

AGENDA FOR THE CITY COUNCIL

May 3, 2022

LAI D ON THE TABLE

1. From Mayor Joshua A. Garcia, letter veto of : Order amend its zoning ordinances to allow for Front Yard pools by special permit of the City Council and to make any necessary changes to the Swimming pool Ordinance, order filed October 5, 2021.
2. From Office of Planning & Development letter re: Holyoke Zoning Ordinances, Swimming Pools in a front yard.

PUBLIC COMMENT

COMMUNICATIONS

3. From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Ass't. to City Council minutes of April 5, and April 19, 2022.
4. From Anthony Dulude, Executive Director Holyoke Retirement Board, letter stating Jack McCarthy as being nominated for the Trustee position of the Board.
5. From Parks and Recreation minutes of February 17, 2022.
6. Speed hump petition from Citizens of Mackintosh Terrace.

PETITIONS

7. Petition of First Congregational Church of Holyoke for a zone change at 474 Pleasant St. from R-2 to B-H.
8. Petition of Delivered, Inc. for a new special permit for a Marijuana Establishment at 101 North bridge St.
9. Petition of Steven Chen for a new special permit for a Marijuana Establishment (MME) at 20 Hadley Mills Rd.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

10. Ordinance Committee Reports (if any)

- 10A. The Committee on Ordinance to whom was referred an order From Megan Seiler, Director Wistariahurst Museum regarding Office Assistant Position reclassification from W-2 to W-7 Recommended that the order be adopted.
- 10B. The Committee on Ordinance to whom was referred an order Petition of 876 Grow Inc. for a Marijuana and Cultivation Establishment at 360 Race St. 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 extent 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 guidances from the Cannabis Control Commission.
 7. 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.
- 10C. The Committee on Ordinance to whom was referred an order Petition of GreenGrab, Inc. for a special permit to operate a Marijuana Delivery Operator at 620 Beaulieu St 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 extent 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 guidances from the Cannabis Control Commission.
 7. 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.
 8. That the applicant be in compliance with the March 22, 2022 letter from the Planning Department
- 10D. The Committee on Ordinance to whom was referred an order Petition of River Grove LLC, for a new Marijuana Establishment at 475 Canal St 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

extent 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 guidances from the Cannabis Control Commission.

7. 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.

8. That the applicant be in compliance with the March 22, 2022 letter from the Planning Department

9. The condition of the existing piping in the building is to be verified as well as the condition of the existing sewer service outside the existing building. This is to be completed along with testing to confirm that all existing roof and/or storm drains have been separated from the sewer service prior to application for a building permit.

10E. The Committee on Ordinance to whom was referred an order Petition of WTM-SB LLC for a Marijuana Establishment at 120 Middle Water Street 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 extent 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 guidances from the Cannabis Control Commission.

7. 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.

11. Finance Committee Reports (if any)

11A. The Committee on Finance to whom was referred an order From Attorney Kathleen Degnan, Assistant City Solicitor, legal opinion regarding legal expenditure of Community Preservation Funds Awaiting disposition

11B. The Committee on Finance to whom was referred an order From Mayor Joshua A. Garcia list of Historic Preservation related repairs needed on city buildings as

requested by Councilor Jourdain, Councilor Bartley, Councilor I. Rivera and Councilor Vacon on order filed April 5, 2022 Awaiting disposition

- 11C. The Committee on Finance to whom was referred an order From Mayor Joshua A. Garcia, letter regarding free cash calculations for fiscal year 2022 Awaiting disposition
- 11D. The Committee on Finance to whom was referred an order From Tanya Wdowiak, City Auditor, Free cash certification calculations for fiscal year 2022 Awaiting disposition
- 11E. The Committee on Finance to whom was referred an order That a request be made to the mayors office to provide the current list of businesses that received ARPA funding through the city business grant and each dollar amount awarded, to include rejected applicants Awaiting disposition
- 11F. The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "AUTOMATED EXTERNAL DEFIBRILLATOR EQUIPMENT PROGRAM, \$2,420.42, 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 Awaiting disposition
- 11G. The Committee on Finance to whom was referred an order that the city council work on developing a system similar to how CPA funds are collected and disbursed with Host Community Agreement monies related to the cannabis industry. Ideally composed of residents, service providers and businesses located within wards 1 & 2. Awaiting disposition
- 11H. The Committee on Finance to whom was referred an order That the Office of Planning and Economic Development be invited to discuss the reasons behind the absence of medical marijuana providers in the city, the original intended reason for cannabis legalization. The goal of this discussion is to come up with a viable pathway to provide this service for residents so they may enjoy their tax benefits and have their medical needs fulfilled. If a plan is already underway this discussion will inform residents of their upcoming benefits Awaiting disposition
- 11I. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000.00) as follows:
FROM:
8815-59710 CANNABIS STABILIZATION \$150,000.00
TOTAL: \$150,000.00
TO:
19442-57805 CANNABIS SCHOLARSHIPS \$150,000.00
XXXXX-XXXXX HOLYOKE COMMUNITY COLLEGE XXXXX
XXXXX-XXXXX HOLYOKE RESIDENTS SCHOLARSHIPS XXXXX

XXXXX-XXXXX TO THE CANNABIS EDUCATION PROGRAM XXXXX
XXXXX-XXXXX & UP TO 15% FOR MARKETING XXXXX
TOTAL: \$150,000.00 Awaiting disposition

- 11J. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWELVE THOUSAND SIX HUNDRED NINETY AND 00/100 Dollars (\$12,690.00) as follows:

FROM:

8815-59710 CANNABIS STABILIZATION \$12,690.00

TOTAL: \$12,690.00

TO:

19441-51101 CANNABIS LIAISON \$12,690.00

XXXXX-XXXXX SUPPORT OPED STAFF COORDINATING XXXXX

XXXXX-XXXXX INTERNAL OPERATIONS, TRACK CURRENT XXXXX

XXXXX-XXXXX STATE LAW & MONITOR SPECIAL LICENSE XXXXX

XXXXX-XXXXX HOLDERS 3/28/2022 TO END OF FY2022 XXXXX

TOTAL: \$12,690.00 Awaiting disposition

- 11K. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWELVE THOUSAND TWO HUNDRED EIGHTY FIVE AND 45/100 Dollars (\$12,285.45) as follows:

FROM:

11411-51101 ASSESSOR \$12,285.45

TOTAL: \$12,285.45

TO:

11412-53010 PROFESSIONAL ASSESSMENT \$11,917.45

11412-53030 PRINTING/BINDING 368.00

TOTAL: \$12,285.45 Awaiting disposition

- 11L. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWENTY FIVE THOUSAND AND 00/100 Dollars (\$25,000.00) as follows:

FROM:

15432-57700 VETERANS BENEFITS \$25,000.00

TOTAL: \$25,000.00

TO:

16502-52500 R&M FIELDS \$25,000.00

TOTAL: \$25,000.00 Awaiting disposition

- 11M. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO HUNDRED FIFTY FIVE THOUSAND AND 00/100 Dollars (\$255,000.000) as follows:

FROM:

12101-51107 PATROLMEN \$215,000.00

12101-51105 SERGEANTS 25,000.00

12101-51201 MATRONS 15,000.00

TOTAL: \$255,000.000

TO:

12102-52500 R&M BUILDING \$245,000.00

12102-55860 PERSONNEL EQUIPMENT 10,000.00

TOTAL: \$255,000.00 Awaiting disposition

- 11N. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO THOUSAND DOLLARS AND 00/100 Dollars (\$2,000.00) as follows:

FROM:

12401-51201 PROP MAINT/DEMO SUPERVISOR \$2,000.00

TOTAL: \$2,000.00

TO:

12401-51109 HEAD CLERK \$2,000.00

TOTAL: \$2,000.00 Awaiting disposition

- 11O. The Committee on Finance to whom was referred an order TO EXPLORE THE CREATION OF A CANNABIS LIAISON TO COORDINATE INTERNAL OPERATIONS BETWEEN THE OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT AND THE CITY OF HOLYOKE'S CANNABIS INDUSTRY Awaiting disposition

12. Public Safety Committee Reports (if any)
13. Public Service Committee Reports (if any)
14. Development and Governmental Relations Committee Reports (if any)
15. Charter and Rules Committee Reports (if any)
16. Joint City Council and School Committee Reports (if any)

MOTIONS, ORDERS AND RESOLUTIONS

17. ANDERSON-BURGOS -- That a handicap sign be placed in front of 439 Beech St. for Luis A. Figueroa, placard #PL4620943.
18. ANDERSON-BURGOS -- that a DO NOT BLOCK DRIVEWAY be placed in front of the driveway located at 11 Columbus Ave. Receive and adopt. Copy DPW.
19. ANDERSON-BURGOS -- that a blinking stop sign be placed on Linden St at the intersection of Mac Kenzie Ave and Anderson Ave. Refer to Public Safety, Copy DPW and City Engineer.
20. ANDERSON-BURGOS -- that we consider adding a left turn signal to traffic lights for southeast bound traffic at the intersection of West

Franklin St and Beech St. It is often difficult for vehicles making a left from West Franklin St on to Beech St. This will also address the safety of our residents on the crosswalks. Refer to Public Safety copy to the City Engineer and Mass DOT.

21. ANDERSON-BURGOS -- that SLOW CHILDREN AT PLAY signs be placed on at both ends of Locust St between West Franklin St and MacKenzie Ave. Receive and Adopt. Copy to DPW.
22. ANDERSON-BURGOS -- that the Ordinance Committee discuss alternatives to address vehicles parking in front of driveways. Although there is a city wide ordinance addressing the matter, it is often ignored and creates inconvenience to residents when enforcement takes time. Refer to Ordinance. Copy to DPW, City Engineer, HPD.
23. BARTLEY -- The Holyoke City Council present a proclamation to the United Way of Pioneer Valley on its 100th anniversary of helping residents in Greater Holyoke. The celebration is June 2, 2022.
24. BARTLEY -- The Holyoke City Council grants a proclamation to David Kidwell, Maestro of the Holyoke Civic Symphony, Holyoke's own college/community orchestra, on his 25th anniversary of leading this prestigious ensemble.
25. BARTLEY
MCGEE -- The Holyoke City Council congratulates Holyoke Community College on its 75th Anniversary with a proclamation. HCC has educated thousands and stands today as a pioneer in higher education.
26. BARTLEY -- That speed humps be placed on Mackintosh Terr.
27. BARTLEY
TALLMAN -- The mayor, DPW, HR and city forester work to find a staff person on at least a 20 hour per week schedule to maintain and plant city trees. Receive and adopt.
28. GIVNER -- Remove existing handicapped sign at 402 Pleasant St by request of a new resident at the same address.
29. GIVNER -- In an effort to streamline service to residents: create language that eliminates the need for ordinance to review, and for city council to vote on, installation and removal of handicapped signs for residents with required residential and handicapped parking qualifications.
30. GIVNER -- Per constituent request: Please repaint lines where School St.

meets Hampden, directing drivers to make a left and right turning lane. They have faded beyond usefulness. "When they were first installed they made a very positive difference.

31. MALDONADO-VELEZ -- that we add the following committees to the City Council:
Zoning Committee - dealing with zoning changes and language
Public Way Committee - dealing with handicap spots, parking, and traffic ordinances
Development Committee - focusing on grants and economic development
32. MALDONADO-VELEZ -- Order that we rename the Joint School / City Council Committee to Youth Services Committee (or something similar) which would give that committee additional responsibilities such as making sure we comply with our CC Rule 65 that requires a Youth Ambassador to the City Council and creating opportunity for youth to be more civically involved.
33. MALDONADO-VELEZ -- Order that we create an ordinance to allow backyard hens in residential zones.
34. MCGEE -- Discussion on Michelle Lane that the city/DPW post truck restriction signs at the front of Michelle Lane.
35. MCGEE BARTLEY -- that the city council give a proclamation to Chief Przekopowski for his dedicated service to the Holyoke Fire Department and the city of Holyoke.
36. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, TWO THOUSAND TWO HUNDRED FORTY AND 6/100 Dollars (\$2,240.06) as follows:
- | | | |
|-------------|-----------------|------------|
| FROM: | | |
| 12201-51105 | FIREFIGHTERS | \$2,240.06 |
| TOTAL: | | \$2,240.06 |
| TO: | | |
| 12201-51180 | INJURED ON DUTY | \$2,240.06 |
| TOTAL: | | \$2,240.06 |
37. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2022, NINETEEN THOUSAND THREE HUNDRED THIRTY TWO AND 23/100 Dollars (\$19,332.23) as follows:
- | | | |
|-------------|------------|------------|
| FROM: | | |
| 12101-51104 | LIEUTENANT | \$3,883.22 |
| 12101-51105 | SERGEANT | 8,068.56 |

12101-51107	PATROLMEN	7,380.45
TOTAL:		\$19,332.23
TO:		
12101-51180	INJURED ON DUTY	\$19,332.23
TOTAL:		\$19,332.23

38. MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "DCR URBAN & COMMUNITY FORESTRY GRANT AWARD-PUBLIC TREE INVENTORY, \$30,000, 25% IN KIND 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.
39. MURPHY-ROMBOLETTI -- That the Committee on Development & Government Relations be provided a list of all special permits issued by the Council. Please include a 5 year look-back on how many permits have been issued, and a rough estimate of the total amount of staff time required to review and process these permits. Refer to the City Clerk, OPED, the Council's Administrative Assistant and Law Department.
40. MURPHY-ROMBOLETTI -- That OPED and the Holyoke Redevelopment Authority attend an upcoming D&GR meeting to update the council on the Urban Renewal Plan and ongoing projects related to the plan.
41. PUELLO -- That "No Engine Breaks" signs be installed at all city gateways. This will allow citing. Engine break use is not permitted in Holyoke.
42. PUELLO -- That parking and other traffic lines be repainted from 598 South Summer street to 500. This will help resolve parking/spacing disputes.
43. PUELLO -- That a request be made to school receiver Anthony Soto and Morgan school leadership to please issue a communication requesting that employees and staff prioritize parking on the school lot before on street. Residents are not allowed to park in the school lot. This will help resolve parking/spacing disputes. This communication should also state full appreciation on behalf of the council and community for employee commitment to Holyoke youth.
44. PUELLO -- That Mary Nathan, disaster program manager for the Western MA Red Cross be invited to discuss available resources and programs for displaced families as a result of fires or other

disasters.

45. PUELLO -- Order that all parking meters have access for someone to pay for them electronically. As well as allowing the public to park in a space where the meter isn't functioning, it is no fault to the public that we have a meter not functioning properly.
46. RIVERA_I -- Order that the city solicitors office begin drafting a ballot question for next election cycle around marijuana Social consumption sites such as bars and cafes for residents to vote on next election cycle similar to the language below. "The sale of marijuana products, as those terms are defined in G.L. c.94G, 1, for consumption on the premises where sold, is permitted when the sale occurs at Restaurants, Bars, Cafes, or any establishment in which food or beverages are served."
47. RIVERA_I -- Order that committee chairs limit the amount of public hearings added to an agenda. It is not fair and undemocratic to have the public wait until 10:30 - 11:00 pm so they can be heard.
48. RIVERA_I -- Order that the mayor set aside education and training funds for city council preferably no more than \$1,000. What doesn't get used goes back into general fund.
49. RIVERA_I -- Order that the mayor set aside funding to purchase electronic devices such as iPads or a laptop for the use of Council chambers vs having our administrative assistant spend countless printing out packets that cost more in paper and ink than a onetime purchase of an electronic device would. The goal is to save trees, money and our administrative assistants time.
50. RIVERA_I -- Order that parks & rec department come up with a uniform system around flying patriotic flags. Different parks fly different flags which is totally understandable, I would just like to see a system that is equitable to all.
51. RIVERA_I -- Order that the honorable city council add the following committee:

Communications Committee

Senior citizen quality of life Committee
52. TALLMAN -- that following the adoption of a resolution in support of the district, that the Ordinance Committee work with the mayor and the appropriate city and state departments to adopt an ordinance creating a Puerto Rican Cultural District within the City of Holyoke.

53. VACON
BARTLEY
PUELLO -- that the City Council approve a resolution opposing the closure of the VA Hospital in Leeds MA. This would lead to extreme travel hardship and denial of care for veterans in Holyoke & Western MA.
54. VACON -- that our legal department send a letter to Waste Management outlining the allowed times to empty dumpsters as written in our City Ordinance. Constituents are reporting early morning disruptions before 7AM in the neighborhood near McMahon School.

Addendum:

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting.

Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law



City Clerk