy for the partial term had been due to the passing of the former commissioner. He then stated that a three year comes up every year and was posted on the website as part of the agenda. He stated that when there are not candidates, they can advertise, adding that it would take extra time and come at a cost.

Councilor Murphy-Romboletti suggested marketing via social media or distribution of flyers.

Councilor Jourdain suggested informing the public via the website and social media that the Council would be voting on the positions on January 18th.

Councilor Anderson-Burgos suggested utilizing local access channels to advertise.

Councilor McGiverin noted that full time appointments tend to be advertised for because they are career positions with specific qualifications being sought.

Councilor Bartley suggested that if one position gets advertised for, all other City Council appointments should be advertised for. He also noted that the City Council may be gaining supervisory approval

authority for all appointments pending the approval of a home rule petition. He reiterated that advertising should be handled consistently. He clarified that it would take two-thirds of the body to remove an item from committee. He then emphasized that rules have a purpose, suggesting that councilors should be thoughtful about efforts to change rules and to consider the impacts of such changes.

Councilor Maldonado Velez noted that there would be two full City Council meetings before the Water Commission's reorganization meeting. He suggested that one month would be fine in order to give the Council time to appoint the right people for the positions.

Councilor I. Rivera echoed Councilor Maldonado Velez, adding that he would prefer an opportunity to make an educated decision on who to appoint for an important three year position. He then asked to clarify if the Administrative Assistant just appointed was a one year term that would be voted on again the following year.

Councilor McGiverin confirmed that was accurate.

Councilor I. Rivera suggested there be a uniform system for handing appointments.

Councilor McGiverin stated that as the Council meets on the first and third Tuesdays, committees would have to meet prior to the next Council meet in order to have their recommendations voted on at the next meeting. He then noted that traditionally, the Council advertises for career positions and vacancies when there are no candidates. He then stated that they had not traditionally advertised for positions when there has been an incumbent unless there is reason for removing or replacing an incumbent.

Motion was made and seconded to send appointment of Assessor to the Public Service Committee. Copy to Personnel.

Motion was made and seconded to lay on the table position of Water Commissioner.

Motion to remove the Water Commission appointment from committee passed on a voice vote.

MCGEE -- That the Public Service Committee interview for the Water Commissioner.

Motion was made and seconded to lay both positions on the table.

---> Laid on the table.

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

Councilor Jourdain made a motion to move to the first ballot for the Whiting Street Fund. Councilor Tallman seconded the motion.

Councilor Anderson-Burgos asked to clarify the name of the candidate.

President McGee stated that the position had currently been held by Maria Burke.

---> Maria Burke received 13 votes (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon) for the Whiting Street Fund. Maria Burke appointed to the Whiting Street Fund. The term will expire January 31, 2025.

From Mayor Joshua Garcia, letter of appointment for new Personnel Director Kelly Curran

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

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

---> Laid on the table.

From Ryan Murphy, letter of interest/resume in Water Commission Vacancy ---> Received.

From Timothy Keane, letter of interest/resume in Water Commission Vacancy ---> Received.

From Lawyers for Civil Rights Boston, regarding seating of City Councilors Israel Rivera and Jenny Rivera ---> Received and referred to the Law Department.

Notice of Community Outreach Public Meeting for Marijuana Cultivation and manufacturing Establishment at 475 Canal St.

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

PETITIONS

Petition of Eric Toensmeier for a renewal of a Home Occupation at 145 Brown Ave. for a writing and consulting business

President McGee stated that the fees had been marked as paid.

Councilor Jourdain asked to amend to clarify that any pre-existing prior conditions are renewed with the permit. Councilor Bartley seconded the motion.

---> Received and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0--Absent 0.

Petition of WTM-SB LLC for a Marijuana Establishment at 120 Middle Water Street ---> Received and referred to the Ordinance Committee.

(55:20)

Councilor Maldonado Velez stated that it had been his understanding that new councilors could not submit new orders until they were on the Council. He also noted that the maker of the orders had been an employee of the city at the deadline to submit orders to the Clerk.

President McGee clarified that in a conversation they had, he had believed a councilor had to be sworn in prior to filing orders. He had since learned that councilors could file if they would be sworn councilors by the time the meeting took place.

Councilor Maldonado Velez suggested that this should be made clear to new councilors going forward as new terms proceed.

Councilor Vacon suggested that while they preferred not to make it a habit, any councilors who had not filed any orders out of belief that the were not able to would then be welcome to file them at that time as late files.

President McGee reiterated that he stated they could be filed as a late file.

Councilor Maldonado Velez stated that his observations had been that late files were not preferred, and he had not wanted to at his first meeting.

ORDERS AND TRANSFERS

President McGee stated that the order was a standard practice of transferring out of the salary line item to

injured on duty as an accounting measure to track public safety employees who are paid while out of work due to being injured while working.

Councilor McGiverin noted that financial transfers are initiated by the Mayor only. He noted that the Auditor will introduce financial orders under the name of the Finance chair due to there being no mechanism for the Mayor to file orders, adding that the Council has no authority to initiate appropriations. Councilor Jourdain noted that transfers between salary line items or expense line items within the same department had historically not come before a City Council vote, adding that they were by approval of the Mayor alone. He clarified that expense to salary or salary to expense, or transfers between departments, have required Council approval. He then stated that an ordinance had been passed to require City Council approval of such transfers. He then stated that due to the transfer becoming a change of purpose, Section 49 was invoked requiring two-thirds vote for adoption.

Councilor McGiverin expressed his that interpretation of Section 49 was about bills to be paid and expenditures coming from a prior year. He then stated that M.G.L. was clear that an appropriation or transfer was a simple majority.

President McGee stated that this could be cleared up by the City Solicitor at a future date.

President McGee clarified that the order on the floor was a transfer just for accounting purposes.

Councilor Vacon stated that her intent was to seek clarification of the vote threshold required for salary transfers within the same department.

President McGee stated that the City Solicitor would have an opinion coming.

Councilor Jourdain clarified that he supported the order on the floor, adding his intent was to offer explanation for the benefit of new councilors.

Councilor Bartley asked for clarification of the number of employees the transfers were for.

President McGee stated that the information had not been attached.

Councilor Bartley stated that he understood the Police Department to be holding up with employees being out, noting that Springfield had 10% of its Police Department out due to Covid protocols. He then expressed his understanding that when a member of the Fire Department or Police Department was out for injured on duty, the salary was not taxes.

President McGee confirmed that was accurate.

JOURDAIN Ordered, that That our state delegation and Mayor be invited before the finance committee to have a dialogue on how we can improve our local aid funding formulas with the state and together develop a plan of action. Then collectively discuss our strategy on how to act upon that plan to ensure Holyoke is actually receiving the money it needs to operate effectively and is getting its "fair share."

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

JOURDAIN Ordered, that 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.

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

JOURDAIN, Bartley, Tallman Ordered, that That the DPW and Sewer Commission do a study and seriously consider adopting a sewer maintenance insurance program for homeowners that is modeled off the Water Department's water maintenance insurance program. The Water Department program has been a great accomplishment and has been very warmly received by residents who appreciate this very low cost protection. That the DPW report back to the City Council on their findings by April 1, 2022.

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

JOURDAIN, Tallman Ordered, that That the Mayor be requested to hire a Full-Time Marketing and Public Relations Director for the City of Holyoke with the goal of improving the image of the City of Holyoke and

aggressively seeking outside private investment to Holyoke. A position of this nature should have a high Return on Investment (ROI) which should also be tracked.

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

JOURDAIN Ordered, that That the School Receiver Mr Soto and his team be requested to develop a formal financial literacy curriculum for the schools as a measure to increase financial literacy of students and to end the cycle of poverty in the city.

---> Received and adopted. Copy to Joint Committee. Approved by the Mayor.

JOURDAIN Ordered, that The Holyoke Gas and Electric be requested to take all necessary steps to end the gas moratorium. That they report back to the City Council by April 1, 2022 on their recommended plan of action including potential time table to bring the moratorium to an end.

---> Received and adopted. Copy to Finance. Approved by the Mayor.

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2022, EIGHTEEN THOUSAND FOUR HUNDRED SEVENTEEN AND 34/100 Dollars (\$18,417.34) as follows:

FROM:			
12101-51104	LIEUTENANT		\$3,883.22
12101-51105	SERGEANT		3,361.90
12101-51107	PATROLMEN		11,172.22
		TOTAL:	\$18,417.34
TO:			,
12101-51180	INJURED ON DUTY		\$18,417.34
		TOTAL:	\$18,417.34

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 4, 2022.

Joshua A Garcia, Mayor

Councilor Vacon stated that she could not find a line for National Service Officer in the budget book.

Councilor McGiverin stated that when lines are not funded, they may be removed from the budget, but the code still existed.

Councilor Vacon offered a light-hearted comment to new councilors that this would likely be the shortest meeting they ever participate in.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

MCGIVERIN Ordered, 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

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 4, 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, TWENTY TWO THOUSAND ONE HUNDRED FORTY FIVE AND 10/100 Dollars (\$22,145.10) as follows:

FROM:

15431-51103 PAY-INVESTIGATOR \$22,145.10

TOTAL: \$22,145.10

TO:

15431-51105 PAY-NATIONAL SERVICE OFFICER

\$22,145.10

TOTAL: \$22,145.10

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, January 4, 2022.

Joshua A Garcia, Mayor

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

Adjourn at 07:45 PM.
A true record
ATTEST:

renna Murphy McKlee

City Clerk C