

REGULAR MEETING OF THE CITY COUNCIL

August 2, 2022

The meeting was called to order by President McGee at 7:10 PM

The Clerk called the roll. Absent members: 2 (Puello, J. Rivera) Present Members in Person 10 (Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, I. Rivera, Tallman, Vacon). Present Members Remote 1 (Anderson-Burgos)

The Pledge of Allegiance was recited.

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

Councilor Bartley asked for a moment of silence for Augusto Neves. He noted that Mr. Neves had a legacy in Holyoke, had a son who was a well known attorney in the city, and was a former at-large councilor.

A moment silence was observed for Mr. Neves.

Motion was made and seconded to suspend the necessary rules to take up item 65 out of order.

MALDONADO-VELEZ, RIVERA_J -- Order that we invite the committee into chambers and be presented with a Council proclamation.
---> Received and Adopted.

Councilor Maldonado Velez escorted the Fiestas Patronales de Holyoke committee into the chambers. The Council was entertained by music presented by Bomba De Aqui. He stated that he was honored to present the proclamation for the city's inaugural Fiestas Patronales, adding that it was a year of firsts with the city's first Puerto Rican mayor and the first time two Puerto Rican at-large councilors. He emphasized that history was being made. He then read from the proclamation which commemorated the inaugural Fiestas Patronales de Holyoke as a celebration of the heritage and culture of the Puerto Rican people of Holyoke. He noted that the members of the committee all had various leadership roles in organizations around the city and came together and put in amazing work to make this event happen.

Committee member, Mel Sanchez, stated that it had been a long process. He noted that being of Puerto Rican descent, he had never attended a Fiestas Patronales on the island and saw this as an opportunity to bring the experience to Holyoke. He then stated they molded it to the community. He noted that many in Holyoke were far removed from the island and that this event was a chance for people to learn about the events, keep the language and music alive, and strive to have pride in their heritage.

Motion was made and seconded to take a roll call for vote that for the purposes of this meeting would be applicable to all motions to receive, to refer items to committee, remove items from the table, place items on the table, package items together, or suspend the rules, unless there is an objection.

---> Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera).

Motion was made and seconded to suspend the necessary rules to take up item 33B out of order.

The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application for New Holyoke Realty LLC at Whiting Farms Rd (116-00-020, the lot to the immediate south of Gary Rome Hyundai) to construct a car wash facility. Recommended that the order be adopted with the following conditions:

1. That the hours of operation will be Monday through Thursday 8:00am - 8:30pm, and Friday through Sunday 8:00am - 6:00pm,
2. That a manager will be on duty during all business hours,
3. That the owner will not allow self service bays at the facility,
4. That the current buffer of trees between the facility and abutting properties be maintained,
5. That the shrubbery described in the application will be planted and maintained on the Whiting Farms side as noted in the application,
6. That if sidewalks are understood to be required, applicant will follow through the requirement,
7. That access to use of vacuums will be part of car wash service and not as a separate available service.

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that there were many great conversations during the public hearing and a lot of questions were answered. She stated the Gary Rome team provided a presentation. She then stated that the hours of operation would be during the same business hours as the Gary Rome dealership, it would not be a self-service station, and that the team would bring in equipment and technology to prevent a lot of additional noise. She stated there had been a lot of careful thought into the plan. She also noted there were resident concerns that she had followed up with, adding that they were working with a resident on separate issues.

Councilor Jourdain expressed his support for the petition, adding his appreciation to the Gary Rome team for their investment in the city. He then suggested amending the 7th condition that would say that no music would be allowed to be played while operating the vacuums. He noted that concerns with self-service car washes was issues in other areas with people playing music while using the car washes and disrupting neighbors. He noted that the plan for this project appeared to be designed to avoid having the vacuums being a nuisance but they would want to make sure there was no blaring music. He then made a motion to amend the 7th condition so that no music could be played while operating the vacuums.

Councilor Bartley made a motion to amend the previous motion that the applicant make all efforts to comply with the city's noise ordinance. Councilor Vacon seconded the motion. He then expressed support for the application. He stated that the public debate and input had been useful. He stated that the Gary Rome and his staff were well prepared and that they anticipated every condition the committee wanted to place on the permit. He then stated that he was grateful any time someone was seeking to make an investment in the city of Holyoke. He then recalled the effort it took to get the zone change for the dealership on what was an empty field.

Councilor Maldonado Velez stated that he heard where the public concerns were coming from and agreed that the city should be doing more to go green when these projects are proposed. He noted that t

Councilor Vacon seconded the motion to comply with noise ordinances. She then stated that she was sensitive to concerns about noise issues in area neighborhoods. She then stated that Mr. Rome anticipated the concerns that were raised. She also noted the plan was not conducive for the kind of concerns that may come up due to no self-service available and vacuums only being used by car wash customers. She added that it was great they would be recycling water as much as they could

Councilor Maldonado Velez noted that many communities around the area were putting bans on water usage. He noted that Holyoke may be the one selling water to surrounding communities. He also stated that orders to protect the environment needed to be taken more seriously.

Councilor Tallman expressed his support for the project, adding that he appreciated the plans that would mitigate noise and other concerns. He also commended the committee chair on handling the meeting and following up with residents who expressed concerns.

Councilor Murphy-Romboletti asked if it was already understood that a business had to follow city ordinances.

President McGee stated that there was an ordinance in place, but he noted that marijuana special permits often have conditions requiring businesses to follow ordinances such as odor ordinances.

Councilor Jourdain stated that his proposal to require no playing of music during use of vacuums was stronger than just following the noise ordinance. He stated that people could be playing music all day while the vacuums were in use would be a new nuisance to the residents in the area, even if they were not breaking any noise ordinances. He noted that many self-service car washes on Main Street had become a nuisance for residents in this area. He emphasized that a balance needed to be struck with between a business investing in the city and residents who also lived into the area.

Councilor Anderson-Burgos noted that he used to use a car wash in South Hadley which was surrounded by homes. He then stated that people would be blasting their music while using the car wash and vacuums. He then noted that signs had been posted telling people not to play their music.

Councilor McGiverin expressed his support for the special permit, noting it was a use special permit as a car wash was allowed in the zone by special permit only. He noted that many of the questions that could have come up were answered in the presentation. He stated that there would be a fence between them and residences, there would be no use of hazardous chemicals, and economical use of water. He also stated that Mr. Rome would not put in a car wash that would have a negative impact on his car dealership business.

Councilor I. Rivera expressed his support for the project. He then stated that he agreed with the noise concerns but asked if it would be police or the business enforcing any rules about noise.

President McGee stated that it would be both.

Councilor Jourdain stated a manager would be on duty at all hours. He also noted that with a special permit, the public has a remedy to address concerns if there were repeated violations.

President McGee stated that the question was not just about approving a car wash, noting that Mr. Rome ran his business better than anyone else. He stated that Mr. Rome would not build a car wash that would disrupt his business. He noted that when the parcel was rezoned, a lot of concerns were expressed, adding that Mr. Rome had held to his word. He then clarified that Councilor Jourdain had made a motion to amend the conditions, which had been followed by Councilor Bartley amending the motion to add an 8th condition stating that the business would follow the city's noise ordinances, adding that it had been seconded by Councilor Vacon.

Councilor Jourdain stated that the motion was not what he has proposed.

President McGee reiterated that his motion did not get a second.

Councilor Jourdain expressed concern that they would allow music. He then asked if there had been a test on how many decibels would be allowed and at what distance.

President McGee suggested looking up the ordinance.

Councilor Jourdain stated that adding adherence to the noise ordinance as a condition did not explain how many decibels it was. He also noted that he had filed an order to discuss the noise ordinance. He also expressed interest in how many tickets were being issued for violations.

Motion to add the 8th condition passed on a voice vote.

I. Rivers stated that he believed he was voting for a condition to not allow music.

President McGee clarified that the motion had failed for lack of a second. He then stated that Councilor Bartley made a motion to add an 8th condition that the owner would comply with all noise ordinances.

Councilor I. Rivera asked if the amendment to the motion trumped the original motion.

President McGee stated that it had not received a second.

Councilor I. Rivera suggested that it was not able to be seconded when the next motion was immediately made and seconded.

President McGee stated that it had not been addressed yet due to the second motion being under discussion. He then provided an update from the Admin Asst, stating that the noise ordinance restricted noise to below 50 decibels between 11 p.m. and 7 a.m. and below 70 decibels for the remaining hours of the day.

Councilor Jourdain asked to know if 70 decibels would reach residences from the car wash, noting that the business would not be operating in the late evening.

Councilor Vacon clarified that she seconded the motion regarding adhering to the noise ordinance because it was on the books and enforceable. She then suggested that a greater condition had nothing in the ordinances to back it up.

Councilor Maldonado Velez suggested that conditions put on special permits were not enforceable as much as they were an opportunity to hold businesses to what they said they would do.

President McGee clarified that conditions were enforceable. He then stated that regarding the noise ordinance, there was an owner who would not allow music to be blaring but the question was one of what would address resident concerns. He then stated that if complaints are made and businesses aren't holding up to the conditions they agreed to, special permits can be pulled.

Councilor Jourdain suggested that nobody in the room had tested what 70 decibels was, adding that this could be a constant noise for residents all day. He then suggested that it seemed that residents would want city councilors to protect them from the potential issue. He also suggested that restricting people from playing music for 5 minutes would allow residents to have peace while in their houses. He then suggested that it could be multiple cars at a time all playing music at 70 decibels. He then questioned

how many times the city had given out a ticket for violations of 70 decibels. He added that there was likely not a meter testing to prove noise was above 70 decibels to make a claim of a violation. He then offered to loosen his motion to state that no music would be heard from the property.

Councilor Anderson-Burgos noted that it has already almost past 8 p.m. and the same issue was being talked about. He then emphasized that the ordinance had a reference to decibel levels but no way to measure the levels. He then stated that Mr. Rome takes his business seriously and would address those issues. He then suggested that people will break laws just as people continue to speed.

Councilor Murphy-Romboletti called the motion.

Report of Committee received and recommendation Denied on a call of the roll of the yeas and nays--
Yeas 8--Nays 3 (Jourdain, Maldonado Velez, I. Rivera)--Absent 2 (Puello, J. Rivera).

Motion was made and seconded the reconsider the previous action.

Councilor Jourdain made a motion to amend the noise ordinance condition by adding that no music will be played while operating the vacuums. Councilor Murphy-Romboletti seconded the motion.

Councilor McGiverin emphasized that the discussion about a special permit for use, reiterating that it was about allowing a car wash in the zone. He also emphasized that the vote was a one shot deal and that the special permit would not come back to add any other conditions. He then suggested that ordinances can be amended or created to address noise concerns. He suggested that adding such conditions to a use permit was not the correct way to go about addressing it. He also noted that the Police Department did have a gun that measured decibels, adding that it had been used at the Merry-go-Round where sound had been measured at 90 decibels.

Councilor Vacon stated that by adding a condition that causes the applicant to comply with the noise ordinance, if the ordinance was not enforceable, it should not be put on the back of a special permit applicant to fix the ordinances but rather the ordinance should be corrected. She suggested that this was not the forum to address ordinance issues, adding that the reason for committee meetings was to prevent longer discussions at full City Council meetings. She also emphasized that the applicant had answered all of their questions.

Councilor Maldonado Velez asked how the condition regarding a manager being on duty would be enforced. He then asked how the city can decide how a company operates its business. He questioned adding a condition around operating music when there were other conditions that did not make sense. He asked if the city could be going to businesses to tell them how their whole hierarchy would be set up.

Councilor Murphy-Romboletti stated that she only seconded the motion because she wanted to make sure the applicant was able to get their business going. She then suggested that the concern could have been brought up at the committee meeting.

Councilor I. Rivera asked for clarification of the motion, further asking if voting no meant that the matter was dead.

President McGee stated that the previous action had been reconsidered, and that the motion on the floor was to amend the condition. He then stated that if it was voted down, the body could table the item, or reconsider the vote, adding that the item would not be dead. He then stated that if it was approved, the special permit would be voted on with the new condition.

Councilor Vacon suggested that the question was if the motion to amend failed, it wouldn't necessarily mean the special permit failed.

Councilor McGiverin stated that as the body was already under reconsideration, if the vote to approve the special permit failed, it would not be able to be considered again for two years.

President McGee confirmed that was accurate.

Councilor Jourdain, referring to points made by Councilor Maldonado Velez, stated that the City Council tends to have the occasional situational outrage with regard to permits. He further stated that logical consistency tends to change from year to year. He then stated he was open to amending his motion to state that no music should be able to be heard from off the property.

Councilor Vacon suggested the motion should be about the neighbors hearing it.

Councilor Jourdain made a motion to amend the 8th condition to state that no music should be able to be heard by the neighbors/abutters. Councilor Vacon seconded the motion. Motion passed on a voice vote.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera).

President McGee stated that Councilor Jenny Rivera would not be at the meeting due to a scheduling conflict at work.

LAID ON THE TABLE

(1:01:00)

The Committee on Finance to whom was referred an order From Lisa Ball, Acting City Solicitor, letter re: Fire Chief's Contract Recommended that the order is in compliance pending passage of the budget.
---> Received and Laid on the Table.

Motion was made and seconded to suspend the necessary rules to remove item 2 from the table and take up with item 19 as a package.

The Committee on Ordinance to whom was referred an order Special Permit Application for Holyoke Wilds at 20 Hadley Mills Rd (041-01-015) to permit the use of the existing building as a marijuana manufacturing establishment. 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 guidance's 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 add cultivation into the odor mitigation component of the application
9. That the applicant follow the recommendations of the June 7 letter from the City Engineer

UNDER DISCUSSION:

Councilor Vacon stated that the need for item 19 was the reason item 2 had been tabled in Council at the last meeting, noting that special permits had not ever been granted without the security plan being approved by the Police Department.

Councilor Jourdain emphasized that security plans were not optional but were a legal requirement. ---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 2 (Puello, J. Rivera)--Abstain 1 (Murphy-Romboletti). Councilor Murphy-Romboletti did not participate in the discussion or vote on this item.

From Holyoke Police Department Holyoke Wild's Security Plan for 20 Hadley Mills Rd.
---> Received.

PUBLIC COMMENTS

(1:04:50)

Owen Broadhurst, 1320 Northampton Street, stated that “phrenology for acoustics” was how defense attorney, T. Greg Doucette described ShotSpotter. He then stated that the technology had an 11% accuracy rate. He also stated ShotSpotter put themselves in contempt of court in a Chicago district court to avoid testifying as to how inaccurate their technology was. He also stated that ShotSpotter has instructed police departments on how to sidestep Freedom of Information Act requests to prevent collection of data on its inaccuracy. He then stated that the city was being asked to spend \$50,000 for one square mile of the 23 square miles of the city for a one in ten accuracy, adding that it could also be triggered by cars backfiring and fireworks.

President McGee read an email for public comment:

Mimi Panitch, 134 Madison Avenue, stated

Dear Councilors, I'm writing to ask you to support the proposed revisions to Holyoke's Preservation Ordinance (formerly the demolition delay ordinance) before you tonight. The loss of our historic structures isn't just a matter of sentiment and aesthetics. They're valuable assets as we pursue Holyoke's redevelopment: when they're preserved and re-used, they support growth in property values, improve our attractiveness as a community, and help attract further outside investment. The six-month demolition delay is very short by statewide standards, and has proved insufficient to give the city and Historic Commission the time it needs to explore alternatives to demolition of important and structurally sound buildings. The nine-month period now proposed, with its safeguards, strikes a reasonable balance between the interests of property owners and the City. With all respect, no one has an absolute right to do whatever they want with their real property. We all know that -- we can't store old disabled cars on our front yards, even if it would be profitable for us; we can't keep chickens in most residential districts; dozens of other examples will occur to everyone. A preservation delay that offers the possibility of saving significant value to the city is no different in concept. The City has important interests at stake, and this Ordinance vindicates those interests without creating an undue burden on property owners. Again, I ask the Council to support this important legislation.

Gloria Caballero Roca, 5 Whiting Avenue, expressed support for the sentiments of Mimi Panitch. She asked for consideration to extend the demolition delay.

Motion was made and seconded to suspend the necessary rules to take up item 33A out of order.

The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application for Jose T. Almonte to build a 4 family home at the empty lot (039-02-002) to the immediate north of 81 North Bridge St Recommended that the order be adopted

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that property was zoned IG and as a condition, requires a City Council special permit. She stated that concerns about adequate parking came up. She also stated that there were no plans for commercial property but would be 4 apartment units. She noted that several members of the community as well as other city councilors spoke positively about Mr. Almonte's other properties in the city.

Councilor Bartley stated that Mr. Almonte was a great applicant. He then noted that it was a unique use of a special permit. He also stated noted that no conditions were put on the application, emphasizing that the project would have an onsite property owner and not an absentee owner. He noted that conditions about affordability were discussed, adding that he did not believe those ideas were in order. He expressed expectation that there would be future additional development in the area. He then stated that the lot was a small parcel of less than a quarter acre with 4 units of housing. He emphasized that Holyoke was promoting such use of small lots while many abutting communities were not even attempting to reach 10% affordable housing level as required by Mass General Laws, adding that Holyoke was number one in affordable housing in the state.

Councilor Vacon expressed her support of the special permit, noting that the applicant was intentionally building it to accommodate what would be available for parking on the lot.

Councilor Maldonado Velez spoke in favor of the project, adding that he had known Mr. Almonte for most of his life. He added that the Mr. Almonte had done above and beyond for tenants who had lost their homes to fire recently at a different property on South Bridge. He emphasized that the community needed more landlords like him. He then stated that the city needed to think more about creating more protections for tenants.

Councilor Tallman thanked Mr. Almonte for his investment, noting it was a vacant lot that would become a 4 unit building. He also noted that many apartment buildings had been lost recently leading to several vacant lots.

Councilor McGiverin stated that Mr. Almonte had made a good presentation in committee. He noted that the city had rezoned a lot of property to do the correct thing for neighborhoods and to get away from multifamily buildings that did not have enough parking.

Councilor Jourdain thanked Mr. Almonte for his investment in Ward 1, adding it would be fantastic for 4 families living in the ward.

Councilor I. Rivera stated that he had known Mr. Almonte his whole life, noting he had also owned a bodega in another location.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

COMMUNICATIONS

(1:18:10)

Mayor's Supplemental Budget from July 1, 2022 to June 30, 2023.

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

From Mayor Joshua A. Garcia letter appointing Sharon Bittner-Willis as Acting City Treasurer effective July 15, 2022. This Appointment will last 60 Days, unless sooner revoked or upon the appointment of a permanent Treasurer.

---> Received.

From Mayor Joshua A. Garcia, letter reappointing Mr. Matteo Riondato, 56 Fairfield Avenue, to serve on the Local Historic District Commission effective July 1, 2022: Mr. Riondato will serve a three year term; said term will expire on July 1, 2025.

---> Received and Appointment confirmed.

Motion was made and seconded to suspend the necessary rules to take up items 6 through 9 as a package.

From Mayor Joshua A. Garcia letter appointing Ms. Lauren Niles, 40 Lexington Ave. to serve on the Local Historic District Commission (Fairfield Avenue): Ms. Niles will serve a three year term; said term will expire on July 1, 2025.

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

From Mayor Joshua A. Garcia letter appointing Ms. Beth Gosselin, 1070 Northampton St. to serve on the Local Historic Commission (Fairfield Avenue) effective July 1, 2022: Ms. Gosselin will serve a two year term; said term will expire on July 1, 2024.

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

From Mayor Joshua A. Garcia letter appointing Ms. Lauren Niles, 40 Lexington Ave. to serve as an Alternate of the Planning Board for the City of Holyoke: Ms. Niles will serve a one-year term; said term will expire on July 1, 2023.

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

From Mayor Joshua A. Garcia, letter appointing Ms. Jessica Lebron-Martinez, 102 Brown Ave. to serve as a member on the Commission on Disabilities for the City of Holyoke: Ms. Lebron-Martinez will serve a three year term; Said term will expire on March 2025.

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

From Mayor Joshua A. Garcia, letter reappointing Ms. Joan Plummer, 7 Radcliffe St. to serve as a member on the Library Board of Directors for the City of Holyoke: Ms. Plummer will serve a three year term; said term will expire on February 2025.

---> Received and Appointment confirmed.

From Lisa A. Ball City Solicitor, letter re: Fire personnel work second jobs exceeding 30 hours a week.

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

From Brenna Murphy President McGee, MMC and Jeffery Anderson-Burgos, Admin. Ass't. to City council minutes of June 7 & June 21, 2022.

---> Received and Adopted.

From Tanya Wdowiak, City Auditor, YTD Budget Report for the General fund and sewer fund and spreadsheet for the PILOT program revenues to date.
---> Received and referred to the Finance Committee.

From the Acting City Treasurer, Sharon Bittner-Willis. It is the most recent statements showing the balance for our stabilization accounts
---> Received and referred to the Finance Committee.

From Aaron Vega, Director OPED, letter re: Economic Development & Housing Development Incentive report.
---> Received and referred to the Development and Governmental Relations Committee.

From Alicia Zoeller, Community Development Director re: CDBG funds substantial amendments.
---> Received and referred to the Development and Governmental Relations Committee.

From Alicia Zoeller, Director re: FY2022 CDBG proposals from July 1, 2022 to June 30, 2023.
---> Received and referred to the Development and Governmental Relations Committee.

Memorandum of Agreement by and between the City of Holyoke and NAGE R1-180, Clerical Union.

Councilor McGiverin stated that the funds were in the supplemental budget and that the agreement should be vetted. He stated it could have an impact on a couple people currently working in positions.
---> Received and referred to the Finance Committee.

From AACO Realty Corp. letter regarding 380 Dwight St. Holyoke 420 LLC (failure to enforce city ordinances-Complaint.
---> Received and referred to the Ordinance Committee. Copy to the Law Department.

Motion was made and seconded to suspend the necessary rules to take up items 21, 22, and 23 as a package.

From Holyoke Board of Health minutes of April 28 and May 19, 2022.
---> Received.

From Holyoke Redevelopment Authority minutes of May 18, and June 16, 2022.
---> Received.

Board of Fire Commission minutes of May 19, and June 16, 2022.
---> Received.

From Infused Element LLC notice of Community Outreach Meeting for a proposed marijuana Establishment at 1 Cabot St.
---> Received and referred to the Ordinance Committee.

From Paul Burns, Director of Transit Operations at PVTA, letter re: update regarding PVTA shelter on South St.
---> Received. Copy to DPW.

PETITIONS

(1:25:45)

Petition for a renewal of a second hand license for GameStop located at 50 Holyoke St.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera).

Petition of Betlai, LLC c/o Edison Yee (White Hut) for a special permit for a restaurant fast food use Section 9.3) at 825 Hampden St.

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

Petition of Yajaira Mulero, for a street vendor license.

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

PRESIDENT'S REPORT

(1:27:20)

President McGee stated that he would forego a report for the meeting due to time.

REPORTS OF COMMITTEES

(1:27:25)

The Committee on Ordinance to whom was referred an order Special Permit Application Amendment for Buudda Brothers LLC at 90 Sargeant St (018-01-018) to amend the special permit due to plans to remove certain added-on structures and replace with a new addition 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.

UNDER DISCUSSION:

Councilor Vacon stated that the application had been complete. She also stated that the applicant provided a presentation that was thorough and straightforward.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 2 (Puello, J. Rivera)--Abstain 1 (Murphy-Romboletti). Councilor Murphy-Romboletti did not participate in the discussion or vote on this item.

Motion was made and seconded to suspend the necessary rules to take up items 29B and Late File H as a package.

The Committee on Ordinance to whom was referred an order Special Permit Application Amendment for Mill Town Agriculture LLC at 1 Cabot St (048-01-010) continue to operate a marijuana cultivation business having completed a structural change application with the CCC 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 comply with the conditions of the Engineer's letter dated June 21, 2022.
9. That the applicant will submit a letter from the Police Department regarding the updated security plan.

UNDER DISCUSSION:

Councilor Vacon stated that the Police Department letter referenced in the 9th condition had been received, adding that it was requested due to the application being an amendment to their special permit for a structural change.

President McGee noted it was received as Late File H.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 2 (Puella, J. Rivera)--Abstain 1 (Murphy-Romboletti). Councilor Murphy-Romboletti did not participate in the discussion or vote on this item.

H. From Holyoke Police Department Mill Town Agriculture Security Plan for 1 Cabot St.

---> Received.

The Committee on Ordinance to whom was referred an order That the City Council adopt an ordinance that requires all department heads and employees to electronically track (i.e. Munis or other such system as determined by the Personnel Department) all time off accrued and used on a monthly basis. They are also required to report all time off requests, approvals, denials and usage tracking centrally to the Personnel department on a monthly basis. The personnel department shall ensure compliance with city time off policies. Any employee or department head who knowingly provides false information on the reporting of time shall be subject to discipline up to and including termination. They shall also be subject to restitution and/or other civil fine as may be established by ordinance Recommended that the order be adopted as amended

UNDER DISCUSSION:

Councilor Vacon recalled that several councilors attempted to get the munis system implemented ten years prior. She then stated that the new Personnel Director was actively working toward that end and that the ordinance would support those efforts. She noted lost time could be a budget buster.

Councilor Jourdain commended those helping to tackle this issue and get it done. He also thanked the Law Department for crafting the ordinance.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 10--Nays 1 (McGiverin)--Absent 2 (Puello, J. Rivera).

The Committee on Ordinance to whom was referred an order that the City Council amend Holyoke Zoning Ordinances to correct the site plan review process in Section 7.10.6.5(b). Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that legal form was not ready for this item.

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

The Committee on Ordinance to whom was referred an order that the City Council consider updating the Demolition Delay ordinance with changes proposed by the Historical Commission Recommended that the order be adopted as amended

UNDER DISCUSSION:

Councilor Vacon stated that much advocacy was done to make changes to the demo delay ordinance. She then stated the name would be changed to be reflective of the goal of preserving property, as well as an intent to extend the demo delay. She stated that the committee was recommending it be changing to 9 months, with a 3 month limit for the Historical Commission to hold public hearing.

Councilor Maldonado Velez expressed his support for the change, noting he had been in support of a proposed change to 12 months. He then stated that 9 months with the added 3 months for public hearing was a good compromise.

Councilor Jourdain stated that the ordinance recognized the good work of the Historic Commission, made historic preservation a priority in the city with safeguards for buildings that could be saved, without being antibusiness or creating unnecessary delays. He noted there was a need to strike a balance between competing interests.

Councilor McGiverin noted that the legal form had only been received the day before but was comfortable voting since he had attended the meetings. He then expressed his support for the name change and the 3 month limit on public hearings but believed the 9 month delay was too long and was antibusiness. He stated that by adopting the amendment, it would tell potential developers that they may need to wait at least a year.

Councilor Vacon stated that while she was not initially in favor of the increase from 6 months to 9 months due to business considerations. She then stated that there were other processes to get the Historical Commission involved earlier in the process. She suggested that if everyone was at the table, there would be fewer instances when the demo delay ordinance would need to come up.

Report of Committee passed two readings and Denied on a call of the roll of the yeas and nays--Yeas 8--
Nays 3 (McGee, McGiverin, Murphy-Romboletti)--Absent 2 (Puello, J. Rivera)

Motion was made and seconded to reconsider the previous action.

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

The Committee on Ordinance to whom was referred an order that the ordinance committee meet to discuss amending the demolition order regarding historical commission review to begin the process once a property has been listed by the problem property group. The goal of this would be to enhance the

possibility of preserving structures, and to do so prior to extensive building deterioration, which then escalates costs Recommended that the order be referred to the mayor.

UNDER DISCUSSION:

Councilor Vacon stated that the order was a companion order to the previous one. She stated that the idea was that getting all interested parties at the table earlier in the process.

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

The Committee on Ordinance to whom was referred an order that the Holyoke City Council review and amend Section 86-322 of the Zoning Ordinance to allow for restricted electric vehicle charging station parking spots. Adding Subsection F to include ; F. Electric vehicle charging stations.

The following locations are designated as electric vehicle charging stations:

Parking

Area Location Area/Number of Spaces Time Limit/Class Recommended that the order be adopted

UNDER DISCUSSION:

Councilor Vacon stated that as people were transitioning to more use of electric vehicles, the change would provide an opportunity for people to have charging stations.

Councilor Maldonado Velez stated for the benefit of the public that 4 new electric vehicle charging stations would be available downtown as a result of this order.

President McGee stated that the locations were Chestnut Street, the Holyoke Amtrak parking lot, the HG&E main office parking lot, and the Holyoke Public Library parking lot.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays-- Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera).

Motion was made and seconded to suspend the necessary rules to take up items 29G and 29H as a package.

The Committee on Ordinance to whom was referred an order The city amend its ordinance by ADDING the following language affecting the East-side of Russell Terrace as following:

Russell Ter. East South St. running in a northerly direction Point 143 feet more or less No Parking Recommended that the order be adopted.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays-- Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera).

The Committee on Ordinance to whom was referred an order the city DELETE the following two ordinances affecting the west-side of Russell Terrace as follows:

*Russell Ter. West from Carlton St. running in a southerly direction to a Point 292 feet more or less

*Russell Ter. Westerly Beginning of Russell Ter. End of Russell Ter. No parking any time. Recommended that the order be adopted.

Area Location Area/Number of Spaces Time Limit/Class Recommended that the order be adopted

UNDER DISCUSSION:

Councilor Vacon stated that the matter was a cleanup of the ordinances for public safety purposes.

Councilor Bartley stated that it had been made a two way street multiple years ago with overwhelming positive feedback. He then stated it had been a great benefit for the area as well as of Peck School because it allowed buses to go in and out. He stated that this change would allow buses to get by in a

safe manner without damaging vehicles on the street. He also commended the work to get the townhouses developing, adding that the units were virtually net zero on energy usage due to the design.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Ordinance to whom was referred an order Petition for a street vendor license for Jesús Feliciano between Middle and Appleton Sts. Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that the applicant provided information on the limited days and hours he would operate. She added that he also was not sure how long he would continue to operate the business. She stated there was no reason to deny the license. She then requested that the applicant notify the City Clerk's office if he decided to stop operating.

Councilor Maldonado Velez stated that there was an order in the Ordinance Committee to create a street vendor zone. He then stated that there had been concerns in the community with street vendors setting up close to brick and mortar restaurants.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Ordinance to whom was referred an order Special Permit Application Amendment for Massbiology Technology LLC at 6 Appleton St (048-01-003) to change the entrance location from the NE side of the building to the SE side. Recommended that the order be adopted with the following condition: That the applicant will provide the Fire Department access control to the gated area.

UNDER DISCUSSION:

Councilor Vacon stated that the main concern of the Fire Department was that they would have access control to the gated area for safety concerns. She added that the applicant agreed to add that as a condition. She noted the original conditions from when the special permit was originally approved would remain.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera).

The Committee on Ordinance to whom was referred an order Special Permit Application for Ahava LLC at 333 N. Canal St (036-01-001) for marijuana cultivation and product manufacturing 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 will provide the mechanical plans to the Planning Department prior to the project beginning.

UNDER DISCUSSION:

Councilor Vacon stated that the application was fairly complete, but they were not totally settled on their

mechanical plans. She stated that the applicant was willing to make it a condition.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 2 (Puello, J. Rivera)--Abstain 1 (Murphy-Romboletti). Councilor Murphy-Romboletti did not participate in the discussion or vote on this item.

The Committee on Ordinance to whom was referred an order Special Permit Application for Holyoke Smokes Corp at 81-85 Sargeant St (019-01-003.1) to create a marijuana delivery license establishment as a warehouse to store marijuana products not open to the public, and to purchase store, sell, and deliver directly to consumers homes. 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.

UNDER DISCUSSION:

Councilor Vacon stated that this permit was different in that they would be a delivery operator, adding that they would not have many of the concerns with other establishments such as odor because they would only be storing and delivering.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 2 (Puello, J. Rivera)--Abstain 1 (Murphy-Romboletti). Councilor Murphy-Romboletti did not participate in the discussion or vote on this item.

Motion was made and seconded to suspend the necessary rules to take up items 29N, 29O, and 29P as a package.

The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 563 So. Canal St. for William Vazquez, placard # PL2290306 Recommended that the order be adopted.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 584 So. Summer St for Isaiah Lee Suarez Recommended that the order be adopted.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 948 Dwight St. for Said M. Umari. Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that the applications were reviewed and recommended favorably to the committee by the Disabilities Commission.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

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

UNDER DISCUSSION:

Councilor Vacon stated that approval from the state for the cultural district was pending.

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

The Committee on Ordinance to whom was referred an order That until residents are offered an opportunity to meet IN THE NEIGHBORHOOD with public officials and public board members, who are making decisions with little to zero neighborhood input, the City shall not spend any funds or incur any costs for any new buildings including any school. Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated the order led to a lot of discussion and perspectives.

Councilor McGiverin expressed agreement with the intent of holding neighborhood meetings for construction of public buildings. He added that while he had no problem with the ordinance, he suggested adding an amendment to stipulate when the meetings would be held in the process by the building committee. He noted that by the time projects reach the Finance Committee, details such as location, design, and other major details have been finalized.

Councilor Vacon asked if a timeline should be written into the ordinance.

Councilor McGiverin stated that while it was a good proposal, it was hard to determine the right timeline. He noted the design phase can be lengthy.

Councilor Vacon asked if the "meeting shall occur during the design phase of the project" was the suggested amendment.

Councilor McGiverin accepted that suggestion.

Motion was made and seconded to amend the ordinance with the suggested language.

President McGee noted that proper protocol was not to vote on an ordinance until the final language was in ordinance form.

Councilor Vacon suggested it could be tabled.

Councilor Bartley stated that it was a great suggestion and would get to the spirit of the order's intent.

Motion to amend approved. .

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

The Committee on Ordinance to whom was referred an order Under certain special circumstances with supermajority approval of the city council, the starting pay for a position with a salary set by ordinance can exceed the mid range, but not exceed the maximum. Such a special circumstance shall have no

effect on any other salary range or pay rate for any city employee. Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that there was a request to make this change specifically for the Director of Public Works. She noted there was urgency as there had been an ongoing search for a new director of the department.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Ordinance to whom was referred an order that the city council invites a representative from the Department of Early Education and Care to an Ordinance committee meeting to discuss home day cares - their current processes, licensing, and if a special permit at the local level is a suggested practice. Recommended that the order has been complied with.

UNDER DISCUSSION:

Councilor Vacon stated that the order was filed as a companion to an order that was already disposed of.
---> Report of Committee received and recommendation Adopted.

The Committee on Ordinance to whom was referred an order Petition of Jesús Feliciano, for a street vendor license to be located at 130 Race St. Recommended that the order be given a leave to withdraw

UNDER DISCUSSION:

Councilor Vacon stated that the applicant had not come in after multiple attempts to contact them.

Councilor I. Rivera asked to clarify that this was for 29U.

Councilor Tallman clarified that it was the same person as a previous order.

Councilor Vacon clarified that she was mixing it up with a different application.

Councilor Maldonado Velez stated that the applicant had initially applied for this address but was told by the city that it would be better for him to apply for Middle and Appleton address.

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

Councilor Vacon commended the Ordinance Committee for their diligent work through the summer.

(2:12:25)

Motion was made and seconded to suspend the necessary rules to take up items 30A, 30I, and 30J as a package.

The Committee on Finance to whom was referred an order Communication from Mayor Garcia with supplemental budget. Recommended that the order be adopted.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Finance to whom was referred an order MOA for Local 1459 Recommended that the order has been complied with.

---> Report of Committee passed two readings and recommendation Adopted.

The Committee on Finance to whom was referred an order Communication from City Solicitor: Memorandum of Understanding between the City and the Professional Supervisors Association dated July 8, 2022. Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor McGiverin noted that supplemental budgets were an allowed matter of financial business within municipalities that could be presented up until the tax rate is set as long as there are funds to support it. He also noted that there was an updated recap sheet following the adoption of the state budget. He then stated that one big change was the addition of the School Department budget as it had not been known at the time of the adoption of the city's budget. He stated it was around a \$283,000 difference on the positive side. He then stated that the supplemental budget were for additional needs that had been discussed during the budget hearings, including the MOA for the Professional Supervisors Association. He then stated that the regarding the MOA for Local 1459, they had learned in June that the DPW MOA had not been discussed because it had not been finalized. He noted a \$1.00 per hour wage increase for the current fiscal year, as well as the same increases in July 2023 and 2024. He then highlighted increases in the supplemental budget for the DPW budget, claims and insurances lines in the Solicitor's budget, impacts from early retirements, and additional overtime funding in the City Clerk's budget for the upcoming elections. He then stated that the recap sheet showed that there remained an additional \$1,184,396.95 from the available levy limit, translating to a savings to the taxpayers. He then stated that the supplemental budget amounted to an additional \$783,908. He also commended the presentation given by the consulting auditor during the Finance Committee meeting.

Councilor Vacon asked if anticipated raises could be included in budgets.

Councilor McGiverin stated that it had been done both ways in past years. He then stated that one issue with putting it in before an agreement is negotiated is it tells the parties what funds are there and mayors do not always prefer to do that. He added that another issue is that if a raise is funded and there isn't an agreement, it raises the question of whether or not the raise has gone into effect.

Councilor Vacon recommended that new councilors watch the video of the presentation that the consulting auditor did, emphasizing that she did a good job of walking through all of the details on the Cherry Sheet.

Councilor I. Rivera also commended the consulting auditor for the information she provided. He then suggested that she come back, noting that she didn't finish her entire presentation. He added that she went into an interest nuts and bolts description of the budget.

Councilor Jourdain suggested some caution with the budget, noting that much of the surplus was due to one-time ARPA funding. He also stated that there were structural issues with the budget, adding that he was impressed with the team in place to address them.

Councilor Maldonado Velez asked to clarify the difference between this supplemental budget and the budget that was item 3 of this agenda.

Councilor Jourdain stated that the new item was the School Department budget.

Councilor McGiverin stated that they needed to discuss that in committee. He then noted that they had looked at it in committee before but they would have additional discussion at the next meeting.

Councilor I. Rivera asked to clarify if the vote on the supplemental budget would be on the entire thing or if they would go through it line by line.

President McGee stated that it would be a vote on the budget, noting that the Finance Committee had already discussed it.

Councilor McGiverin noted that procedurally, anyone could make a motion to make line item cuts but that the committee had done the work of vetting the budget.

Councilor Jourdain noted that past supplemental budgets had usually been submitted as single line documents rather than as a whole budget document. He then asked if procedurally this meant they could go back and amend the entire budget, just for future reference.

Councilor McGiverin suggested that it could mean that.

President McGee asked to clarify that the budget was a vote to approve while the other two were just complied with.

Councilor McGiverin confirmed that was accurate, noting that the Council cannot negotiate or change the contracts.

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

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 "FY2023 STATE 911 DEPARTMENT SUPPORT & INCENTIVE, \$246,443, 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 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the grant would be used for dispatcher salaries, adding it was a reimbursable grant. He stated that as salaries are paid, the grant is used to transfer into the salary lines, allowing the existing funds to be used transferred out into other line items. He added that ordinances required those transfer requests to come to the City Council for approval.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays-- Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

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 "MASSACHUSETTS PRESERVATION PROJECTS FUND-STAINED GLASS WINDOW CONSERVATION, \$55,000, 50% MATCH (CPA FUNDED)" 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 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin commended outgoing City Engineer, Robert Peirent, for his work on this project. He then stated that the grant would be for the 4th phase of restoration of the stained glass windows on the upper floor of City Hall. He further stated that this phase would cover two additional windows on the

parking street side of the building as well as a partial one facing High Street. He added there would be one more phase to complete everything.

Councilor Jourdain expressed support for the grant. He then noted that on the previous order for the E911 grant, this had been for the same account that a transfer was made from into overtime. He suggested that newer councilors would begin to notice similar transfers as grant funds go in. He emphasized that during budget approvals in June, questions would come up about not funding accounts due to not being sure that grants would come in, which would then be followed by grants coming in the following August. He further emphasized that the account receiving the grant was not overfunded.

Councilor Tallman emphasized the importance of completing the work, noting it to be one of the most beautiful buildings in the city.

Councilor I. Rivera echoed the sentiments of his colleagues, adding that he believed it to be one of the most beautiful buildings in Western Mass. He then offered thanks to the CPA for their consistent excitement to support the project.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11-Nays 0--Absent 2 (Puello, J. Rivera)

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 "MASSTRAILS - ANNIVERSARY HILL PARK TRAIL IMPROVEMENTS, \$100,000, 20% MATCH (CPA FUNDED), " 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. Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the CPA match of 20% had already been funded. He then stated that the grant add to continued funding for improvements to the Anniversary Hill Park Trail. He then emphasized that the improvements would allow Holyoke residents and people from throughout the region to utilize the park. He then emphasized that this grant would help improve a trail to make it ADA accessible, adding that Yoni Glogower's explanation had been incredible. He added that they would fix the grading of the trail to adjust grading that was too steep.

Councilor Tallman noted that there had also been an explanation of adding a kiosk to the trail. He recalled taking day trips up to the tower as a kid.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

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 "WINTER RECOVERY ASSISTANCE PROGRAM (WRAP), \$445,008, 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 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the grant was like Chapter 90 funds in that they come in on an annual basis to be used for road improvements and other qualifying DPW projects. He then stated that this grant was the second or third year of the city receiving it. He then emphasized that it has to be used by the end of the fiscal year, adding that they were proposing to use part of it to fix up High Street as a temporary fix until the state's planned larger scale project in the coming years. He added that the funding would also be

used for Easthampton Road near Southampton Road for street improvements. He noted that the projects were ready to go.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE MILLION AND 00/100 Dollars (\$1,000,000) as follows:

FROM:

8810-10400 STABILIZATION \$1,000,000

TOTAL: \$1,000,000

TO:

8811-10400 CAPITAL STABILIZATION \$1,000,000

TOTAL: \$1,000,000 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin recalled that prior to the end of the last fiscal year, the mayor and City Council established a capital stabilization fund. He then noted that \$1 million had been received from the School Department, savings largely due to allowing the School Department to extend their bus contract. He also emphasized that funds cannot be transferred into a stabilization account in the same fiscal year as they are created, and that the mayor expressed his intent to initiate this transfer soon after the beginning of the new fiscal year. He stated that any expenses out of the fund would be subject to a two-thirds City Council vote.

Councilor Vacon expressed support for the transfer, noting many councilors had been looking for ways to stabilize the city's debt and deal with capital needs for many years.

Councilor Tallman commended the mayor for attending all the Finance Committee meetings. He then stated that the capital stabilization fund was good for the future of the city for use if emergency needs come up.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE THOUSAND SIX HUNDRED AND 00/100 Dollars (\$1,600) as follows:

FROM:

11751-51400 LONGEVITY \$1,600

TOTAL: \$1,600

TO:

11751-51300 OVERTIME \$1,600

TOTAL: \$1,600 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the transfer was needed due to vacancies in the Planning department as well as the department taking over work relative to various commissions meeting on a regular basis. He stated their administrative assistant and clerks were working extra hours doing that work.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, THIRTY FOUR THOUSAND THIRTY THREE AND 00/100 Dollars (\$34,033) as follows:

FROM:
16101-52100 ENERGY/GAS/OIL/ELECTRIC \$30,000
16102-54221 LIBRARY BOOKS 4,033
TOTAL: \$34,033
TO:
16101-51102 REFERENCE LIBRARY ASSISTANT \$32,945
16101-51111 LIBRARY ASSISTANT EVENING 393
16101-51105 CATALOGER 695
TOTAL: \$34,033 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that transfers were to cover adjustments to salary that weren't included in the original budget. He then stated that the discussion largely focused on where the funds were coming from. He then noted that the library budget was a complex topic. He then stated that the library receives some of its funds for the state, just as every library in the state does provided that the cities meet their income level of spending revenue on libraries. He then stated that the Library Director, Maria Pagan was having to juggle the budget to assure that the salaries get paid. He also noted that the Friends of the Library group provide some funding to the library. He added that there was a ten year process of combining the Library Board with the Friends of the Library to have better management control, adding that the effort is tricky because the city cannot do fundraising that outside groups can do.

Councilor Vacon noted that given the other funding sources for the library, they would still be able to fund library books. She then stated that those lines are subsidized along with the city's budget.

Councilor Jourdain stated that he supported where the funding was going, emphasizing his belief that everyone working for the city should be earning at least minimum wage. He then stated that it was outrageous that the state legislature exempted itself as well as municipalities from the state's minimum wage laws. He then stated that the funding to cover the salary needs of the library should have been provided through the supplemental budget. He then stated that he would be voting for the transfer but that the library was going to need \$60,000 to cover energy, gas, and electric. He further emphasized that the city should not be intentionally underfunding the energy account. He asked what would happen if the funds did not end up being available to fund the expense lines.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Puella, J. Rivera)

Motion was made and seconded to remove item 1 from the table.

Councilor McGiverin noted that there was an interest in changing this as there were open questions on when the practice of approving a Fire Chief contract began. He then stated that an ordinance for a Police Chief contract had been done when Marty Dunn was mayor, but he did not believe an ordinance for a Fire Chief contract had ever been adopted. He then stated that according to the Solicitor, the Fire Commission had begun the practice of negotiating a Fire Chief contract three chiefs ago. He added that the Council had only voted on one of them. He noted that the pending contract was better for the city than the previous one. He suggested that this contract could be disposed of since the funds were in the budget, noting that an ordinance was being worked on.

Councilor Vacon stated that Ordinance Committee had taken it up and was waiting on legal form. She added that they were also waiting on the salary range.

Councilor Jourdain expressed concern that the City Council would recognize a contract before it was legal to do so. He also emphasized there was distinction between if they were sending the contract just as notification versus if the City Council was meant to ratify it. He also stated that they technically could

not yet pay the Fire Chief out of the contract. He noted that the Police Chief contract ordinance had been adopted in 1996. He then reiterated that Fire Chief contracts cannot just be created without an ordinance. He stated that they Council would be in better standing to pass the ordinance first.

Councilor McGiverin stated that the salary was adopted in the budget. He then noted that they later learned that the contract was better for the city. He also noted that they had voted on the contract for Chief Pond, two chiefs ago, they had not voted on the contract for the most recent chief. He also stated he was fine with waiting for the ordinance.

President McGee clarified that they had not voted on a contract but had voted on an appropriation. He then stated that in committee, it was recommended as complied with since just the funding was being approved.

Councilor Jourdain suggested that the contract remain laid on the table, pending the expected passage of the ordinance in the coming month.

---> Received and Laid on the table.

(3:01:05)

Motion was made and seconded to suspend the necessary rules to take up items 31A through 31L.

The Committee on Public Safety to whom was referred an order that a blinking stop sign be placed on Linden St at the intersection of Mac Kenzie Ave and Anderson Ave Recommended that the order has been complied with

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

The Committee on Public Safety to whom was referred an order that any gates to our local parks be closed and secured at closing time to reduce unauthorized access and vandalism. A constituent reported vandalism at Community Field Recommended that the order has been complied with

UNDER DISCUSSION:

President McGee stated that the new Parks Director, Tom Reynolds, had visited Community Field almost every night to check on the gate and found that a car had recently hit the gate. He also noted that Mr. Reynolds had been cleaning the skate park for events.

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

The Committee on Public Safety to whom was referred an order that honorable city council invite organizers of the Holyoke HUB to come in and present on what the Holyoke HUB is and how it will benefit the city of Holyoke. Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that the purpose of the HUB was for a variety of agencies to come together to discuss particular situation that arise in the community. He added that individual situations can be referred to HUB from each of the agencies so that all of the entities within it can come together to address the issues rather than working in silos.

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

The Committee on Public Safety to whom was referred an order that Public Health & DPW identify owners of property on the corner of Lyman and No. Summer St. as well as the property across the alley to it. Both Properties are overgrown with tall grass and are prone to illegal dumping Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that this has been an issue for 5 to 6 years. He stated that it's possible the owner may have passed away. He then stated that city departments regularly attempt to reach out and eventually end up having to arrange for cutting the grass. He added that the same issue has to be regular addressed for the lot next to this address, noting that cutting the grass often leads to them finding couches and other large items that cannot be seen when the grass is overgrown.

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

The Committee on Public Safety to whom was referred an order that the city council invite in Jim Lavelle of HG & E and his representatives to a city informational session in order to update residents on general matters related to the HG&E (I.e. pole locations, moving poles, cost analysis of wires above vs underground). Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that a conversation took place at the Senior Center but had not yet been cleared out of the committee jacket.

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

The Committee on Public Safety to whom was referred an order That the DPW/City Engineer come before the Public Safety to address tree removal on Princeton St. and offer up some solutions to the amount of trees that were removed. Maybe follow-up with DCR (Sarah Greenleaf Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that the order was being cleared out of the committee jacket.

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

The Committee on Public Safety to whom was referred an order That the School Receiver Soto and Police Chief Pratt (and members of their teams as needed) please appear before the Public Safety Committee to discuss and review school safety and active shooter protocols and training in our public schools. Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that the maker of the order, Councilor Jourdain, spoke with the Receiver on the matter, learning that they had been practicing every few months.

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

The Committee on Public Safety to whom was referred an order 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 Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that the order had been complied with since the conversation had taken place, adding that the Engineer may not have recommended it but was not sure as it had been a few months

ago.

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

The Committee on Public Safety to whom was referred an order that we create a new role that would lead the Department of Public Care and Safety Recommended that the order has been complied with

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

The Committee on Public Safety to whom was referred an order that we fund the Public Safety line item with \$200,000 and create a Department of Public Care and Safety that is separate from police, fire department, and others currently being tasked with the job of public safety. The role will work on setting up a department that will provide multiple types of civilian responders to community needs, including peer response to mental health and substance use crises, as an alternative to police response. They will work with community partners to create spaces like the winter warming shelters and connecting all community partners and the public to their services. Regionally work with other communities that have instituted a similar department. Will also work on expanding the usage of the 988 number rolling out July 16th Recommended that the order has been complied with

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

The Committee on Public Safety to whom was referred an order that we work on expanding the Community Responder Model (see communication) that the Holyoke Police Department is already participating in with local organizations. Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that the plan was to come up with a system where community members are employed by the city to respond to nonviolent situation without needing a police officer. He added that the Law Department was researching how it could be done.

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

The Committee on Public Safety to whom was referred an order The City DPW, Engineer and Mayor look to remove one-half of the "double sidewalk" between Wolcott & Congress Ave for the purpose of re-installing a tree belt and/or adding angled parking. This is supported by the abutters who brought this to my attention. This would "green" the area and add additional parking crucial to this neighborhood Recommended that the order has been complied with

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

(3:08:40)

The Committee on Public Service to whom was referred an order That the public service committee begin the process of accepting resumes and interviewing candidates for the open position on the Board of Assessors Recommended that the order has been complied

UNDER DISCUSSION:

Councilor Tallman stated that they received applications and held interviews for 2 of the 5 candidates that had initially applied, noting that a couple of them had found other jobs. He stated that there were good questions asked for these important positions. He then noted that the Deb Brunelle stated they were in need of another assessor. He stated that councilors can vote for anyone, and that the person selected would need 7 votes.

Councilor Jourdain noted that both of the candidates lived outside of Holyoke, adding that it was a requirement to live in the city as a charter position.

Councilor Tallman noted the Law Department had presented an opinion recently clarifying what positions required residency.

Councilor Jourdain noted that this was a city officer in the charter.

Motion was made and seconded to suspend the necessary rules to allow the Law Department to address the Council.

Atty Bissonnette stated that the Board of Assessors was named in the City Charter and would require residency unless exempted by a home rule position.

Councilor Jourdain stated that while the Council could vote for anyone, the winning candidate would need to be given transparent notice of the need to move to the city.

Councilor Bartley asked if the Council could file a home rule petition for the September meeting.

Atty Bissonnette stated that the Council could make it a condition of employment that they move to a residency status within a certain period of time.

Councilor Bartley clarified that he was seeking to learn if they could petition for a home rule change to remove the residency requirement.

Atty Bissonnette stated that they could.

Councilor Bartley asked if they could make employment conditioned on a successful home rule petition.

Atty Bissonnette stated they could, adding that it was different from how the charter treated elected officials who must establish residency as of the date of their nomination and/or election. He stated they could have a home rule petition ready to be filed for the next meeting.

President McGee stated that they could do that, noting the need for the Assessor's office.

Councilor Vacon suggested asking the applicants if they would be willing to move to Holyoke.

President McGee suggested that HR could ask them.

Councilor Jourdain recalled a former Chief Assessor who lived in Westfield that had initially told the Council he would move to the city, and eventually left after being pressed on it. He then suggested that 6 months would be a fair period of time. He noted that the Fire Chief was given 6 months by ordinance to move into the city.

Councilor Maldonado Velez asked to clarify if the plan was to file a home rule petition at the next meeting which would then take time to move through the state legislature. He then questioned leaving the candidate unsure of if they would or would not need to move to the city. He then added he was not comfortable voting without finding out if either of the candidates were willing to move to the city.

Motion was made and seconded to lay item 32A on the table. Motion failed on a voice vote.

Councilor Vacon stated that she reached out to the Chief Assessor who had been waiting a long time for the position to be filled. She then emphasized that the Council needed to move forward and put it out to somebody.

President McGee stated that the Council should vote and that whoever is appointed could be informed of what the Council was trying to do.

Councilor Bartley suggested that the winning candidate may not want to move in but would ask for the Council to at least attempt the home rule petition. He then recalled a former DPW Director that lives outside the city for 25 years without being challenged by city councilors.

Councilor Maldonado Velez asked if they would be prevented from starting in the position if their holding the position was contingent upon passing the home rule petition.

President McGee stated that the Council could pick someone and then an order could be filed at the next meeting to seek changing the residency requirement.

Councilor Maldonado Velez asked if the process would start again through Public Service if the chosen candidate did not take the job.

President McGee stated that it would.

---> Motion was made and seconded to go to the first ballot for Board of Assessors. Cheryl Hollway received 6 votes (Bartley, Jourdain, McGee, McGiverin, Tallman, Vacon). Stephanie Moretz received 4 votes (Anderson-Burgos, Givner, Murphy-Romboletti, I. Rivera). Erin Callahan received 1 vote (Maldonado Velez).

---> Motion was made and seconded to go to the second ballot for Board of Assessors. Cheryl Hollway received 6 votes (Bartley, Jourdain, McGee, McGiverin, Tallman, Vacon). Stephanie Moretz received 5 votes (Anderson-Burgos, Givner, Maldonado Velez, Murphy-Romboletti, I. Rivera).

Councilor Vacon stated that she sought the input of the Chief Assessor who told her that the more knowledge of Holyoke someone had coming into the office, the better. She further stated that each of the applicants would need to become certified and that they would already have a lot to learn. She noted that one applicant had more knowledge of Holyoke than the other and that it should be taken into account.

---> Motion was made and seconded to go to the third ballot for Board of Assessors. Cheryl Hollway received 7 votes (Bartley, Jourdain, McGee, McGiverin, Murphy-Romboletti, Tallman, Vacon). Stephanie Moretz received 3 votes (Anderson-Burgos, Givner, Maldonado Velez) Juan Uribe received 1 vote (I. Rivera). Cheryl Hollway appointed to the Board of Assessors. The term will expire January 31, 2023.

(3:26:35)

The Committee on Development and Governmental Relations to whom was referred an order That the Honorable City Council, in accordance with M.G.L. Ch. 30B and the City ordinance for property disposition, vote that the City of Holyoke accept the proposal and sell 525 Pleasant Street for \$20,111.00 to Indra Harris. The property is described in the City Assessor Records as Map 091, Block 00, Parcel 073, consisting of approximately 7,841 square feet of land. The property is zoned as Multi-Family Residence

(RM-20) and has an assessed value of \$40,000. Additional information is attached Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that the proposal was presented through the Office of Planning and Economic Development. She then stated that it was for a vacant lot that had recently been demolished that was to become housing. She added that Ms. Harris had additional properties that she had developed in the past. She also stated that construction would begin as it got warmer the next spring. She then stated that there were no major concerns.

Councilor Bartley stated that the project was going to provide more housing through a petitioner who already had a great track record. He also noted that the petitioner lived next to the parcel. He added that she was doing well with his current home and wanted to invest more in the city. He then emphasized the importance of getting empty lots off of the city rolls and back into the tax base.

Councilor Tallman stated that it was great that there was investment happening in this area. He noted that the previous house at the location had begun crumbling due to the previous owner passing on and nobody taking it over.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

The Committee on Development and Governmental Relations to whom was referred an order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 267 Elm Street (Assessors Map 004, Block 03, Parcel 004) as surplus property available for disposition. The property was acquired via a tax lien foreclosure in 2017. It is approximately 5,662 square feet in size, zoned Downtown Residential and has an assessed value of \$34,500 Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that the property was to be declared a surplus so that the city could put it out to RFP and sell it.

Councilor Bartley stated that this would be an important step in the process of the property being marketed and leading to an eventual offer to the city. He also emphasized that there was continued interest from developers to acquire properties.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Puello, J. Rivera)

Motion was made and seconded to suspend the necessary rules to take up items 33E and 33F as a package.

The Committee on Development and Governmental Relations to whom was referred an order The DGR committee invite GEORGE MULRY, Volleyball Hall of Game Executive Director, to a meeting in May (or thereafter) to discuss the new Hall inductees, the future of the Hall in Holyoke and other programming related to volleyball in order to help promote the game in the city and region Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that Mr. Mulry was a great asset to the community. She then stated that he provided info on 120 feet of new exhibit, with more opportunities for storytelling. She also stated

that induction for the Volleyball Hall of Fame would be on Friday, October 21st, at the Hall of Fame. She noted that people come from all over the world for the event.

Councilor Bartley stated that Mr. Mulry had been wearing a lot of hats as a coach, mentor, advocate, and fundraiser at the Hall of Fame. He noted the mayor would be present at the induction event. He noted that Misty May would be attending to be a part of inducting Kerri Jennings. He then noted there would be inducted from 4 different continents. He also emphasized that while the Hall puts the inductees in local hotels, they pay their own way to get here. He also noted that Mr. Mulry spoke on the need to engage in more events in the city. He noted that the Hall was open every day but Monday and that Mr. Mulry will often give private tours. He further emphasized that the Hall was a tremendous asset to the city. He then emphasized that Ms. Jennings had won 3 Olympic gold medals as well as multiple national championships.

President McGee asked to clarify the hours of operation.

Councilor Murphy-Romboletti stated that it was Tuesday through Sunday, 11 a.m. - 3 p.m.

President McGee noted that volleyball was declared the official state recreational sport on July 31st, 2014.

Councilor McGiverin stated that he had been present when Misty May was inducted, adding that she promised to be back for Kerri Jennings' induction.

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

The Committee on Development and Governmental Relations to whom was referred an order City Council invite Jordan Hart, chamber of commerce executive director, to appear before the DGR committee Recommended that the order has been complied with

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that Jordan had been in the position since February but at the Chamber for 9 years. She then stated that she had taken on many initiatives to make the Chamber more inclusive and representative of the entire business community. She then stated she was working on technical assistance for small businesses and helping business get through the pandemic.

Councilor Bartley stated that Jordan was important to the city providing stability in the office with positive energy. He expressed his hope that she would stay around, noting she had a lot of great ideas. He emphasized for the Chamber's need for involvement in many things.

Councilor Vacon stated that both George Mulry and Jordan hart strongly and effectively represented their organizations. She noted it was a great tradition to invite people in from these organizations.

Councilor McGiverin stated that he had been impressed with the vision Ms. Hart had for the Chamber of Commerce. He then stated that Mr. Mulry was an incredible advocate for the Volleyball Hall of Fame. He then stated that the city could do more to promote these facilities, along with several others, more cohesively.

Councilor Tallman stated that both were strong advocates for the city. He further emphasized the importance of promoting Holyoke, noting that there was an order regarding the Tourism Committee.

Councilor Maldonado Velez noted that Ms. Hart was also the chair of the parking advisory committee. He noted the mayor was requesting an RFP for bids to get a study done.
---> Report of Committee received and recommendation Adopted.

The Committee on Development and Governmental Relations to whom was referred an order Special Petition Application - Patrick and Melissa Leahy at 9 Wyckoff Ave for a pool and equipment Recommended that the order be given a leave to withdraw with consent of the applicant.

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that there was no longer a need for the special petition application. She noted that the consent of the applicant was needed for a leave to withdraw.
---> Report of Committee received and recommendation Adopted.

President McGee stated that there were no reports from the Charter and Rules Committee or the Joint Committee of the City Council and School Committee.

ORDERS AND TRANSFERS

(3:46:45)

President McGee implored the councilors to not debate items that would be going to committee.

MCGEE -- In accordance with the new Tourism Advisory Committee (TAC) Ordinance, in reference to the composition of the initial appointed committee that a Holyoke City Councilor be appointed to the committee. (for reference see the section from the ordinance below)

The initial Committee shall be comprised of one representative appointed annually by each of the following agencies which totals seven (7) members:

(a) The Holyoke Local Cultural Council; (b) The Greater Holyoke Chamber of Commerce; (c) The Greater Springfield Convention & Visitors Bureau; (d) The Holyoke Office of Planning and Economic Development; (e) The Holyoke City Council; (f) The Holyoke Historical Commission; and (g) The Wistariahurst Museum.

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

MCGEE -- Order that Park & Rec establish a pickle ball court at the tennis courts locations around the city.

---> Received and Adopted. Copy to Parks and Rec.

MCGEE -- Order that the city engineer review the inner section of Yale and Park Slope to determine what options are available (i.e. new signage) to help slow traffic in the area.

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

Motion was made and seconded to suspend the necessary rules to take up items 39 and 40 as a package.

MCGEE -- That the State Primaries for the nomination of candidates of Political Parties for offices to be filled at the State primary in 2022 be and they are hereby called to be held in the City of Holyoke on Tuesday, September 6, 2022, in the several polling places as designated by the City Council. The polls will be opened at 7:00AM, and remain open continuously thereafter until 8:00PM when the polls will be closed, and all voters of political parties will in the several polling places in which they are entitled to vote, between said hours, give in their votes for the nomination of candidates of political parties for the

following offices:

Que las Primarias del Estado para la nominacion de candidatos del Partido Politico para las oficinas que seran ocupadas en la Eleccion del Estado en el ano 2022, sea y illos de por este medio llamado a que lleve a cabo en la Ciudad de Holyoke el Martes, Septiembre, 6, 2022, en los varios lugares de votacion, como designado por el concejo municipal. Las urnas seran abiertas a las 7:00AM, y permaneceran abiertas continuamente de alli en adelante hasta las 8:00PM cuanda las urnas sean cerrada, y todas los votantes de los partidos politico en los varios lugares de votacion en el cual ellos tienen derecho a votar, entredicha horas ceder sus votos para la nominacion de candidatos del partido politico para las siguientes oficinas

Governor - Gobernador

Lt. Governor - Vice Gobernador

Attorney General - Fiscal General

Secretary of State - Secretario de Estado

Treasurer - Tesorero

Auditor - Auditor

Representative in Congress – Representante en el Congreso

Councillor - Concejal

Senator in General Court – Senador de la Legislatura Estatal

Representative in General Court – Representante de la Legislatura Estatal

District Attorney - Fiscal de Distrito

Register of Deeds - Jefe del Registro de Escrituras Publicas

---> Received and Adopted.

MC GEE -- That the Polling Place for each of the voting precinct in the City of Holyoke for the State Primary to be held Tuesday, September 6, 2022, be and the same are hereby designated as follows:
ORDENA, que los lugares para cada recinto en la Ciudad de Holyoke para la Eleccion Primaria Estatal Esta que se llevaran a cabo el Martes, 6 de Septiembre 2022, sea y al igual, por este medio designado lo siguiente:

WARD ONE BARRIO UNO

PRECINCT A – Rosary Towers Recreation Room 21 Bowers St..

RECINTO A—Rosary Towers Recreation Room 21 de la Calle Bowers

PRECINCT B— Holyoke City Hall, 536 Dwight St.

RECINTO B— Holyoke City Hall, 536 Dwight St

WARD TWO BARRIO DOS

PRECINCT A—Morgan School Gym, South Bridge St. Entrance only

RECINTO A—Gimnasio de la Escuela Morgan, en la Calle So. Bridge solamente

PRECINCT B – Falcetti Towers, 475 Maple St.

RECINTO B – Falcetti Towers, 475 de la Calle Maple

WARD THREE BARRIO TRES

PRECINCT A & B – Metcalf School, 2019 Northampton St,

RECINTO A & B – Gimnasio de la Escuela Metcalf, 2019 de la Calle Northampton

PRECINCT B – Metcalf School Gym, 2019 Northampton St.

RECINTO B –Gimnasio de la Escuela Metcalf, 2019 de la Calle Northampton|

WARD FOUR BARRIOS CUATRO

PRECINCT A& B – St. Paul’s Church Parish Center, Appleton St.

RECINTO A&B – St. Paul’s Church Parish Center, en la Calle Appleton

WARD FIVE BARRIOS CINCO

PRECINCT A – Lt. Elmer J. McMahon School Gym, Kane Rd.

RECINTO A—Gimnasio de la Escuela McMahon, en la Calle Kane

PRECINCT B – Maurice A. Donahue School Gym, Whiting Farms Rd.

RECINTO B—Gimnasio de la Escuela Donahue, en la Calle Whiting Farms

WARD SIX BARRIO SEIS

PRECINCT A&B – Sullivan School 400 Jarvis Ave.

RECINTO A&B – Escuela Sullivan, 400 de la Calle Jarvis

WARD SEVEN BARRIO SIETE

PRECINCT A&B - E. N. White School Gym, 1 Jefferson St.
PRECINTO A&B– Gimnasio de la Escuela E. N. White, 1 de la Calle Jefferson

Councilor Jourdain asked if the City Council needed to designate polling locations for early voting.

Motion was made and seconded to suspend the necessary rules to allow the City Clerk to address the Council.

City Clerk Murphy McGee stated that the City Clerk's office by the central early voting location by default. She then stated that for the state primary, they were not doing it in any other location other than hallway right outside the City Clerk's office. She then stated that if there were other locations for early voting leading up to the November election date, it would be the Board of Registrars voting on those locations. She noted that she was looking into use of the Senior Center and possibly the Soldiers Home. She stated that the City Council could only get involved if the city wanted to opt out of the vote by mail law, which would require a public hearing to allow the public to express their opinions.

Councilor Jourdain asked to clarify that the statute says that the Board of Registrars determines the locations for early voting.

City Clerk Murphy McGee confirmed that was accurate, adding that they hadn't done that in a few years due to the pandemic.

---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 41 and 42 as a package.

MCGEE -- Order that we name portion of high street Fernandez way. In recognition of 34 years of dedicated service to the city of Holyoke.

Councilor Jourdain asked if there was a section of the street that would be selected.

President McGee stated that it would be in front of the restaurant.

Councilor McGiverin stated that it would also need to be referred to the DPW.

Councilor I. Rivera suggested that it could be on the side on Hampden.

President McGee clarified that they initially thought they would want it in front of his house on Sumner but that Mr. Fernandez expressed his preference for in front of the restaurant at the event recently held in their honor.

Motion was made and seconded to amend the order to add Hampden Street.

---> Received and Adopted. Copy to DPW.

MCGEE -- Ordered, that the City Council present a proclamation to the Fernandez Family Restaurant in honor of their 34 years in business as a beloved member of the community and their dedicated support for many local organizations over the years."

---> Received and Adopted.

Councilor McGiverin asked if there were meetings scheduled in September.

President McGee stated there were no meetings yet scheduled at that time, adding that there were suggestions of a special meeting potentially being called.

Councilor McGiverin noted there were extra Tuesdays in August. He stated that the Council had never gone a month and a half without a meeting.

President McGee stated that they could return to the topic again.

Motion was made and seconded to suspend the necessary rules to take up items 43 and 45 as a package.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, FIVE THOUSAND ONE HUNDRED FIFTY SEVEN AND 52/100 Dollars (\$5,157.52) as follows:

FROM:

12201-51105 FIREFIGHTERS \$5,157.52

TOTAL: \$5,157.52

TO:

12201-51180 INJURED ON DUTY \$5,157.52

TOTAL: \$5,157.52

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0-- Absent 2 (Puello, J. Rivera).

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, EIGHTEEN THOUSAND ONE HUNDRED NINETY TWO AND 49/100 Dollars (\$18,192.49) as follows:

FROM:

12101-51104 LIEUTENANT \$3,883.22

12101-51105 SERGEANT 7,059.99

12101-51107 PATROLMEN 7,249.28

TOTAL: \$18,192.49

TO:

12101-51180 INJURED ON DUTY \$18,192.49

TOTAL: \$18,192.49

UNDER DISCUSSION:

President McGee stated that item 43 covered 2 employees and item 45 covered 7 employees.

Councilor Vacon asked if there was an update on a sergeant that had been out for so long.

President McGee stated there was not.

Councilor I. Rivera asked if the transfers continue to happen even when it is a new fiscal year.

President McGee stated that the transfer move funds from the salary line item to the injured on duty line item to pay out from there as an accounting procedure.

Councilor I. Rivera asked if there was no budget for injured on duty at the beginning of the new fiscal year where funds would be subtracted from it as the funded were needed.

President McGee stated that the funds were transferred from their salary accounts to the injured on duty line to pay them from out of that account.

Councilor I. Rivera asked if there was no injured on duty line item.

President McGee stated there was not.

Councilor I. Rivera to confirm there was an account for that.

President McGee stated it was a different way of paying out.

Councilor I. Rivera asked if that account was apart from the budget.

President McGee stated that it was not a budget line item but an accounting procedure to pay out for someone who was injured on duty.

Councilor I. Rivera suggested that even if the account was not called injured on duty, there would still be a line item.

President McGee stated that the line item in the budget was their salary.

Councilor Vacon stated that the financial reports show was is paid out of the injured on duty line.

Councilor McGiverin clarified that it was a line item in the budget but was not funded up front. He stated that they should be able to see historically what was paid out the previous year.

Councilor Jourdain noted it happened to be \$400,000.

President McGee stated that it was a line item but was a different accounting procedure.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0-- Absent 1 (Puella, J. Rivera).

Motion was made and seconded to suspend the necessary rules to take up items 44, 46, 47, and 48 as a package.

MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2023 STATE 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT, \$246,443, 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.

Councilor Jourdain asked if this was different from one that the Finance Committee had already passed.

Councilor Tallman suggested it was a duplicate.

Councilor McGiverin stated they would find out in committee.

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

MCGIVERIN -- to use \$2,017,526.96 of the ARPA revenue loss as a funding source to the FY2023 budget.

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

MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "2022 MASSTRAILS GRANT, \$50,000, \$12,500 MATCH THROUGH CANNABIS IMPACT STABILIZATION FUND, " 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.

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

MCGIVERIN -- Order that \$12,500 be transferred from the Cannabis Impact & Innovation Fund to OPED to be the match to the MassTrails Grant for continued planning on South Main Street Corridor Improvement Plans.

See executive summary and presentation at this link

<https://www.holyoke.org/springdale-corridor-main-st-project/>

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

RIVERA_I -- That the honorable city council rename Albion St. (street in between Canal St. & No. Summer St) to Extraordinaire Way, after well-known local Rapper Justin Chavez (Extraordinaire) who recently passed away.

Councilor I. Rivera stated that Mr. Chavez grew up on the corner of North Summer St and had passed away in May, adding that he had been a part of helping create the brand, "Made in Holyoke," which had become famous throughout Western Mass. He added that many in the community had asked if there could be a space named for him. He noted that a memorial had been set up for him at that corner with the permission of the Holyoke Housing Authority.

President McGee asked if the sign should be his name.

Councilor I. Rivera stated that it should be his rapper name, Extraordinaire.

President McGee suggested it could be his rapper name with his actual name in smaller letters above it on the sign.

I. Rivers stated that would be cool if it could fit.

Councilor McGiverin asked if the actual street name was going to change.

President McGee stated that it would not.

Councilor McGiverin stated that the Council could just adopt an overlay.

President McGee stated that it would be just like what was done with Fernandez Way.

Councilor Maldonado Velez noted that the loss of Mr. Chavez had been felt hard in the community.

President McGee noted that the name should include the two i's at the end.

Councilor I. Rivera recalled that the misspelling had been intentional.

Motion was made and seconded to amend the order, changing "rename" to "dedicate."

---> Received and adopted. Copy to DPW.

RIVERA_I -- That the honorable city council pass an ordinance banning facial surveillance technology (Please see attachment).

Councilor I. Rivera asked to confirm that the attachment would go with the order to committee.

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

RIVERA_I -- That the city engineer research if a stop sign could be placed at the end of Willow St. where it meets Brown Ave.

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

BARTLEY -- The City Engineer look at on-street parking at the top of Fairmont Ave. and recommend available suggestions to relieve congestion. Refer to Public Safety.

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

BARTLEY -- Due to neighbor concerns, the city engineer review accident reports at the intersection of Linden and Hampshire Streets and, if needed, recommend traffic safety improvements at what now is a 3-way stop. Refer to public safety and copy to city engineer for a report in 60 days time.

---> Received and referred to the Public Safety Committee. Copy to City Engineer, HPD.

BARTLEY -- DPW repaint the crosswalk on Hillside Ave near Coit. Receive and refer to DPW. Copy to Public Safety.

---> Received and Adopted. Copy to DPW, Public Safety.

GIVNER -- Proclamation establishing Holyoke's recognition of National Gun Violence Awareness Day, annually on the first Friday of June. (Receive adopt and send to Mayor for approval)

---> Received and Adopted. Refer to Mayor.

GIVNER -- Order to have handicapped sign removed from 402 Pleasant St, per new owner request. (Receive, adopt, and send order to DPW)

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

GIVNER -- Order that speed limit signs be installed on Parker st, to deter speeding, per constituent request

---> Received and Adopted. Copy to DPW.

GIVNER -- Order that HPD create a publicly visible calendar of speed trailers so that communities know when they can expect to see requested actions in their neighborhoods

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

GIVNER -- Order to amend the Holyoke Zoning Ordinance to reflect the following:

- (1) Sec 4.3, amend table to allow Motor Vehicle Sales (use) in BG by Special Permit (CC);
- (2) Section 7.2.13, amend text by adding the BG zone to the others currently listed (BH, IG, BE);
- (3) perhaps the creation of a new Special Permit for allowing the non-conforming use in a historic structure in BG zone; and lastly
- (54) a zone change to BG for the parcels 091-00-062 & 091-00-063 (a future SP condition item could be, to join both parcels by ANR).

Councilor Givner stated that this could be withdrawn to be replaced with late files.

---> Given leave to withdraw.

JOURDAIN, ANDERSON-BURGOS, RIVERA_I -- That the City Council conduct a comprehensive study of employee safety for the benefit of our Holyoke municipal employees and our taxpayers. The City Council should invite in the Personnel Director, our Workers' Comp representatives, Mayor, law department, department heads, union leadership, and others as needed to gather all of the information we need to study the root causes of employee injuries, how they are handled, how are they mitigated, how are we handling risk management to avoid future losses. Our goal should be to keep employees safe, reduce lost hours, productivity and overall cost to the city. We need to collect all relevant data including a prior 3 year report tracking injury claims, workers' comp claims, injured on duty claims, and related. Ideally, the City Council will produce a report within 6 months on its findings in conjunction with all key stakeholders.

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

JOURDAIN -- That the City Council review and enhance as necessary the city's current noise nuisance ordinance

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

JOURDAIN -- The Building department receive additional staffing to inspect and manage compliance of cannabis related matters paid for from the cannabis impact fees as a directly related cost.

Councilor Jourdain noted that he was questioned who was going out and doing the inspections after passage of the special permits. He then stated that this was clearly an impact that the fees could be used for.

---> Received and Adopted. Copy to Mayor.

JOURDAIN -- The Building department receive additional staffing to inspect and manage civil compliance enforcement of city ordinances and state building codes in our city. Citizen complaints are literally being turned away and ignored because the department says it does not have the staffing to investigate and enforce the law.

Councilor Jourdain stated that he had heard from many citizens that they had called city departments about various issues and had been told that there was not enough staff to address them right away, in some cases not for many months. He stated that one person was told to hire their own lawyer to have an inspection done.

Councilor Tallman and Councilor Vacon asked to be added to the order.

Councilor Vacon, noting that many department heads help do some of the work of their departments, asked if the Building Commissioner was able to do the work of the department's other employees.

---> Received and Adopted. Copy to the Mayor.

JOURDAIN -- The City Council and Mayor in conjunction with our department heads develop a comprehensive "Clean Holyoke Initiative" that develops a strategy to clean and beautify Holyoke by providing the plan and resources to get it done. Our future success as a city will in part count on being a beautiful, clean city.

Councilor Jourdain noted that the mayor had put out a message stating- that everyone needed to be doing their part on this matter. He then stated that there needed to be a comprehensive plan and that funds needed to be allocated to act on cleaning the city.

Councilor I. Rivera stated that the city had funding a Keep It Clean initiative for the last 2-3 years in partnership with OneHolyoke.

Councilor Jourdain clarified that while part of the answer was working with nonprofit partner, his suggestion was that the city government needed a comprehensive plan to take it on rather than just deferring to private organizations.

Councilor Vacon suggested that enforcement needed to be a part of it.

Councilor Tallman and Councilor I. Rivera asked to be added to the order.
---> Received and referred to the Public Safety Committee. Copy to Mayor.

LATE FILED ORDERS AND COMMUNICATIONS

(4:18:35)

MCGIVERIN -- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "PVPC FY23 CT RIVER CLEANUP FUNDING, \$512,000, 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.

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

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows

FROM:

12101-51107	PATROLMEN	\$150,000
	TOTAL:	\$150,000

TO:

12101-51300	OVERTIME	\$150,000
	TOTAL:	\$150,000

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

From Holyoke Waste Management Study Group, July 25th, 2022 Meeting Minutes

---> Received.

Motion was made and seconded to suspend the necessary rules to take up Late File D through G as a package.

GIVNER -- Order to amend the Holyoke Zoning Ordinance to reflect the following: |
(1) Sec 4.3, amend table to allow Motor Vehicle Sales (use) in BG by Special Permit (CC).
---> Received and referred to the Ordinance Committee.

GIVNER -- Order to amend the Holyoke Zoning Ordinance to reflect the following:
(2) Section 7.2.13, amend text by adding the BG zone to the others currently listed (BH, IG, BE).
---> Received and referred to the Ordinance Committee.

GIVNER -- Order to amend the Holyoke Zoning Ordinance to reflect the following:
(3) Create a new Special Permit for allowing the non-conforming use in a historic structure in BG zone.
---> Received and referred to the Ordinance Committee.

Order to amend the Holyoke Zoning Ordinance to reflect the following:
(54) a zone change to BG for the parcels 091-00-062 & 091-00-063 (a future SP condition item could be, to join both parcels by ANR).
---> Received and referred to the Ordinance Committee.

I. From Jackie Glasheen, Holyoke Public Schools, Communication regarding first day of school coinciding with Primary election
---> Received.

J. From Tanya Wdowiak, City Auditor, Updated Tax Recap form and Final Cherry Sheet
---> Received and referred to the Finance Committee.

Councilor Tallman offered a reminder that the meeting to vote on filling the Ward 3 School Committee vacancy would be that Thursday evening.

Councilor McGiverin stated that the Bar Association golf tournament to benefit the Holyoke Merry-Go-Round would take place on August 15th, adding that there were still dinner tickets available.

Adjourned at 11:31 PM.