

## AGENDA FOR THE CITY COUNCIL

November 1, 2022

### LAID ON THE TABLE

1. The Committee on Ordinance to whom was referred an order that following the adoption of a resolution in support of the district, that the Ordinance Committee work with the mayor and the appropriate city and state departments to adopt an ordinance creating a Puerto Rican Cultural District within the City of Holyoke. Recommended that the order be adopted.

### PUBLIC COMMENT

### COMMUNICATIONS

2. From Mayor Joshua A. Garcia, letter appointing Jonathan Moquin Jr., 195 Brown Ave. to serve as a Commissioner of the Parks and Recreation for the City of Holyoke: Mr. Moquin will replace Nicholas Duclos and will serve the remainder of the term; said term will expire June 30, 2024.
3. From Lisa A. Ball, City Solicitor letter re: Legal fees for Litigation involving Dunkin donuts/Log Cabin.
4. From Brenna Murphy McGee, MMC & Jeffrey Anderson-Burgos, Admin. Ass't. to City Council minutes of October 18, 2022.
5. From AACO Realty Corp, letter regarding 380 Dwight St. for 420 LLC failure to enforce city ordinances continued complaint.
6. FY2022 Traffic Grant Summary from Sgt Hart at the Holyoke Police Department.
7. From Board of Public Works, Sewer Commission and Stormwater Authority minutes of August, 1, August 15, and September 19, 2022.
8. From Holyoke Redevelopment Authority minutes of July 20 & September 21, 2022.
9. From Board of Fire Commission minutes of September 16, 2022.

### PETITIONS

10. Petition of Elias Martinez for a street vendor license to be located on High St. ( mambo cafe parking lot ).

### PRESIDENT'S REPORT

## REPORTS OF COMMITTEES

11. Ordinance Committee Reports (if any)
  - 11A. The Committee on Ordinance to whom was referred an order Petition of Chevonne Ann Machuca, 47 Hitchcock St. for a street vendor license on Race St. Recommended that the order be adopted.
  - 11B. The Committee on Ordinance to whom was referred an order That an ordinance be created that requires a department head to report (with an incident report explaining the cause) of any loss in their department over \$250 in value to the City Council and Mayor within 30 days Recommended that the order be adopted, as amended for losses over \$500.
  - 11C. The Committee on Ordinance to whom was referred an order that the handicap parking located at 29 Belvidere Ave be removed. Per constituent request Recommended that the order be adopted
  - 11D. The Committee on Ordinance to whom was referred an order that we seek authorization from the Cannabis Commission to have local inspections of large cultivation facilities completed by our local Board of Health to ensure compliance with health & safety regulations for workers. This is filed upon learning (today 10/3/22) of the death of a person working for Trulieve Recommended that the order be adopted and referred to the Mayor and the Board of Health to develop a marijuana industry enforcement and inspection plan to be funded from cannabis impact fee funds.
  - 11E. The Committee on Ordinance to whom was referred an order That "No Engine Breaks" signs be installed at all city gateways. This will allow citing, Engine break use is not permitted in Holyoke Recommended that the order be adopted as amended to clarify "except in an emergency."
  - 11F. The Committee on Ordinance to whom was referred an order Petition of Yajaira Mulero, for a street vendor license Recommended that the order be given a leave to withdraw
12. Finance Committee Reports (if any)
13. Public Safety Committee Reports (if any)
14. Public Service Committee Reports (if any)
15. Development and Governmental Relations Committee Reports (if any)
16. Charter and Rules Committee Reports (if any)

17. Joint City Council and School Committee Reports (if any)

MOTIONS, ORDERS AND RESOLUTIONS

18. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, THIRTEEN THOUSAND TWO HUNDRED AND 00/100 Dollars (\$13,200.00) as follows:

FROM:

12102-55860 PERSONNEL EQUIPMENT  
\$13,200.00

TOTAL: \$13,200.00

TO:

XXXXX-XXXXX GRANT MATCH - FY22 BULLETPROOF  
VEST \$13,200.00

TOTAL: \$13,200.00

19. MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2022 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP), \$26,400, 50% 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.

20. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWELVE THOUSAND FIVE HUNDRED TWENTY NINE AND 00/100 Dollars (\$12,529.00) as follows:

FROM:

14211-51106 SUPERINTENDANT OUTDOOR WORK  
\$2,088.00

14251-51101 FOREMAN/ HIGHWAY & BRIDGES  
2,088.00

14261-51101 FOREMAN/ AUTOMOTIVE  
2,088.00

14301-51101 FOREMAN/ REFUSE & RECYCLING  
2,088.00

12941-51101 FORESTER 2,089.00

14301-51106 WASTE/RECYCLING COORDINATOR  
2,088.00

TOTAL: \$12,529.00

TO:

14211-51103 OFFICE MANAGER \$12,529.00

TOTAL: \$12,529.00

21. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, THREE THOUSAND SIX HUNDRED FIFTY SEVEN AND 00/100 Dollars (\$3,657.00) as follows:

FROM:  
60401-51105 PRINCIPAL CLERK/STENOGRAPHER  
\$3,657.00

TOTAL: \$3,657.00

TO:  
60401-51999 RETIREMENT & BENEFITS  
\$3,657.00

TOTAL: \$3,657.00

22. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWO THOUSAND DOLLARS AND 00/100 Dollars (\$2,000.00) as follows:

FROM:  
14211-51108 SAFETY INSPECTOR \$2,000.00

TOTAL: \$2,000.00

TO:  
14301-51106 WASTE/RECYCLING COORDINATOR  
\$2,000.00

TOTAL: \$2,000.00

23. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TEN THOUSAND DOLLARS AND 00/100 Dollars (\$10,000.00) as follows:

FROM:  
16501-51109 PARKS MAINTENANCE MEN  
\$10,000.00

TOTAL: \$10,000.00

TO:  
12941-51300 OVERTIME-FORESTRY \$10,000.00

TOTAL: \$10,000.00

24. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY THOUSAND AND 00/100 Dollars (\$20,000.00) as follows:

FROM:  
12401-51201 PAY-PROPERTY MAINT/DEMO  
SUPERVISOR \$20,000.00

TOTAL: \$20,000.00

TO:

12402-53010 OTHER CONTRACTED SERVICES  
\$20,000.00  
TOTAL: \$20,000.00

25. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, FOUR THOUSAND SEVEN HUNDRED SEVENTY TWO AND 68/100 Dollars (\$4,772.00) as follows:

FROM:  
12201-51105 FIREFIGHTERS \$4,772.00  
TOTAL: \$4,772.00  
TO:  
12201-51180 INJURED ON DUTY \$4,772.00  
TOTAL: \$4,772.00

26. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY EIGHT THOUSAND FIVE HUNDRED FORTY SIX AND 18/100 Dollars (\$28,546.18) as follows:

FROM:  
12101-51104 LIEUTENANT \$3,883.22  
12101-51105 SERGEANT 10,085.70  
12101-51107 PATROLMEN 14,577.26  
TOTAL: \$28,546.18  
TO:  
12101-51180 INJURED ON DUTY \$28,546.18  
TOTAL: \$28,546.18

27. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED FORTY TWO THOUSAND SEVEN HUNDRED SIXTY EIGHT AND 00/100 Dollars (\$142,768.00) as follows:

FROM:  
18202- 56511 SCHOOL CHOICE SENDING TUITION  
\$ 60,517.00  
18202- 56513 CHARTER SCHOOL SENDING TUITION  
92,135.00  
TOTAL: \$142,768.00  
TO:  
13002-57000 SCHOOLS - OTHER EXPENSES  
\$292,729.00  
18202-56510 STATE SPECIAL EDUCATION  
2,691.00  
TOTAL: \$142,768.00

28. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal

year 2023, EIGHTY THOUSAND AND 00/100 Dollars  
(\$80,000.00) as follows:

FROM:  
8810-10400          CAPITAL STABILIZATION  
\$80,000.00  
                    TOTAL:          \$80,000.00  
TO:  
15103-58000        BOARD OF HEALTH - CAPITAL OUTLAY  
                    \$80,000.00  
                    TOTAL:          \$80,000.00

29. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED FORTY THREE THOUSAND AND 00/100 Dollars (\$143,000.00) as follows:

FROM:  
8810-10400          CAPITAL STABILIZATION  
\$143,000.00  
                    TOTAL:          \$143,000.00  
TO:  
13003-58000        SCHOOLS CAPITAL OUTLAY  
                    \$143,000.00  
                    TOTAL:          \$143,000.00

30. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$75,000.00) as follows:

FROM:  
8810-10400          CAPITAL STABILIZATION  
\$75,000.00  
                    TOTAL:          \$75,000.00  
TO:  
15413-58000        COUNCIL ON AGING CAPITAL OUTLAY  
                    \$75,000.00  
                    TOTAL:          \$75,000.00

31. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWO HUNDRED FORTY ONE THOUSAND AND 00/100 Dollars (\$241,000.00) as follows:

FROM:  
8810-10400          CAPITAL STABILIZATION  
\$241,000.00  
                    TOTAL:          \$241,000.00  
TO:

12103-58000 POLICE CAPITAL OUTLAY  
\$241,000.00  
TOTAL: \$241,000.00

32. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED SIXTY FIVE THOUSAND AND 00/100 Dollars (\$165,000.00) as follows:

FROM:  
8810-10400 CAPITAL STABILIZATION  
\$165,000.00  
TOTAL: \$165,000.00

TO:  
14253-58000 HIGHWAYS & BRIDGES CAPITAL OUTLAY  
\$165,000.00  
TOTAL: \$165,000.00

33. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, FORTY FIVE THOUSAND AND 00/100 Dollars (\$45,000.00) as follows:

FROM:  
8810-10400 CAPITAL STABILIZATION  
\$45,000.00  
TOTAL: \$45,000.00

TO:  
14803-58000 MUNICIPAL PARKING CAPITAL OUTLAY  
\$45,000.00  
TOTAL: \$45,000.00

34. MURPHY-ROMBOLETTI -- Ordered, that Section 2-35 of the Code of Ordinances, entitled "Classification and Compensation Plans" be amended to update the compensation amount for the Emergency Management Director position so that it is consistent with the negotiated annual salary for the revised duties and responsibilities.

Changes:

1. Substitute "Emergency Management Stipend" with "Emergency Management Director Salary"
2. Substitute "\$2,000" with "\$5,000 annual"

Current amount of \$2,000 reflects the stipend paid when the duties were performed by the Fire Chief.

35. MURPHY-ROMBOLETTI -- Order that we revise Section 58 - 18 of our City Ordinances to establish that it is the responsibility of the business

establishment to collect and return shopping carts to their original locations. Any business that does not adhere to this ordinance shall be subject to a fine of no less than \$25 and not more than \$300, to be issued by the city's enforcement officer.

CURRENT ORDINANCE: Any individual or group who removes a shopping cart from the business lot where the cart originated shall be subject to a fine of no less than \$25.00 and not more than \$300.00, to be issued by the city police department.

36. MURPHY-ROMBOLETTI -- Ordered that the City Engineer explore options for traffic mitigation on Whiting Farms Rd, specifically at the crosswalks on Farnum and Tokeneke, to ensure that drivers stop for pedestrians utilizing the crosswalks.
37. PUELLO -- that a handicap sign be placed in front of 363 Chestnut St. for Martha Garib, placard #PL4500551.
38. PUELLO -- That the legal department please give their interpretation of section 46 and provide an opinion on, "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. Does this apply only to convictions that occur during the term of office?"
39. PUELLO -- That a request be made to Tapestry Health, please provide a communication for dissemination regarding the needle program, containing statistics around how many issued, collected (locations), calls received, etc. (relevant info). Thank you.
40. RIVERA\_J -- that a handicap sign be placed in front of 97 High St. for Nicole Bertone-Gill, placard #PL 5920320.
41. RIVERA\_J -- That a handicap sign be placed for 364 Maple St. for Amy Garcia, Placard #PL0200749.
42. RIVERA\_J -- Ordered, that the mayor and the flex squad be invited  
MALDONADO-VELEZ in to discuss what it is, as well as its effectiveness and what steps they're taking to make sure that the neighborhoods are cleaned, not just on private property but public property as well.
43. VACON -- that our city engineer evaluate the intersection of Evergreen and Bray Park Drive for improvements due to safety concern.
44. VACON -- that speed limit signs be replaced or added on Homestead (northbound) so that enforcement can occur.



45. VACON -- that public cameras throughout the City be updated, replaced and added as needed to ensure safety and compliance with laws and needed funding transfers be approved when necessary.
46. VACON -- That the City Clerk, Police Dept., and Legal Dept. provide an update regarding any steps taken to ensure the safety and integrity of the ballot drop box during elections.  
Can a camera be placed and operational from the beginning and until the end of voting? Can anyone place a camera in the area of the drop box since it is in a public area?
47. ANDERSON-BURGOS -- Ordered, that a no parking spot be placed on West Franklin next to 286 West Franklin, unless the Engineer can recommend some other means for addressing the concern raised in the attached email and shown in the pictures.
48. BARTLEY  
JOURDAIN -- The Holyoke City Council hereby issues a proclamation to state Rep. Jack Lewis of Framingham for his leadership in honoring Holyoke, its citizens, its history and its natural beauty by having the Commonwealth's state dinosaur come from Holyoke, Mass.
49. GIVNER -- Order that the City of Holyoke pause acceptance of new cannabis business permit applications, excluding delivery for existing businesses, until there are systems, staff/departments in place to support associated health and safety code enforcement as outlined by the Cannabis Control Commission AND the City of Holyoke.
50. JOURDAIN -- that the Forestry dept. please remove the diseased and dying tree in tree belt in front of 166 Lincoln St. Pieces of it have been continuing to falloff and is causing property damage.
51. JOURDAIN -- Ordered, that the City Solicitor provide a legal opinion if it is legal and/or advisable to deny individual Councilors and/or a minority of the body access to legal advice and assistance of counsel in the performance of their duties if a majority of Councilors choose to deny them the access to legal advice and/or formal legal opinions through the body itself as has traditionally been the process. Please further discuss the potential implications and ramifications for such a posture by a majority of the Council.  
Does the law dept propose an alternative process going forward from having formal legal opinions come through the main body in the event that is not an option?
52. MALDONADO-VELEZ -- That an Office of Tenants Protection be created. This will be housed under the Board of Health, or appropriate

department, which will work on holding landlords accountable and making sure all residents of Holyoke are living safe conditions.--

53. MCGEE -- Ordered, that the DPW look into installing a mirror on the pole on the other side of the wall at the City Hall parking lot. It is sometimes difficult to see people walking up the sidewalk while exiting the lot, creating a risk of potentially hitting someone. A mirror would allow drivers leaving City Hall to see the sidewalk on the other side of the wall
54. MCGEE -- Order that a No Parking sign be placed for (no parking Friday mornings) adjacent and to the south of the entrance to the parking lot of 31 Beacon Ave(on Waldo Street), and to the south of the driveway directly across the street on Waldo Street
55. MCGEE -- Design Feasibility Appropriation to comply with Mass. School Building Authority (MSBA) invitation into the Accelerated Repair Program (ARP) to specify and establish scope of work required to replace windows and exterior doors at McMahon, Donahue and Lawrence Schools and boilers at Dean. Budgeted Design Feasibility total appropriation of \$275,000 @ 80% reimbursement. Net cost to City approx. \$55,000."
56. MCGEE -- Order Holyoke media come into finance to give an update and discuss appointments
57. MCGEE -- Ordered, that the handicap spot on the south side of Hampden St in front of Rusty's be moved by ten feet to account for a recently installed fire hydrant.

Current measurements:

Hampden St. Southerly A point 35 feet easterly of Nonotuck St.  
A point 18 feet further easterly Handicap parking only

New measurements:

Hampden St. Southerly A point 45 feet easterly of Nonotuck St. A  
point 18 feet further easterly Handicap parking only

#### Addendum:

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

Not all items listed may in fact be discussed and other items not listed may also be

brought up for discussion to the extent permitted by law

*Brenna Murphy McLee*  
\_\_\_\_\_  
City Clerk