

SPECIAL MEETING OF THE CITY COUNCIL

September 1, 2022

The meeting was called to order by President McGee at 6:40 PM

The Clerk called the roll. Absent members: 0 Present Members in Person 6 (Bartley, Jourdain, McGee, McGiverin, Murphy-Romboletti, Vacon). Present Members Remote 6 (Anderson-Burgos, Givner, Maldonado Velez, I. Rivera, J. Rivera, Tallman)

The Pledge of Allegiance was recited.

The name of Councilor Anderson-Burgos was called to head the roll call voting.

President McGee made a motion to take a roll call vote that for the purposes of the meeting would be applicable to all motions to receive and refer, remove items from the table, place items on the table, package items together, or suspend the rules unless there is an objection. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 1 (Tallman).

President McGee wished a happy birthday to Councilor Bartley.

Councilor Jourdain made a point of order. He noted that Councilor Puello's name had not been called during the roll call. He then stated that it had been brought to his attention that Mr. Puello had been expelled from the membership and was seeking an understanding as to why. He then stated that it should be reported to the membership if a member of the body had been removed. He then stated that he believed there had not been a resignation, but that Mr. Puello had been removed. He then asked what the basis was for the removal. He also stated it would bring into question all of the votes that would be taken place. He then stated his understanding that it had something to do with a crime. He then asked what crime Mr. Puello had been convicted of. He noted that the Council had been judicious in not getting involved in the process Mr. Puello was working through with his situation in Rhode Island. He then stated his understanding that the process was not complete, but a decision had been made to remove him, citing section 46 of the charter. He suggested that if the decision was not lawful, it would jeopardize anything that would be handled that evening. Noting that the body had not been provided any information, he asked what was going on.

President McGee stated that it had not been brought up because there was nothing on the agenda to address it. He then stated that as it was being brought up as a point of order, the Law Department could address the matter.

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

Councilor McGiverin suggestion the need for caution, noting that council members police themselves. He stated that they were not there for the purposes of discussing what was happening with one councilor. He noted that he had received a text message prior to the Finance Committee meeting the day before informing him that Mr. Puello was resigning. He stated that while he agreed they should know if he was removed, they should not be discussing facts.

President McGee reiterated that he had not brought forward the information because the matter was not on the agenda. He then suggested caution on what people say as there was a pending legal matter.

Atty Degnan clarified that the councilor had not been removed and that is why a legal opinion had not been provided. She then stated that they received information that Tuesday which brought into question section 46 of the city charter. She then stated that the information served to render the Ward 2 seat vacant. She further stated that they could not say why due to the pending criminal matter and with consideration for the civil rights of the person. She stated that given the Law Department opinion, any votes taken could be jeopardized and that is why the decision was made. She emphasized she could not go into greater depth.

Councilor Jourdain emphasized that removing a sitting city councilor from office by virtue of claiming a violation of the city charter was a major ordeal. He noted it had similarities to a situation several months back.

Councilor I. Rivera suggested that his previous situation not be brought up.

President McGee emphasized that it was a sensitive issue, and that councilors should be careful of what they say because it was a pending legal matter.

Councilor Jourdain stated that a sitting city councilor being removed, citing section 46 of the charter, could only happen if the person was convicted of a crime punishable by imprisonment. He asked who was making the decision and what were the facts in support of the decision. He emphasized that the person's constituents had a right to know what the city was alleging that he did. He then questioned the idea that they could not be told what led to the councilor losing his seat. He emphasized that they needed facts and people had a right to know if someone was removed for cause. He reiterated that the charter stated that there needed to be conviction of a crime. He further stated that the public had a right to know. He stated that while he would not comment on the legal process in Rhode Island, he was concerned that Holyoke was following the law to assure that the city would not be liable for an action against the city for depriving someone of their constitutional rights, as well as the disenfranchisement of the people who elected him. He further asked for the legal justification for not informing the public the grounds for removal.

Atty Degnan stated that Mr. Puello knew of the charges and knew what happened. She stated she was not trying to keep information away, but that they needed to be careful not to violate his rights by stating the details publicly. She reiterated that Mr. Puello knew what was happening.

Councilor Vacon asked who raised the question and who had standing to cause the action. She suggested that it did not come from the City Council.

Atty Degnan stated that the Law Department needed to look at the matter, and in looking at the charter, the information they learned of caused them to make the decision.

Councilor Vacon emphasized that only the City Council, the mayor, and department heads in some circumstances have the ability to ask for legal opinions. She then asked who asked for the opinion that led to the decision that the seat was vacant.

Atty Degnan stated that it was Atty Lisa Ball.

Councilor McGiverin noted that it was established that the City Council could not do anything. Further noting that this was the first time the Council was being notified that the seat was vacant, he asked the City Clerk had been notified the seat was vacant.

President McGee stated she was.

Councilor McGiverin asked how she was notified.

President McGee stated a letter was sent to her.

Councilor I. Rivera expressed concern that they were not allowed to speak on the matter the last time this was brought up but that there was a 15 to 20 minute discussion happening at this time. He emphasized that the special meeting was not for this matter. He asked that the meeting move forward with the items actually on the agenda. He suggested that anyone with questions should address those through emails and phone calls.

President McGee stated that while no item was on the agenda, there was a legal question asked by motion.

Councilor Jourdain reiterated that he had a point of order, which are allowed under the rules that govern the meetings. He further stated that a member had been excluded from the meeting for unknown grounds. He expressed expectation that the body would receive a legal opinion justifying the Law Department's authority to vacate members. He questioned what grounds the Law Department could remove a sitting member. He then made a motion to request a legal opinion for discussion later, as well as a request to understand the authority the Law Department had to decide to vacate the seat. Councilor Vacon seconded the motion. He then emphasized that the issue was not about what was communicated to Mr. Puello but what the public had a right to know. He stated that there should be an explanation of the facts. He also noted that the charter states that it is the City Council that is the determiner of the qualifications of its members. He then reiterated his motion requesting a legal opinion.

President McGee asked if the discussion would happen in executive session.

Councilor Jourdain stated he would refer to the Council President. He then suggested they should get the legal opinion first.

President McGee asked if the legal opinion should only be discussed in executive session.

Councilor Jourdain suggested that he not release it until he determines if it should be.

President McGee clarified if the request was to put the opinion in an executive session.

Councilor Jourdain stated his request was for a legal opinion and he would defer to others if it should be in executive session.

Councilor McGiverin asked for a reading of the letter that was sent to the City Clerk,

President McGee asked the Law Department if he could read it, noting it was labeled Personal and Confidential.

Atty Degnan stated they had been concerned about dissemination, but it was general enough to be read. She then noted that if the matter was discussed in executive session, the minutes would eventually be released. She then reiterated that they were handling the matter in a way meant to protect Mr. Puello.

President McGee asked to clarify that he could read the letter given to the City Clerk.

City Clerk Murphy President McGee noted that the letter became public record when it was submitted to her office.

President McGee read from the letter:

September 1, 2022.

Hand delivered to William Puello

958 Main Street

Holyoke, MA

Re: Ward 2 vacancy

Dear Mr. Puello:

I am writing to you regarding information that this office received on Tuesday, August 30, 2022, and its' applicability to Section 46 of the City Charter; which reads as follows:

“Any office established under or by this act, except the office of superintendent of schools, shall become vacant if the incumbent ceases to be a resident of the city. The conviction of the incumbent of any such office of a crime punishable by imprisonment shall operate to create a vacancy in the office held by him.” In light of the information that this office received, and as discussed with you on August 31, 2022, your seat as Ward 2 City Councilor has been vacant since August 10, 2022. I have informed the City Clerk to expect your letter of resignation that you offered to submit on August 31, 2022.

Please know that the City will not be seeking to recover payments or benefits given to you prior to the date of this letter, but given that your seat is vacant, the City, as of the date of this letter, will not be paying you the stipend paid to City Councilor nor will you be eligible for any other benefits that you may have been receiving as a City Councilor.

It is unfortunate that these circumstances created a vacancy of your seat as a Holyoke City Councilor.

Very truly yours,

Kathleen E. Degnan

Assistant City Solicitor”

Councilor Givner asked if something could be read to justify what was happening. She then noted that they previously brought up Mr. Puello’s absence when he was not able to attend and were told that there was nothing they could do about it, and that the Law Department was not handling the matter. She then asked that the meeting move forward.

Councilor Jourdain noted that while the letter was helpful, it did not state any facts for the benefit of the public, specifically what the crimes were and what was the reasoning for the removal. He then reiterated his request for a legal opinion describing the basis for the removal.

President McGee stated an executive session would be called to get an update.

Councilor Jourdain asked that something be provided in writing in advance of an executive session.

President McGee stated that it would be provided.

Councilor Jourdain stated he would prefer to be able to prepare and review the grounds.

Councilor McGiverin suggested caution, noting that the individual would have a right to be in the meeting if it were a personnel issue.

Councilor J. Rivera noted that the residents of Ward 2 had gone 4-5 months without any notice of what was happening with Mr. Puello. She stated that it should not be an issue during this meeting.

Councilor Anderson-Burgos stated that he was not interested in participating in any part of the discussion.

Motion requesting a legal opinion passed on a show of hands vote.

LAID ON THE TABLE

(31:30)

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

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).

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon noted that the legal draft provided included this order as well as two other orders also related to the marijuana ordinance. stated that the order was a cleanup of the ordinance that had included major site plan review. She then stated that the Planning Director confirmed that the marijuana impact fee

funds would be used for the salary of the department's employee handling reviews of marijuana establishments. She further clarified that the change was to remove major site plan review while leaving in other review functions.

Councilor McGiverin asked to clarify if the vote was just on the changes related to this order or all three changes.

Councilor Vacon stated it would only be for this order.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 0.

Motion was made and seconded to remove item 2 from 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.

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that after much back and forth in committee, there was agreement that there should be a process to assure those most affected would be informed before funding was approved by the Council. She added that it would need to happen well before approval, noting that all the things that would affect a neighborhood would happen before a vote on funding. She then stated that the meetings would remain in the arena of open meeting law under the jurisdiction of the City Council. She added that the meeting should take place well before appropriation of funds. She noted that it was intended to assure those most affected would get notification but would also be open to the larger public.

Councilor Bartley noted that there had great discussion and input. He then stated the point was to get a meeting in the neighborhood while not being exclusive to the neighborhood. He then stated that with the impact to the neighbors, there was no good reason not to take an extra step to have a meeting as close as possible to a site. He suggested that 6-12 people showing up at a meeting was not truly representative and that his hope was that this ordinance would lead to more feedback.

Councilor McGiverin expressed that while it shouldn't require an ordinance, neighborhood meetings are important, especially with large projects. He then suggested that it should not be at the time the funds are being asked for but should happen first before site plan review and design phases. He stated that by the time requests come to Council all those decisions have been made.

Councilor Vacon clarified that the legal language did specify that it would happen during the design phase.

---> 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 1 (I. Rivera).

PETITIONS

(41:55)

To the CITY COUNCIL of Holyoke, Massachusetts.

The GAS AND ELECTRIC DEPARTMENT requests permission to locate a line of wires, cables, poles and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:

- One (1) 35' pole in the Essex St alley way between Beech St & Oak St, Holyoke MA

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain a line of wires, cable and poles, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked HG&E Dept. No.133-6S and Dated 08/19/2022.

Also, for permission to lay and maintain underground services, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Your petitioner agrees to reserve space at a suitable point on each of said poles for the fire, police, telecommunications, and control signal wires belonging to the municipality and used by it exclusively for municipal purposes.

---> Received and public hearing Scheduled for October 4th.

REPORTS OF COMMITTEES

(42:25)

The Committee on Ordinance to whom was referred an order From AACO Realty Corp. letter regarding 380 Dwight St. Holyoke 420 LLC (failure to enforce city ordinances-Complaint Have considered the same and recommended that the order be referred to the Law Department to coordinate with the Building Commissioner to investigate the matter and report their findings back to the committee.

DISCUSSION:

Councilor Vacon noted that it was an unusual circumstance. She then stated that it was an issue between a tenant and a landlord, but also related to their special permit. She then emphasized that it was not the job of the committee to hear complaints. She then stated that they had addressed the process, determining that the Law Department can coordinate with department heads to address complaints where they should be properly addressed. She then stated that they would need to hear back from the department. She further noted that she advised the special permit holder that any changes to the terms of their special permit would need to come back to the Council for amendment. She then noted that relative to signs, it was clarified that the sign ordinance prevails where the marijuana ordinance does not. She also noted that two other special permit holders did recently have amendments approved and it would need to be equitable how ordinances are followed through on.

Councilor McGiverin reiterated that the Council was not an enforcement body but if any such body was not doing their job, it was appropriate that it was brought to the City Council's attention. He then asked to clarify that vote on the item would not be agreeing or disagreeing with the complaint but only stating that the correct department look at the complaint.

Councilor Vacon confirmed that was accurate.

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

The Committee on Ordinance to whom was referred an order Resident on 326 Elm St. would like handicap sign on the side of his house removed as it is no longer needed. Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that the sign was no longer needed.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays-- Yeas 12--Nays 0--Absent 0.

The Committee on Ordinance to whom was referred an order Special Permit Application for Carefully Curated LLC at 420 Race St (028-07-014) to reutilize the building as a recreational adult use marijuana manufacturing establishment.

Have considered the same and recommended that the order be adopted with the following conditions:

1. That the owner of the building always pay the commercial property tax rate to the 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 response letter to the Planning Department dated 8-23-22 be accepted by the Planning Department or the applicant will meet any further open items for the Planning Department.

UNDER DISCUSSION:

Councilor Vacon stated that relative to condition 8, they received a follow up letter from the Planning Department confirming that all open items were addressed other than a remaining item related to how the backup would be powered at the site. She noted the applicant agreed to follow up on that item, adding that they verbally stated that it would be battery backup. She further stated that the application was otherwise complete.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 0--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 That Appendix A of sec 2-35 of our ordinances be amended to add the positions of Assistant Procurement Officer and Grant Manager for the Police Department.

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon noted that the Council had previously approved the positions and that this was the last step to assure they were in the ordinances so that the departments could fill them.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 1 (I. Rivera).

The Committee on Ordinance to whom was referred an order that Ordinance 26-33 Emergency Management Director be examined and updated to reflect the current responsibilities of the position Have considered the same and recommended that the order be adopted

UNDER DISCUSSION:

Councilor Vacon asked to confirm that the legal form the President had included a stipend amount of \$4,000.

President McGee confirmed that it did.

Councilor Vacon stated that the current Emergency Management Director reviewed the specifics of the position. She noted that it had previously been a full time position, had nearly been eliminated, and was currently part time paid by a stipend. She then stated the goal was to be more precise about the role and the responsibilities of the role.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 0.

The Committee on Ordinance to whom was referred an order that Sec 86-321 of the City's Parking Ordinance be amended by striking the following section:

Northampton St.

East

A point 20 feet North of Corser St.

A point 200 feet North of Corser St.

2 hour parking 8:00 a.m. to 8:00 p.m. Monday through Saturday

Have considered the same and recommended that the order be adopted as amended, adjusting the measurements of the section to be amended in the parking ordinance.

UNDER DISCUSSION:

Councilor Vacon stated that the language was amended to accomplish what was needed, keeping the no parking signs in front of the bank while removing them from in front of the dentist office.

Councilor Tallman commended Councilor Bartley and Councilor Anderson-Burgos for working to address an issue that had been ongoing for some time.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 0.

The Committee on Ordinance to whom was referred an order that the City Council vote to amend section 7.10 to include the following definitions, which reflect the language from the state's Cannabis Control Commission:

Marijuana Courier: an entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a licensed marijuana retailer. It cannot wholesale, warehouse, process, repackage, or white label these products. A Marijuana Courier does not require a City Council Special Permit but does need to obtain a business certificate from the City Clerk's office.

Marijuana Delivery Operator: an entity licensed to purchase at wholesale and warehouse finished

marijuana products acquired from a licensed marijuana cultivator, marijuana product manufacturer, microbusiness or craft marijuana cooperative, and white label, sell, and deliver finished marijuana products, marijuana accessories and marijuana branded goods directly to consumers, but is not authorized to repackage marijuana or marijuana products, or operate a storefront under this license. Have considered the same and recommended that the order be adopted as amended, removing the reference to a special permit in the Marijuana Courier definition

UNDER DISCUSSION:

Councilor Vacon stated that the order was amending the marijuana ordinance to add definitions to align with the Cannabis Control Commission, clarifying the differences between one type of delivery and another.

Councilor Bartley stated that he would not support the order which would carve an exception from requiring a City Council special permit for one type of marijuana business.

Councilor Vacon stated that sentence had been eliminated.

Councilor Bartley stated that the order showed the sentence providing the exemption.

Councilor Vacon clarified that the recommendation stated, "as amended," and the legal form had that sentence removed.

President McGee, taking explanation from the Admin Asst, noted that the agenda showed the language of the original order. He noted that the legal form provided the definition of the marijuana courier without the sentence referring to an exemption from being required to get a special permit.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 0.

The Committee on Ordinance to whom was referred an order That the Health Director, Building Commissioner and any other relevant city official meet ASAP with the Ordinance Committee to discuss odor mitigation at marijuana entities in Holyoke for the purpose of a) amending city ordinances and/or b) adding language to the list of conditions typically added to the Marijuana Special Permit. Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that the matter was discussed over several meetings, with much information submitted through the public hearings. She then stated that the matter of odor was an ongoing issue being addressed within the industry in states that had allowed usage much longer than Massachusetts. She then stated that the Law Department was asked to draft a legal form that would cause the ordinance to address the issue specifically and that people applying for permits would need to follow the best practices as they evolve. She further added that compliance would be through the Board of Health rather than the Building Commission. She noted the intent was to balance the interests of the businesses and any abutting residents and businesses.

Councilor McGiverin asked if the Board of Health Director agreed that his department could do this.

Councilor Vacon confirmed that he did.

Councilor McGiverin noted that much of what the Board of Health does was governed by state law rather than directly by city ordinances.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 10--Nays 1 (Maldonado Velez)--Absent 1 (I. Rivera).

The Committee on Ordinance to whom was referred an order to have handicapped sign removed from 402 Pleasant St, per new owner request.

Have considered the same and recommended that the order has been complied with.

UNDER DISCUSSION:

Councilor Vacon stated that the matter had already been addressed and this was filed as a duplicate.

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

The Committee on Ordinance to whom was referred an order Zone change application from R2 to BH for Dennis Bolduc at 474 Pleasant St (091-00-062 & 063) to develop into museum, restaurant, and motorcycle dealership

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Vacon stated that the area already had a lot of businesses and exciting new business development. She then stated that the concept was unique to the area and the city. She further stated that following discussion of the nature of the business, taking in feedback from abutters, hearing the answers to questions that were raised, as well as the ward councilor reaching out to residents, the committee recommended passing the zone change.

Councilor Bartley stated that the buyer and sellers were a great group of individuals who put on great presentation in expressing their desire to make this go forward. He noted that another project was also happening at the property diagonal to this one. He further stated that these projects were great for the city. He also commended several of the businesses that had helped anchor the neighborhood for many years.

Councilor Givner stated that the meetings had gone very well with very little opposition to the project. She also noted she had heard that corporate staff from Indian Motorcycle had visited the property the day before and were fired up about the project.

Councilor Jourdain emphasized the importance of preserving the church building. He further emphasized the challenge of reuses of properties like this. He commended Mr. Bolduc for taking the leadership on creating the museum, restaurant, and dealership business. He added that it would help the previous owners move on with their next situation. He also noted it was fantastic that a White Hut would also be opening across the street, emphasizing that they would bring in new taxes as well as providing great services and redevelopment for the citizens.

Councilor Murphy-Romboletti stated that while she would vote in favor, she had concerns that the project was different than the nearby White Hut project as that zoning was already conforming. She then suggested that the Council should not be zone changing for a project. She further suggested that the project was not a guarantee, but it probably was going to happen. She emphasized that she was business friendly but had concerns that it could be a slippery slope as it would be the only BH zoning in the area.

Councilor Tallman stated that it would be a great project that would add to the businesses already in the area as well as others coming in. He also stated that it was a great way of repurposing the church building, as well as bringing in tax dollars and jobs.

Councilor McGiverin emphasized that zone changes are typically about use. He then stated that it was the proposal from the developer that would justify the zone change in that it would not be detrimental to the neighborhood but would enhance it. He suggested that it was unlikely that any types of businesses they would not want, such as gas stations, would buy the building to tear it down in order to develop the property.

Councilor Maldonado Velez stated that even if the specifics of the project were taken out of the equation, he would still be okay with the other uses allowed under the BH zone, noting that Route 202 was a state highway. He also noted that there other BH zoned parcels nearby. He also noted that Mr. Bolduc would need to come back to the City Council for a special permit, allowing for additional checks and balances.

Councilor I. Rivera stated that his support was not specifically for the use but noted that there were a variety of zones similar to BH in the area. He expressed his vision that the section of Holyoke could continue to become more bustling in the future. He then stated that zoning rules and regulations are intended to help the city provide the best quality of life and residents and businesses.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 0.

(1:20:45)

The Committee on Finance to whom was referred an order From the Acting City Treasurer, Sharon Bittner-Willis. Most recent statements showing the balance for our stabilization accounts Have considered the same and recommended that the order has been complied with.

UNDER DISCUSSION:

Councilor McGiverin stated that the fund known as the stabilization fund was divided into two parts, each based on when and how they were invested by different treasurers. He then stated that the two funds added up to a little over \$9 million after \$1 million was transferred earlier in the year into a new fund known as the capital stabilization fund. He noted there were some recent hits to the fund due to market impacts. He added that there was a 4th fund for the impact fee funds from the marijuana industry, which had a balance of around \$3.5 million at the time.

Councilor Jourdain stated that he would plan to file an order for the next meeting to have Flynn Financial, the city's investment partner, to present to the City Council on the types of investments the city's funds were in, risks and rewards, and to assure the relationship between the Treasurer's office and the Council was regularly fostered.

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

Motion was made and seconded to suspend the necessary rules to take up items 5B and 5G as a package.

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 "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.

Have considered the same and recommended that the order be adopted.

---> Report of Committee received and referred to the Finance Committee.

The Committee on Finance to whom was referred an 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/>

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the grant was for a phase of MassTrails grants from the state specifically to be used for the Springdale area as Route 5 goes into Main Street. He further stated the project was in the design phase. He then stated that the grant would require a match, noting that the OPED Director was proposing using \$12,500 from marijuana impact fee funds for the match. He then stated that the committee was developed to discuss how those impact fee funds would be used. He emphasized that there were time constraints on getting this project started.

Councilor Bartley expressed his belief that this project was a plan to remove one of the lanes on Riverdale Street in front of Providence Hospital as well as remove some of the parking along Main Street. He then asked if this was that project.

Councilor McGiverin stated that he did not believe the city had agreed to the lane shutdown in front of Providence Hospital where the city line begins. He noted that West Springfield had agreed to it. He recalled that former Ward 2 councilor, Terry Murphy, engaged in a lot of discussion about the parking and how it would work when he was serving as Acting Mayor. He then stated that it was the project he was talking about but that the city had not agreed to all of the ideas put forward by the state.

Councilor Bartley recalled that the former Ward 2 councilor made his opposition very clear if the project would impact parking. He then stated that previous City Engineer had not given a straight answer but it seemed clear that the project would take away parking along the east side of Main Street. He also expressed concern that one of the two lanes in front of Providence Hospital would be closed. He also expressed concern that they would be asked to spend additional funds in the future. He also noted that it was made clear that the proposed changes would negatively impact Ward 2. He also stated that there was already a large shoulder that relatively few bicyclists used, adding that it did not even connect to the West Side rail trail. He expressed his intent to vote against the order.

Councilor Vacon stated that it had not been made clear what the design was. She then asked if they had the ability within the grant to change the design if it included the details that Councilor Bartley was alluding to or were they at the mercy of outside influences.

Councilor McGiverin expressed agreement with the concerns expressed by Councilor Bartley, especially about the removal of on street parking. He then stated that the grant would not bring the project to 100% but would move it closer to the completion phase. He then suggested tabling the order to get clarification on the questions being posed. He then stated that the city should have final say of the design before it would be implemented even if the Council was agreeing with the purpose of the study. He suggested that the order could be sent back to committee to get an answer to the questions.

Councilor Jourdain stated that would be a wise decision. He then asked for a copy of the design being proposed.

---> Report of Committee received and referred to the Finance Committee.

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 "FFY19 PROJECT SAFE NEIGHBORHOODS PROGRAM, \$64,850, 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.

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the grant would provide funding for the ShotSpotter program. He stated that Chief Pratt was in support of the grant and the program. He added Sgt Viruet from the Springfield Police Department joined the discussion as the person who oversees the use of the program in their city. He further added that two representatives from ShotSpotter were also in attendance. He then stated that the grant would cover the cost of bringing it into the city for 1 square mile, broken up between licensing and training members of the Police Department. He then stated that the proposal would be for 2 square miles, noting that Mayor Garcia planned to use ARPA funds for the cost of the additional area. He farther stated that the mayor was in support of the program and intended to bring it into the city one way or another. He then stated that the vendor's lead person was Ron Teachman. He then explained that the program was a technical tool to enhance safety within the city. He added that they learned that about 80% of calls of gunfire comes from within the planned area of its implementation. He the stated that the average call from a civilian was about 780 feet from where a shooting occurred, giving no information to the responding officers as to what to expect, such as neighborhood geography or the number of shooters or shots fired. He stated that the heat technology would allow the Police Department to give immediate information to responding officers, connecting them to Google to see a street map and topography, as well as the number of shots fired and how many individuals. He further noted that Springfield started with 4 miles and had recently increased it to 9 miles. He then stated that the vendor recognized that smaller cities have similar issues as larger cities and had worked out their cost formula that makes more sense for a smaller city. He also stated that the part of discussion focused on why they chose the specific area for implementation, noting that it encompassed almost all of Ward 1, a portion of Ward 2, and half of Ward 4. He further noted the concerns were that these low income neighborhoods, and majority black and brown neighborhoods compared to other neighborhoods in the city. He then stated that the argument was that these neighborhoods deserve the safety of ShotSpotter and the fact that the history of gun shots come mostly from within the planned 2 mile radius. He added that they could look to expand beyond this area if the city was happy with the program. He also noted the trauma that comes with youth living in these areas.

Councilor I. Rivera expressed his intent to vote no on the grant. He noted that he grew up in the Flats, a neighborhood where this would be placed. He stated that he had witnessed shootings and had been shot at. He stated he had not heard anything from the people in the community he had spoken to. He suggested that if meetings were going to be held when public buildings are proposed, communities should be given a chance to speak if programs such as this are going to be implemented in their neighborhoods. He also suggested that it would violate the 4th Amendment and would constitute illegal searches and seizures. He noted that there were a variety of lawsuits against ShotSpotter, including in Chicago. He suggested that the best policing would be community policing, having officers in the streets. He then suggested that gadgets may be cool but were expensive and ineffective. He noted that Springfield took several years before they were able to use the technology in an effective and efficient way, to figure out how to use it in a way that would benefit them. He then questioned spending money on things that would not be effective instead of investing in programs that would prevent a lot of these issues. He suggested that the Police Department did not have the capacity to successfully implement the technology. He further noted that a peer-reviewed ACLU article suggested that the technology had an 88% false alarm rate in Chicago. He expressed further concern that nobody was brought in to present a counterargument.

Councilor Murphy-Romboletti noted that she learned in doing research that Chicago was being sued as recently as July. She then stated that it was problematic that it would not be made available in all of the densely populated parts of the city. She then recognized that the vote was about accepting a grant, not about accepting or approving of the platform. She then expressed a hope that the effectiveness will be looked at after a couple years of it being in place. She also expressed a hope that the information being provided was transparent and not from salespeople who would just tell the city what they want to hear. She stated that she would support the order, noting that the city had been awarded the grant and would not initially be on the hook for the cost. She further stated that public safety was important and this would be another tool, but that the service should be held to a high standard.

Councilor Givner suggested that while the presentation was great and the information was useful, she was skeptical of a company representing and selling itself to the city. She further stated that she was also skeptical of a private company getting municipal funds as its main financing source. She noted it would be in their best interest to share their best news. She suggested that there should be a two year study to assure the product proves to be helpful. She then stated her intent to support the grant, adding that she believed there were additional steps that should be taken such as body cameras for police.

Councilor Anderson-Burgos expressed his intent to vote no on the grant. He suggested that it would be a waste of money. He then stated that he had initially understood the assumption that the technology would come with cameras but understood that it would be based on the sounds of a gun. He suggested that by the time a gun is shot, nobody would stick around. He suggested that a grant should go to having police cameras on their body. He also suggested that this was a grab for state funds and was not what Holyoke needed.

Councilor McGiverin noted that Mr. Teachman was the former Chief of Police in New Bedford, Massachusetts as well as in South Bend, Indiana. He emphasized the great insight Mr. Teachman provided. He also stated that Sgt Viruet from Springfield explained that it had worked incredibly positively in their city. He also noted the technology is used in the courtroom with forensic sciences and is used to testify. He also stated that the lawsuit in Chicago was brought by an individual who was accused of a crime. He also noted that Springfield initially had their own doubts. He added that they drove a truck with sand around the city and fired shots into the sand to test out the technology. He emphasized that the technology was about protection of officers and protection of neighborhoods.

Councilor Vacon stated that the compelling details for her were that the mayor had been determined to address where 80% of the shots fired were occurring. She also noted that the police waste a lot of time and effort on trying to find where shots occurred on the few occasions when people actually called. She further stated that the testimony from the Sergeant in Springfield had been most compelling because he walked them through their process from initially doubting it, testing it, working it, and now to the point of being universally accepted by their police force. She noted they had proved the benefits to safety in their city. She questioned why Holyoke should wait until the violence gets worse. She also suggested that the city could take advantage of the experience Springfield had with it.

Councilor Jourdain commended the mayor for coming up with the idea. He also noted that the technology had the support of many officials, including U.S. Attorney Rachel Rollins. He added that 135 cities had adopted ShotSpotter in their communities. He also noted that when Springfield tested it out, they did 18 shots around the city. He emphasized that there was not a single call from a resident reporting a gunshot. She suggested that residents have a lot of reasons that don't call to report gunshots. He also noted that Holyoke had 379 gunshots called in from January 2019 to August 2021. He suggested that considering only about 20% of shots get called in, there was likely 60 shots fired in the city per month. He also noted the U.S. Attorneys office had advocated for Holyoke to get the grant, noting the city had a high amount of gunfire per capita for the size of the city. He also recalled a story about a gunshot victim who was only found because of the technology. He also emphasized that crime was a major issue of concern to residents. He also noted that the dispatcher screens out 98% of calls, providing significant mitigation of

false calls. He recognized that there were good points being made that data needed to be reviewed to assure that the city was getting the full value.

Councilor Maldonado Velez stated that he would be voting no but expected that the grant would end up going through. He noted that while Springfield started using ShotSpotter in 2008, the Department of Justice had determined that Springfield had been using excessive force with their residents. He suggested that it would send more police to black and brown communities. He also suggested that the presentation was a lot of fearmongering, showing guns appearing all over a map. He also noted that he lived in the area described as a red zone, suggesting that there should be shots going through his window all the time. He also stated that ShotSpotter was a for profit company who were there to send police to gunshots, adding that they would not be in business if there wasn't a gun problem to respond to. He suggested that they were not in the business of keeping people safe but to keep the cycle going of arresting people over and over again. He also stated that this would not stop police from being tasked with doing stuff that they should not be doing and did not want to be doing. He suggested a real conversation needed to take place to consider what really is public safety. He stated that police are there to react to things, adding that ShotSpotter would not reduce gunshots. He also expressed concern that when someone gets shot, the situations are always characterized as gang violence because they were with the wrong crowd. He stated that more needed to be done to prevent violence. He also stated there needed to be a cultural change on what policing is. He recalled the recent Patronales de Holyoke event attracted a lot of people from outside of Holyoke, but many Holyokers chose not to go, believing there would be gunshots at the event. He stated that it was 4 days of music and community, noting that the only situation that happened was individuals from outside of Holyoke trying to take advantage of the situation. He also emphasized that the event had the community and the police working together instead of against each other. He also recalled being asked by a police officer about why he was in an unsafe area when he was in his own neighborhood. He suggested that this required a cultural shift that ShotSpotter would not fix.

Councilor I. Rivera asked councilors to review the video of the presentation during the Finance Committee meeting. He emphasized that the Sgt Viruet explained that it took time for their city to get to the point they were at where ShotSpotter was working efficiently. He also noted that when Springfield tested out the system by firing into a sand, it was because ShotSpotter had not been out to recalibrate the system in a couple years, forcing them to do it themselves. He suggested that looking back after 2 years would not be enough because it would be 2 years of learning and the data would not mean anything. He further stated that people from outside those neighborhoods may be scared but those who live there were thriving. He then stated that fearmongering would not work on him.

Councilor Bartley expressed his support for the grant. He also recalled that the technology was brought before the City Council 10 years earlier by the former Ward 2 councilor, Anthony Soto.

Councilor Tallman stated that it had been an excellent presentation given at the Finance Committee meeting. He noted Springfield's decision to increase from their initial 3 miles to 9 miles. He also stated that he had spoken to several retired police officers who believed this would be effective tool for the department to use to protect neighborhoods. He also emphasized the importance of a U.S. Attorney believing it to be an important tool for Holyoke to use. He also noted the value of evaluating it after 2 years to see if it works.

Councilor McGiverin recalled a situation 20 years earlier when Officer John DiNapoli responded to a call of an individual walking down the street waving a gun, eventually leading to Officer DiNapoli being shot and killed. He suggested that while ShotSpotter may not have stopped that from happening, it could prevent another officer from going down in the line of duty or change the outcome of an innocent civilian being shot. He further stated that gunfire in the city illegal and that the service would be a tool to enhance the safety of neighborhoods, adding that it had been a proven technical tool. He then suggested that it isn't found to work, they can change their minds.

Motion was made and seconded to suspend the necessary rules to allow Councilor I. Rivera to speak for a third time.

Councilor I. Rivera expressed a hope that the Council would have the same attitude when it comes to education or teachers needing more money. She suggested that the situation was bogus.

Councilor Anderson-Burgos noted that the device was called ShotSpotter, not Shot Stopper. He stated he would rather see funds to uplift the community, to reach out to individuals who feel the need to have guns and fire them at other people. He reiterated that it would not stop shots from being fired. He then took exception to Officer DiNapoli being brought up and being used.

Councilor Maldonado Velez stated that safety comes in many ways, such as housing, food, education, jobs, and safe streets. He further suggested that public safety needed to be about focusing on holes in the street and abandoned buildings. He then stated that the country had no issue arresting people, noting that we had 25% of the world's prison population while having 4% of the world's population. He suggested that we have an issue seeing the goodness in people and not seeing the issues that lead people to act in some ways. He reiterated that ShotSpotter was about reacting to situations and not creating a world that would actually be safe. He further suggested that the city has enough police presence but not effective policing. He then questioned the implication that nobody is calling when shots are fired.

Councilor Tallman asked for the vote to be moved forward. He stated that he respected the concerns of those who planned to vote no, but he believed it would be an effective tool and something that had been proven to be effective in several communities around the country.

Councilor Vacon stated that the benefit of the system would include deterrence. She further stated that looking at prevention was great, they needed to deal with the reality that we have a community where there was a lot of illegal gunfire happening. She suggested that we can continue to do what was ineffective or try something new.

Councilor Jourdain noted that he asked if shots were going down in communities where ShotSpotter was implemented, and the answer was yes. He further noted that the criminal elements in Springfield had become concerned about where the ShotSpotters were, understanding the effectiveness of the device on getting police presence to them quickly. He stated that the total number of shots was decreasing. He also suggested that there was a false choice between addressing social needs and fixing the social determinants of crime versus intervention to save people and catch perpetrators of gun violence. He suggested it would be naïve to think that the city does not need to do both. He further stated that every person illegally shooting a gun needed to be locked up and off the street. He also stated that he was a strong supporter of finding the resources to understand and address the systemic causes of crime. He reiterated that a "this or that" argument was a false choice.

Councilor Givner stated that while she was skeptical of private companies, she would be supporting the grant. She also questioned the implication that those with concerns were not supporting the mayor. She stated that she wanted to assure that taking 2 years of information was taken seriously.

Motion was made and seconded to suspend the necessary rules to allow Councilor McGiverin to speak for a third time.

Councilor McGiverin clarified that he invoked Officer DiNapoli to make the point that when an officer respond to gunfire, they are in imminent danger. He further stated that ShotSpotter would give them more advance knowledge of the situation they would be walking into, such as number of shooters and topography of the area around them.

Motion was made and seconded to suspend the necessary rules to allow Councilor Maldonado Velez to speak for a third time.

Councilor Maldonado Velez noted that trauma was mentioned earlier. He stated that as someone who grew up in the Flats, he heard talk during the presentation about gangs. He then suggested that the police is a gang. He stated that they were there to protect each other and to go into the community with force. He stated that while he might be seen as a good guy, someone who has a job and went to college, he saw the police as a reminder for him to stay in his place as a Latino. He then expressed concern about a tool that would send more police into the community, adding that it was not a tool to protect people. He suggested that the police had not been there to protect community for a long time. He clarified that individual police officers were still humans behind a uniform but the entity of the Police Department do not need more tools. He suggested they needed to figure out their mismanagement of money and that the police audit should be done first.

Councilor Bartley suggested that the statement just made was one of the most irresponsible comments he had heard in 10 years. He then questioned the suggestion of not giving the police more tools but instead to limit the number of tools they have. He then emphatically stated that calling them a gang should not go unanswered, adding that it was a loathsome comment.

---> Report of Committee passed two readings and Denied on a call of the roll of the yeas and nays--Yeas 8--Nays 4 (Anderson-Burgos, Maldonado Velez, I. Rivera, J. Rivera)--Absent 0.

Motion was made and seconded to reconsider the previous action.

Motion was made, seconded, and thirded to ask for a roll call vote.

Motion passed on a call of the roll of the yeas and nays--Yeas 8--Nays 4 (Anderson-Burgos, Maldonado Velez, I. Rivera, J. Rivera)--Absent 0.

Councilor Jourdain noted that the Law Department's determination of a missing vote due to one council seat being vacant may come up.

Motion was made and seconded to lay item 5C on the table.

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

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 "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

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin stated that the grant would be for CSO projects, which were mandated under the Clear Air Act. He noted it was an unfunded mandated except when federal dollars were provided to clean up spillage of sewage into the Connecticut River. He then stated that Holyoke was nearing the 60% mark of the required projects. He then stated that this grant would be used to complete the design phase of the River Terrace project. He noted that there had been a spill due to drain issues not long ago. He further stated that the grant would also be used to finalize the Jackson Street CSO 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 1 (Vacon).

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 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.

Have considered the same and recommended that the order be referred to the Auditor.

UNDER DISCUSSION:

Councilor McGiverin stated that the item was a duplicate that was already voted on and could be returned to the Auditor.

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

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 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

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor McGiverin noted that the City Council had been working with the Police Department for several years to track and understand their overtime use. He then stated that this request was due to the department having gone through a quarter that included summer vacation time. He noted that the line item began with \$250,000 at the beginning of the fiscal year. He added that the average pay period was over \$40,000 in overtime needs, attributed to many things such as the department running with 82 of the 92 officers budgeted for. He noted that 7 officers were in the academy that would be graduating soon, as well as 2 that had graduated recently. He then expressed an expectation they would return to 92 before the end of the fiscal year. He then noted they had gotten it down to \$36,000 of overtime per pay period, reiterating that the increase was due to summer vacations being scheduled. He then commended the department for making sure that shifts were covered even without enough officers, sometimes with mandatory overtime.

Councilor I. Rivera expressed his intent not to support the transfer. He further stated that with a new fiscal year, the Police Department needed to focus more on better management of overtime. He also suggested that the numbers did not add up, noting that they had been given a budget covering 92 officers and were transferring from that budget into overtime. He then questioned that when they reach 92 officers, where would they have the money for the additional officers. He suggested that although the transfer was likely to pass, he believed they needed to do better forecasting and future planning and could not continue to transfer in and out. His following statements in inaudible due to technical difficulties.

Councilor Vacon recalled that during the budget process, the Auditor explains that the positions needed to be funded regardless of if grant funding was coming or if there were open positions. She also stated that the Council knew the Police Department would be seeking the transfer due to open positions. She suggested that budgetary rules should be visited in the future but that this transfer was a matter of accounting and not accountability.

Councilor Maldonado Velez expressed his intent not to support the transfer. He then expressed concern about his previous comment being called reckless and suggested that the same councilor had made many reckless comments over ten and a half years. He then stated that the definition of a gang was a group of people, and that anyone with other perceptions of the word was on them. He then suggested that this particular gang asking for the transfer had savaged the community, particularly the black and brown community. He suggested they needed to fix their <expletive>.

Councilor McGiverin stated that part of the reason for the surplus in the line item for patrol officers was due to a grant reimbursing the salary. He further emphasized that the grant could not be used until the salary was spent. He noted the same thing happens with a number of line items where grants can be used to reimburse salaries. He also noted the Police Chief and the Mayor had asked for more than the \$250,000 the City Council approved for them. He further stated that he would agree with concerns if the department a full complement of 92 officers and were still asking for this overtime transfer so early in the fiscal year. He also emphasized that they needed officers on duty 24/7 and that there were additional demands on the department. He also suggested that the overtime dollars were being spent wisely and for public safety reasons.

Councilor I. Rivera, in reference to the point about the release of grant funds, he noted that the use of grant funds was not new. He then expressed his understanding that when the grant funds are released, the additional funds in the salary line item should be returned to the city. He then stated that his vote was about making a statement that they need a better plan, reiterating his expectation that the transfer was going to pass without his vote. He suggested that the department develop a financial forecast.

Councilor Tallman emphasized that policing work and safety costs money. He further stated that the whole community, not just the black and brown community, needed to be protected. He then stated that this type of transfer was not new, noting that officers regularly have to cover extra shifts, sometimes when they do not want to. He expressed his support for the transfer, noting it was not unusual. He also stated that the Chief had been transparent in what the department's needs were. He also stated that the city was one community and that he did not want to hear talk about black and brown communities.

Councilor Vacon emphasized that the transfer was within their budget and that they were not asking for more money. She then stated that anyone in leadership of the city characterizing the Police Department as a gang was beyond offensive. She further emphasized that they were there for the whole city. She then noted that studies showed the vast majority of people go to work to do the best job, adding that every group had a few bad apples. She further stated that characterizing the entire Police Department as a gang was ridiculous.

Councilor Maldonado Velez agreed that Holyoke was one city. He then suggested that for many years, policies in the city had been effective to specific populations, adding that this had been a part of the history of the country. He further stated that the country had been built on using police force to keep "others" in check and in line. He then clarified that his use of the term black and brown communities was to paint a picture that did not appear to be clear to his white colleagues on the Council.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 9--Nays 2 (Maldonado Velez, I. Rivera)--Absent 1 (J. Rivera).

The Committee on Finance to whom was referred an order to use \$2,017,526.96 of the ARPA revenue loss as a funding source to the FY2023 budget
Have considered the same and 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 12--Nays 0--Absent 0.

(3:03:15)

The Committee on Public Safety to whom was referred an order That the Fire Chief and Fire Commission please provide the following information to the City Council within 30 days: Do any fire personnel of all ranks work second jobs that exceed 30 hours per week? If yes, how many? How does the department manage those second full-time obligations when Ordinance 2-35 states that fire class of the public safety group are supposed to be working a 48 hour schedule? After the report is received, please invite in the Chief and Commission to discuss if appropriate.

Have considered the same and recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera, noting that Councilor Jourdain had not been able to speak on the order during the committee meeting, deferred to him to explain his intent. He then suggested another order could be filed. He further stated that he considered that it should remain tabled but that the Law Department had their own concerns.

Councilor Jourdain stated that he would rewrite the order for more clarification. He then suggested that if the Law Department had any questions, concerns, or issues with an order, they should contact the councilor filing the order. He added that they could recommend changes to the wording. He then expressed concern that letters and opinions are addressed to councilors without first speaking to the councilor. He expressed further concern that the Law Department's letter stated that they found no basis for the order. He suggested that he could have given them the basis if they had called him. He then stated that the order was filed as part of many coming data requests relative to several departments on the issue of getting to the root causes of workplace injuries. He suggested that one of the obvious causes of such injuries was workplace fatigue. He further suggested that if an employee was working 48 hours per the ordinance, as well as working other full time jobs, the question was if they, their coworkers, and members of the public are safe working 90 hours a week. He noted that throughout the year, there are almost always at least 3 firefighters out on injury, with \$1 million a year being spent on workplace injury and accident claims. He reiterated that he would rework the order to talk about workplace fatigue and injuries. He then emphasized that the Council cannot be afraid about asking difficult questions that nobody was asking. He clarified that the issue was not a gotcha issue but about assuring that everybody is safe. He also suggested that it was not an invasion of privacy but about protecting residents and workers in the department. He then expressed his intent to discuss how reduce risk, incident reports, drug testing policies, to assure everyone is safe, to protect lost time, city funds, but most importantly to assure everyone is okay.

Councilor Givner noted that during the meeting, there was a question of privacy regarding the way the order was written. She then recognized that nobody would argue that safety issues should be addressed and that there was no intention to just dismiss the order, adding that the Law Department just had concerns about privacy and asking for the information in this way. She suggested that they should be able to get the requested information if it rewritten.

Councilor Vacon suggested that a new order should include a request to review of the historic success or lack of success in the 24 hour shifts with the Fire Department.

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

The Committee on Public Safety to whom was referred an order that the lines on Rt 202 on the closed right hand lane going toward Westfield be painted ASAP. Two lanes are being used as travel lanes

creating a safety hazard.

Have considered the same and recommended that the order has been complied with

UNDER DISCUSSION:

Councilor I. Rivera stated that the City Engineer explained that the road was on their list of line painting, noting that they had a lot on their plate.

Councilor Vacon stated that while she accepted that it was complied with during the meeting, it was one of the most dangerous non-signalized intersections in the city and that she had been since informed that the painting will not be fully implemented until the spring. She emphasized that there had been many accidents and fatalities on the road. She then suggested that the order be tabled with the City Council. She further emphasized that it was an ASAP issue and could not wait a few months until someone else gets killed. She noted that half of the crosswalks had been painted while others had not, adding a suggestion that lines in the road should be painted at the same time. She then stated that the right lane ends at the top of the hill at the intersection with Apremont Highway, but vehicles are continuing to pass on the right beyond that intersection. She also stated that she contacted DPW and followed up with them again before filing the order, adding that she was optimistic after the Engineer assured the committee it would be done before the City Council meeting. She reiterated her request that the order be tabled with the City Council.

Councilor Bartley made a motion to instruct the Administrative Assistant to send a communication to the DPW Superintendent and Public Works Commissioners expressing the urgency of the matter. Councilor Vacon seconded the motion.

Councilor Jourdain suggested that the motion also request that they attend the next City Council meeting so that they can explain to citizens why the matter had not been addressed. He also expressed concern that if they wait too long, they'll then come back and say it's too cold and would then have to wait until spring.

Councilor Bartley amended his motion to invite the Superintendent and Commissioners to the next City Council meeting.

Councilor Givner expressed respect for Councilor Vacon's frustration. She noted that there was a corner at Sargeant and Sycamore where cars keep driving onto a woman's front lawn. She noted that while the answers they were getting were unacceptable, it appeared to be out of the control of those in power if there were not enough employees to paint the lines. She suggested that there needed to be more focus on hiring people, noting that citywide painting was supposed to be done annually. She suggested that issues anywhere in the city be addressed as citywide issues.

Councilor Vacon clarified that when she has advocated Ward 5 issues, she has also advocated for safety issues through the entire city. She further stated that a very dangerous issue that had been studied and determined as one of the worst areas, they should try to address it.

Motion to instruct the Administrative Assistant to send the requested communication approved.

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

(3:21:10)

The Committee on Public Service to whom was referred an order 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.

Have considered the same and recommended that the appointment be confirmed

UNDER DISCUSSION:

Councilor Tallman stated that Ms Gosselin had recently moved into a historic home in Holyoke, wanted to get involved in the community, and responded to a call for more people in the community to volunteer for different commissions. He noted she was very happy living in Holyoke and was excited to start work on this commission.

---> Report of Committee received and appointment confirmed.

Motion was made and seconded to suspend the necessary rules to take up items 7B and 7C as a package.

The Committee on Public Service to whom was referred an order 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
Have considered the same and recommended that the appointment be confirmed

---> Report of Committee received and appointment confirmed.

The Committee on Public Service to whom was referred an order 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
Have considered the same and recommended that the appointment be confirmed

UNDER DISCUSSION:

Councilor Tallman stated that Ms. Niles had been to a couple meetings for both boards already. He noted that she would be an alternate on the Planning Board. He then stated that she was willing to serve and had some of the background down from the two boards. He noted that several councilors asked some very good questions during the meeting.

---> Report of Committee received and appointment confirmed.

The Committee on Public Service to whom was referred an order 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

Have considered the same and recommended that the appointment be confirmed

UNDER DISCUSSION:

Councilor Tallman stated that Ms. Lebron-Martinez had been involved with human services and was willing to get more involved in the community. He also that she was originally from Holyoke and had come back to the city 4 years earlier, had the extra time, and was interested in serving.

---> Report of Committee received and appointment confirmed.

The Committee on Public Service to whom was referred an order 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 total 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.

Have considered the same and recommended that the order be referred to the City Council President to make an appointment

UNDER DISCUSSION:

Councilor Tallman stated that the order was discussed and that it was up to the City Council President to seek volunteers and pick someone.

President McGee stated that an email reminder would be sent out the following day to ask for a volunteer from the Council.

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

The Committee on Public Service to whom was referred an order that interviews begin for candidates for Interim Treasurer position.

Have considered the same and recommended that the order has been complied with

UNDER DISCUSSION:

Councilor Tallman stated that Rory Casey, Amie Chrzanowski, and Michael Hanson were interviewed for the position. He noted several good questions were asked by councilors. He further stated they were asked questions regarding their experience, their familiarity with Munis, their position with reconciling, and their opinion of the potential that the job may change within a couple years.

Councilor McGiverin noted that he had learned several additional candidates had applied for the position that they were not made aware of. He also emphasized that this was a charter position requiring that a person already live in the city rather than move to the city. He further stated that several of the candidates that they were not informed about did not live in the city. He then noted that Mr. Hanson did not live in the city, adding that he was qualified, knowledgeable, well informed, and probably would have been a good Acting Treasurer but lived in Gettysburg, Pennsylvania. He further stated that Mr. Hanson owned a condo in the city which had been purchased for his daughter who was starting a bakery in Amherst. He noted Mr. Hanson was willing to use that condo if he were selected. He then expressed a concern that if selected, Mr. Hanson could not be sworn in until he became a resident. He then asked why the decision was made not to forward the information for all of the candidates. He also emphasized that their job as a Council was to try to do the best on behalf of what the voters would do if the candidates were on a ballot. He then expressed discomfort for balloting without having those questions answered.

Councilor Givner asked for clarification regarding other candidates that applied that were not residents. She then asked why their information should be forwarded if they automatically did not qualify to serve in the position.

President McGee clarified that the issue was not that they did not qualify, noting they could move to Holyoke. He further stated that his instruction had been that HR should send everything over when

resumes come in and it was the City Council's job to do the vetting from there. He further noted that while there was a posted deadline for applying, someone did not need to apply for members to vote for them.

Councilor Givner asked how a person qualified if qualification required living in the city.

President McGee stated that if they get the position, they would have a timeframe to move to the city.

Councilor Jourdain echoed Councilor McGiverin's concerns. He then emphasized that they had only gotten the filter of 4 candidates, noting that one of them had dropped out the day of the interviews. He then stated that Mr. Hanson made clear to him that he already owned property in Holyoke and would move to the city if he was selected. He then suggested that there needed to be consistency in strictly following the rule to assure all department heads are residents at the time of appointment. He also noted that there was a state statute stating that a position becomes vacant if a city's residency requirement is not followed. He further stated that all candidates should have been put forward to the Council, reiterating that councilors can vote for anyone they want, including those that didn't apply and those that live out of town. He then expressed that he should have a right to know anyone that wanted his support for the position, suggesting that the issue was grounds for tabling the item. He also stated that any deadlines are just a method for speeding up applications, adding that they can continue to keep taking them and that the real deadline was up to the point that the Council votes on the position.

Councilor Murphy-Romboletti noted that the mayor was in attendance who may be able to speak on the procedure that took place.

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

Mayor Garcia stated that when candidates applied, they were told that there was a residency requirement, and some chose not to go forward as they did not intent to move to the city of Holyoke. He also noted one of those candidates only wanted to work 15-20 hours a week.

Jourdain stated that he was good with that explanation. He then asked if they got all of the applications for anyone that was willing to move to Holyoke.

Mayor Garcia confirmed that nobody was excluded that was willing to move to Holyoke. He noted that Personnel Director, Kelly Curran, was online and could speak, noting she was the one who communicated with the candidates.

Councilor Bartley stated that he had not known some people were excluded, but accepted the explanation just given. He then noted that one candidate, a Holyoke resident, dropped out right before. He also stated that this process was similar to that of filling the recent vacancy of the Ward 3 School Committee seat in that there deadline was just a made up date. He suggested that such deadlines should not be used again unless a valid rule was in place. He stated it should be clear in advertising that councilmembers can vote for whomever they choose the night of the meeting. He emphasized that artificial deadlines do not help anyone, especially the candidates. He also stated that councilors should be given an opportunity to ask additional questions of any candidate if they had any, even potentially referring the item back to committee.

President McGee clarified that deadlines were not designed to be problematic, although they could be, but to put out to people to get them to apply.

Councilor Bartley clarified that his intent was not to apply fault to anyone but to ask that any future advertising make clear that councilors can choose anyone they want up to the time of the vote.

Councilor Tallman noted one person dropped out the day before and another lived out of the city who wanted to work part time, adding that we needed more than a part time treasurer. He noted that anyone who wanted the job could have and did call several councilors. He suggested that the vote should go

forward that evening, noting that the current Acting Treasurer, Sharon Bittner-Willis, was needed back in the Auditor's office.

Councilor McGiverin clarified that his concerns were not about the Personnel Director or the other candidates but about the fact that the reasons given for excluding the others leads him to question why Mr. Hanson was brought forward as he was also a non-resident. He noted that Mr. Hanson clearly stated that he lived in Gettysburg, Pennsylvania and bought a place in Holyoke for his daughter and could utilize the condo if he were to get the position. He then noted that he found Mr. Hanson to be more than qualified, but could not be sworn in until he moved, noting that it was an appointment to an elected position. He further stated that some may read the charter to state that he would have to be a resident before being selected, noting that candidates can't run for office and decide to move after getting elected.

Councilor Jourdain suggested that it would be legitimate to vote for any of the 3 candidates, or anyone else. He then stated that he would vote for Mr. Hanson. He then stated that the office needed a serious, qualified person. He further stated that his resume compared to the others was night and day, noting that the other two had no substantial financial experience and only high school diplomas versus Mr. Hanson who was a retired CPA, had an MBA, and years of finance experience. He added that Mr. Hanson was willing to move to the city, his wife wanted to be in Holyoke to help their daughter run the bakery in Amherst. He then noted that he also asked if Mr. Hanson would run for the position the following year, and that he said he would, that he hoped people got to know him and would consider voting for him. He then stated that Rory Casey was a good man, had tried to contribute to a lot around City Hall, and involved in a number of matters, was committed to the City of Holyoke, but just was not as qualified as Mr. Hanson. He noted that the office had experienced several issues over the last decade and the Council owed it to the citizens of Holyoke to vote for the most qualified candidate.

Councilor Maldonado Velez read from the City Charter:

"No person shall be eligible to any of the offices of the city government, except superintendent of schools, unless he is a citizen and has been a resident of the city for at least two years."

He then suggested getting the Law Department's input on this matter, noting that it appeared someone needed to be a resident for at least two years to be eligible for this position.

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

Atty Bissonnette stated that the Charter was specific that they must be a resident on the day they are elected, on the day they file papers, and a period before that, but definitely had to be a resident of Holyoke when their term begins. He noted that the mayor's temporary appointment could be a non-resident due to being subject to state law which superseded the city's charter and ordinances. He further stated that the appointment could be allowed to run its course before the City Council's appointment begins their term. He suggested that it would not serve as a way around the two year requirement.

Councilor Maldonado Velez asked to clarify that Mr. Hanson would have had to be a resident for two years from the date of appointment.

Atty Bissonnette stated that knowing Mr. Hanson had a unit in the city, if he owned it for at least the past two years, that coupled with his intent to remain may be enough to satisfy the requirement, adding that it may require seeing the deed to the condo.

Councilor Vacon stated that they had gone through the process of hiring consultants to work with the Treasurer's office to reconcile issues and get new procedures into place and had received assurances that the procedures would remain in place going forward. She added that the same reconciliation problems continued. She then stated that the department needed fresh eyes who knows what they are looking at. She also noted that she did follow up with the candidate relative to the temporary nature of the position, and he expressed his interest in the position whether it is temporary, gets modified, or remains as an elected position. She stated that her vote would be for the most qualified person who would bring

the needed knowledge and skills, adding that the consultant could help him where he is lacking in specific government experience.

Councilor Murphy-Romboletti expressed her hope that a vote could be taken soon, noting the importance of stability in the office. She also expressed concern for pursuing the route of bringing in someone without much municipal experience, emphasizing that a municipality is not a business. She further stated that it would be concerning to hire someone who doesn't understand Munis or municipal government.

President McGee noted that he met with the mayor and the outside group helping the Treasurer's office catch up and understood they would be around for every day no matter who was there to help the office catch up and assure everyone was on the same page. He suggested that the mayor could speak to provide more details.

Mayor Garcia stated that they were currently negotiating a contract with the consultant who would be offering training. He then noted there was an opportunity to change the course for longer term sustainability. He further noted that there was a proposal in committee to consider changing the charter, and to potentially put up any changes to a vote of the city. He then suggested that a lack of many strong candidates was due to too many unknowns for the position. He then stated that any of the available candidates, as well as the department, would continue to have the consultants that can help them catch up and implement a plan.

Councilor I. Rivera stated that he spoke with Mr. Hanson a few days earlier, noting that there was a concern around the position eventually being eliminated because he was talking about moving his family. He then expressed some discomfort in voting for him without knowing if the residency would become an issue.

Councilor Jourdain emphasized the important thing to note about section 45 of the charter was that it applied to all the offices of the city. He then asked if that was actually really happening. He noted there was a vote for Assessor recently where all of the candidates were from out of town. He noted they hadn't even needed to vote on it as it was just for a staff position. He then questioned if two year residency is being checked for various city offices. He then suggested it could be a long list of offices that were not following section 45. He then emphasized that Mr. Hanson was willing to move to the city.

Councilor Anderson-Burgos questioned how much the position paid, and suggested it was a high risk for someone to move their family for a position that may not be there soon. He then noted that they did not know for certain if the deed to the condo was in order. He further suggested that there was value to workers who have already been around City Hall and have developed working relationships with people already.

Councilor McGiverin suggested that section 45 was simple to explain. He noted that Atty Bissonnette explained that the mayor can appoint someone temporarily according to Mass General Laws. He further emphasized that residency is key to the City Council's appointee. He questioned if someone who bought a condo on a lake in Vermont could then run for governor. He emphasized that all 3 were qualified, with 2 of them having experience in City Hall and specifically in the Treasurer's office.

---> Motion was made and seconded to go to the first ballot for Interim City Treasurer. Rory Casey received 9 votes (Anderson-Burgos, Givner, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, I. Rivera, J. Rivera, Tallman). Michael Hanson received 3 votes (Bartley, Jourdain, Vacon). Rory Casey appointed as Interim City Treasurer.

(4:05:50)

The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application for Betlaj, LLC c/o Edison Yee to reuse the existing building and abutting parking lot for the proposed development of a White Hut restaurant at 825 Hampden St & Pleasant St (092-00-111 & 112)

Have considered the same and recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that they applied for a fast food special permit and were planning to use the existing building. She noted they provided all the information to make sure it meets the needs of the special permit requirements. She also stated that they applied for a parking reduction to 16 spots with the Planning Board, noting it would normally require 47 spots. She further stated that they discussed a Planning Board condition that they have a 6 month lookback to make sure that the parking is adequate. She noted that the Planning Board letter was provided, which explained that the applicant was expected to provide a 6 month update to the Planning Board and they would determine at that time if there was enough parking. She noted that the planned to do regular maintenance on the property, paying close attention to the exterior. She then stated that they planned to have similar hours to their location in West Springfield, opening at 6:30 a.m., closing at 6 p.m. in the winter, and closing at 7 p.m. in the summer. She noted they planned to open in the spring of 2023. She added that they planned to have a patio outside. She further stated that the business would provide about 15 jobs.

Councilor Bartley stated that the petitioner had recently been granted a zone change from R2 to BL. He noted that restaurants require a special permit in the BL zone. He then recognized that the layers of government that businesses are required to navigate can be overwhelming, but special permits are not to provide roadblocks but to give councilors more time and a chance to dive deeper into the application. He then noted that when it was brought up that the Planning Board was asking for a 6 month lookback, he asked how they planned to assess it. He further emphasized that the Planning Board placed the responsibility to assess it on the business to assess if they have enough parking. He then emphasized the importance of the applicant assess what they need. He also noted the question came up that they would make sure their employees were parking off site, adding that they assured they would. He then stated that they chose not to place any conditions on the special permit, knowing that the petitioner was a quality business that could be trusted. He further emphasized that without a special permit, councilors would not have the opportunity to ask such questions. He then thanked the Yee family for their investment in the city.

Councilor McGiverin emphasized the importance of the applicant being a known developer. He stated that it was a building they would not want to see remain vacant. He noted there was opportunity to find additional parking across the street.

Councilor Vacon stated that she was in strong favor of the special permit being granted.

Councilor Tallman expressed his support for the project, adding that the area of the city was coming to life with multiple new businesses opening.

President McGee noted that he was approached by the Yee family early on, asking him what he thought about their plan. He further stated that he told them it would be phenomenal to bring the White Hut to the area. He also stated that they were proactive on their plan from the start, thinking about closing time and further considering the interests of the residents of the area.

Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 0.

MOTIONS, ORDERS, AND RESOLUTIONS

(4:17:05)

JOURDAIN, MCGIVERIN -- Ordered, that pursuant to the January 4, 2022 order, which was unanimously approved by the City Council, the HG&E appear before the Finance Committee to give an update on their progress.

The January 4, 2022 Order adopted by the City Council read as follows: "The Holyoke Gas and Electric be requested to take all necessary steps to end the gas moratorium. That they report back to the City Council by April 1, 2022 on their recommended plan of action including potential time table to bring the moratorium to an end. "

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

VACON -- Ordered, That DPW representatives and our Auditor provide a financial review of the sewer enterprise fund for 2023 and anticipated financials for 2024, with a projected impact on the sewer fee, to a joint meeting of the Ordinance and Finance committees

Councilor Vacon stated that the request was to meet jointly.

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

VACON -- Ordered, That Mayor Garcia be given the authority to hire a DPW director above mid range up to no more than max without needing further approval from CC due to special circumstances

Councilor Vacon stated that when the previous ordinance language was passed, it did not meet the exact intent of the order, adding that this one would. She further stated that the intent was to give the flexibility to the mayor but the legal form stipulated that it would need to come back to the City Council. She then stated that she would prefer not to wait until October 4th, noting the rules required it to go through the Ordinance Committee. She then suggested the City Council recess for 5 minutes, allow the Ordinance Committee to meet briefly, approve it, and then come back to allow the City Council to approve it.

Motion was made and seconded to call a brief recess.

Councilor Jourdain made a point or order. He then asked if the suggestion was compliant with the open meeting law to call an unannounced Ordinance Committee meeting to take up one item with no notice to the public.

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

Atty Bissonnette stated that they could not. He then suggested that they could pass it through all of its stages on the written recommendation of the mayor as it was a financial order.

Councilor Jourdain noted there was also a state law allowing all of the readings of an ordinance change to pass in one night if there was no objection.

Councilor Vacon stated that there was already an ordinance passed allowing the mayor to exceed the mid-range, but the legal language required the mayor to come back to the City Council for permission to do it.

Councilor Jourdain asked to clarify that the intent was to amend the ordinance.

Councilor Vacon confirmed that was correct.

Councilor Jourdain asked if the other order was in committee.

President McGee clarified that it was already taken up and approved.

Councilor Jourdain emphasized that the new ordinance change could not be voted on because they did not have legal form.

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

Motion was made and seconded to suspend the necessary rules to take up items 12 through 15 and 20 as a package.

MCGIVERIN -- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY23 BEST PRACTICES COMPACT PROGRAM: EMPLOYEE BENEFIT COSTS EVALUATION & RECOMMENDATION, \$25,000, 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 in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY23 BEST PRACTICES COMPACT PROGRAM: MUNIS EMPLOYEE SELF SERVICE IMPLEMENTATION, \$29,475, 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, SIXTY TWO THOUSAND AND 00/100 Dollars (\$62,000) as follows:

FROM:

12401-51110 PAY LOCAL BUILDING INSPECTOR \$55,000

12401-51201 PAY PROPERTY MAINT/DEMO SUPER 7,000

TOTAL: \$62,000

TO:

12401-XXXXX PAY-ZONING OFFICER (NEW) \$55,000

12401-51101 PAY-BUILDING COMMISSIONER 7,000

TOTAL: \$62,000

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

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE THOUSAND AND 00/100 Dollars (\$1,000) as follows:

FROM:

15101-51203 SUBSTITUTE NURSES \$1,000

TOTAL: \$1,000

TO:

15101-51300 OVERTIME \$1,000

TOTAL: \$1,000

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

MCGIVERIN -- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY23 LIBRARY SERVICES & TECHNOLOGY ACT (LSTA) - STRENGTH IN FAMILIES, \$10,000, 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.

Motion was made and seconded to suspend the necessary rules to take up items 16 through 19 as a package.

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, FIVE THOUSAND TWO HUNDRED THREE AND 74/100 Dollars (\$5,203.74) as follows:

FROM:

12201-51105 FIREFIGHTER \$2,340.12

12201-51104 LIEUTENANT 2,863.62

TOTAL: \$5,203.74

TO:

12201-51180 INJURED ON DUTY \$5,203.74

TOTAL: \$5,203.74

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

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE THOUSAND ONE HUNDRED EIGHTY ONE AND 09/100 Dollars (\$1,181.09) as follows:

FROM:

12201-51105 FIREFIGHTERS \$1,181.09

TOTAL: \$1,181.09

TO:

12201-51180 INJURED ON DUTY \$1,181.09

TOTAL: \$1,181.09

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

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, EIGHTEEN THOUSAND THREE HUNDRED TWENTY TWO AND 10/100 Dollars (\$18,322.10) as follows:

FROM:

12101-51104 LIEUTENANT \$3,883.22

12101-51105 SERGEANT 6,723.80

12101-51107 PATROLMEN 7,715.08

TOTAL: \$18,322.10

TO:

12101-51180 INJURED ON DUTY \$18,322.10

TOTAL: \$18,322.10

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

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023,
TWENTY THOUSAND THREE HUNDRED SIXTEEN AND 45/100 Dollars (\$20,316.45) as follows:

FROM:

12101-51104 LIEUTENANT \$3,883.22

12101-51105 SERGEANT 6,723.80

12101-51107 PATROLMEN 9,709.43

TOTAL: \$20,316.45

TO:

12101-51180 INJURED ON DUTY \$20,316.45

TOTAL: \$20,316.45

UNDER DISCUSSION:

Councilor McGiverin stated that this was a standard accounting procedure to keep track of public safety employees being paid their salary while out of work due to being injured on duty.

Councilor Vacon repeated her previous request to understand why one sergeant was still out due to being injured on duty and not in another category.

President McGee stated he would call the Police Chief the following day.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--
Absent 2 (Bartley, Maldonado Velez).

Adjourned at 11:07 PM

A handwritten signature in black ink that reads "Brenna Murphy McHee". The signature is written in a cursive, flowing style.

City Clerk