

**AGENDA FOR THE CITY COUNCIL**  
**December 20,2022**

**L Aid ON THE TABLE**

1. Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the "HOLYOKE SCHOOL DEPARTMENT, \$1,066,548, ANONYMOUS DONATION" 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 donation
  
2. That the City appropriate the amount of Two Hundred Seventy-Five Thousand Dollars (\$275,000) for the purpose of paying costs of the Schematic Design Study at the H.B. Lawrence School for a potential window and door replacement project, at the Lt. Elmer J. McMahon Elementary School for a potential window and door replacement project, at the Maurice A. Donahue Elementary School for a potential partial window and door replacement project and at the William J. Dean Vocational Technical High School for a potential boiler replacement project, (The invitation for the partial window and door replacement project at the Maurice A. Donahue Elementary School is limited to the window section from the original 1973 building.) including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of School Committee. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED: That the Mayor is authorized to contract for and expend any state aid available for the project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and execute such documents as may be required for such purposes.

Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

3. The Committee on Finance to whom was referred an order 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." Awaiting disposition

4. 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

5. From Mayor Joshua A. Garcia, letter reappointing Mr. Anthony Diaz, 13 Cabot St. to serve as a Board Member for the Valley Opportunity Council for the City of Holyoke: Ms. Diaz will serve a three year term; said term will expire on December 31, 2025.
6. From Mayor Joshua A. Garcia, letter reappointing Ms. Cheryl Figueroa, 223 Pine St. to serve as a Board Member for the Valley Opportunity Council for the City of Holyoke: Ms. Figueroa will serve a three year term; said term will expire on December 31, 2025.
7. From Mayor Joshua A. Garcia, letter appointing Ms. Callie Niezgoda Flanagan, 38 Jefferson St. to serve as a member of the Holyoke Economic and Industrial Corporation (HEDIC): This seat on the Board of Directors represents the Finance Sector. This is a three year term; said term will expire on June 30, 2025.
8. From Mayor Joshua A. Garcia, letter reappointing the following individuals to serve as Commissioners of the Council on Aging for the City of Holyoke:

Susan Aiken, 359 Linden St.  
Sean Gonsalves, Holyoke Board of Health  
Julita Rojas, 337 Sargeant St.  
Kyong Cruz, 107 Martin St.  
Nicole Perrier, 1706 Northampton St.  
Priscilla Garcia, 89 Brooks St.  
Dian McCollum, 20 Easthampton Rd.  
Cappie Glica, 19 Concord Ave.  
Barbara J. Grady, 44 Edward Dr.  
Len Brouillette, 179 Morgan St.  
Mr. Wayne Klinge, 22 Dale St.

They will serve a one year term; said term will expire August 2023.

9. From Kathleen E. Degnan, Assistant City Solicitor, letter of Acceptance of anonymous Donation to the School Department.
10. From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Ass't. to City Council minutes of regular meeting on December 6 and Special Meeting on December 12, 2022.
11. From Rory Casey, City Treasurer, Moody's Credit rating for Holyoke.
12. City of Holyoke License Agreement Cataldo Ambulance at 490 South St, 600 High St. and 33 Whiting Farms Rd.
13. From Holyoke Planning Board HUD Accessory Dwelling Unit Case Study.
14. From Michael Moriarty, UMASS Donahue Institute Greater Springfield Housing Analysis.
15. From PERAC letter re: Appropriations for Fiscal Year 2024.
16. From Holyoke Redevelopment Authority Summary of Activities from November 1, 2021 to October 31, 2022.

#### PETITIONS

17. Petition from Residents of Holyoke in support of a Tenant Bill of Rights.

#### PRESIDENT'S REPORT

#### REPORTS OF COMMITTEES

18. Ordinance Committee Reports (if any)
- 18A. The Committee on Ordinance to whom was referred an order Special Permit Application for Blossom Flower LLC LLC at 1 Cabot St (048-01-010) to operate a marijuana delivery business Recommended that the order be adopted with the following conditions:
  1. That the owner of the building always pay the commercial property tax rate to the extent allowed by federal, state, and local laws for the duration of the Special Permit.
  2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
  3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the

city of Holyoke.

4. There shall be no marijuana consumption allowed on site.
5. That the hours of operation be set according to City ordinances.
6. That the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission.
7. That the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit.
8. That if substantial progress has not occurred within 2 years of issuance of the Special Permit, an extension shall be required.

18B. The Committee on Ordinance to whom was referred an order Special Permit Application for Blossom Flower LLC at 1 Cabot St (048-01-010) to operate a marijuana manufacturing establishment Recommended that the order be adopted with the following conditions:

1. That the owner of the building always pay the commercial property tax rate to the extent allowed by federal, state, and local laws for the duration of the Special Permit.
2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke.
4. There shall be no marijuana consumption allowed on site.
5. That the hours of operation be set according to City ordinances.
6. That the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission.
7. That the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit.
8. That if substantial progress has not occurred within 2 years of issuance of the Special Permit, an extension shall be required.

18C. The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 72 Hampshire St. for Lorraine I. Hernandez Campos, placard # PL1550887 Recommended that the order be adopted.

18D. The Committee on Ordinance to whom was referred an order 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. Recommended that the order be adopted as amended to only substitute "\$2,000" with "\$5,000 annual"



- 18E. The Committee on Ordinance to whom was referred an order In an effort to streamline service to residents: create language that eliminates ordinance to review, and for city council to vote on, installation and removal of handicapped signs for residents with required residential and handicapped parking qualifications Recommended that the order has been complied with
19. Finance Committee Reports (if any)
- 19A. The Committee on Finance to whom was referred an order That Holyoke City Council grant Holyoke public schools the 5yr contract for bus services. Recommended that the request to seek an RFP for a 5 year contract be adopted.
- 19B. 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 MUNICIPAL ROAD SAFETY PROGRAM, \$35,000, 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. Recommended that the order be returned to the Auditor
- 19C. 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 "LAND & CONSERVATION FUND, GATEWAY CITIES PARK PROGRAM, 390,000, 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. Recommended that the order be adopted
- 19D. 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 "WISTARIAHURST FOUNDATION INC., \$75,000, EXTERIOR PAINTING" donation 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 donation. Recommended that the order be adopted
- 19E. The Committee on Finance to whom was referred an order that the amount of TWO THOUSAND TWO HUNDRED SEVENTY FIVE AND 75/100 Dollars (\$2,275.75) be authorized from the CITY CLERK Department's ORDINANCE CODIFICATION (11612-53020) appropriation in fiscal year 2023 for services rendered in fiscal year 2022 which were unencumbered at the 2022 fiscal year end. Recommended that the order be adopted
- 19F. The Committee on Finance to whom was referred an order that the honorable city council accept a donation of computers from the Pioneer Valley Planning Commission. The donation is a gift to the city's veteran services department, with the intention to assist veterans with computer literacy, resume writing, among many

other potential opportunities. Recommended that the order be adopted

- 19G. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, FIFTY SEVEN THOUSAND ONE HUNDRED SIXTY NINE AND 98/100 Dollars (\$57,169.98) as follows:

FROM:

14251-51104 HEAVY MOTOR EQUIP OPERATOR HIGHWAY \$57,169.98

TOTAL: \$57,169.98

TO:

14252-52600 R&M STREETS & FIXTURES- HIGHWAY \$57,169.98

TOTAL: \$57,169.98 Recommended that the order be adopted

- 19H. 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 NINETY AND 00/100 Dollars (\$190.00) as follows:

FROM:

14212-57100 DPW ADMIN - IN STATE TRAVEL \$190.00

TOTAL: \$190.00

TO:

11522-57805 RECRUITMENT \$190.00

TOTAL: \$190.00 Recommended that the order be adopted

- 19I. 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 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 Recommended that the order be returned to the Auditor

- 19J. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, THIRTY FIVE THOUSAND AND 00/100 Dollars (\$35,000.00) as follows:

FROM:

12401-51110 LOCAL BUILDING INSPECTOR \$25,000.00

12401-51201 PROPERTY MAINT/DEMO SUPERVISOR 10,000.00

TOTAL: \$35,000.00

TO:

12402-53010 OTHER CONTRACTED SERVICES \$35,000.00

TOTAL: \$35,000.00 Recommended that the order be adopted

- 19K. The Committee on Finance to whom was referred an order From Holyoke Public Schools, Food Service Management Agreement Recommended that the order be adopted

20. Public Safety Committee Reports (if any)
21. Public Service Committee Reports (if any)
22. Development and Governmental Relations Committee Reports (if any)
- 22A. The Committee on Development and Governmental Relations to whom was referred an order Special permit application for Antonio Rodriguez at 2 Orchard St (107-00-026) to add 2nd driveway for school bus to turn around in Recommended that the order be referred back to the City Clerk and further referred to the DPW and City Engineer for further action.
23. Charter and Rules Committee Reports (if any)
24. Joint City Council and School Committee Reports (if any)

#### MOTIONS, ORDERS AND RESOLUTIONS

25. RIVERA\_I -- Order that the honorable city council accept the revised FY21 CPA MIFA Victory Theatre Murals Project. See attached document.
26. RIVERA\_I -- Order that the honorable city council approve an increased funding request in the amount of \$3,000 to the Wisteriahurst museum for their painting restoration project. Originally Wisteriahurst applied for and was granted 125K via CPA to complete the project, but due to rising costs in building and materials across the nation they now need another 3K.
27. RIVERA\_I -- Order that both the Public Health & Legal department come into public safety and elaborate on the process of code enforcement and taking landlords to court that aren't complying with city ordinances.
28. RIVERA\_I -- Order that the honorable city council invite representatives of Holyoke Community College, Westfield State University and the Five Colleges to discuss ways they could better support a path for Holyoke youth to gain equitable access within these schools.
29. VACON -- Order that an ordinance is created for "Pavement Cut Moratorium" proposed as new Section 78-59
30. VACON -- Order that the Sewer Use Policy be revised to include recent requirements of the Environmental Protection Agency. This would modify Chapter 90, Utilities, Article III- Sewers, Sections 90-81 "Definitions" , 90-83 "Use of public sewers" and all of Division 2

which is 90-111 through 90-122.

31. VACON  
PUELLO

-- that our City Solicitor draft a ballot question for the next eligible election for voters to decide if the CPA tax should be reduced from 1.5% to 0.5% in light of the current financial hardship of our taxpayers.

Taxes will increase by over \$200.00 per year for a house valued at \$236,262 due to repeated inability to achieve 7 votes of the City Council for lower taxes for homeowners.

This increase is taking place along with significant increases in sewer, gas, electricity, food & heating prices.

Voters should have the right to decide the rate. City Council initiated the CPA tax here originally, so needs to vote to place it on the ballot again for voters to decide.

32. ANDERSON-BURGOS

-- Ordered, that the Board of Health, Law Dept, and any other involved departments come into a Public Safety meeting to discuss how the city will use what it's receiving from opioid lawsuit settlements.

The state AG's office website provided an update on November 4th that Holyoke will receive around \$427,000 over several years and it has been reported that the state also plans to seek a part of another \$10 billion that was just announced from a CVS/Walgreens settlement.

33. BARTLEY

-- The Auditor provide an update on PILOT agreements. Please provide the names of the parties with whom the City has a PILOT agreement, the amounts to be paid and the status of payments for the past one-year period (re: whether payments are current.). Please submit to City Council by the second meeting in January 2023. Send to Finance Cte. For a review.

34. BARTLEY

-- The Law Dept., Building Commissioner and the city's property group provide its annual update on the City's Receivership program. Please send communication to the Clerk for the second city council meeting in January 2023. Refer to DGR Cte. for a review.

35. JOURDAIN

-- That emergency calls and important announcement calls from the city be properly addressed to our residents at the beginning of the calls saying "This is an important message from the City of Holyoke" not "This is an important message from your

organization.” That the Mayor’s office please look into this and get this corrected asap.

36. JOURDAIN -- That the Assessors’ office retain expert independent appraisal services to review the Holyoke Mall’s assessment and abatement and that the Mayor provide the City Council with an appropriation to fund these important services to protect city residents to make sure everyone is being treated fairly and there is no cost shifting of their taxes onto other residents and businesses. It is vital that we can verify that the Holyoke Mall’s assessment is commercially reasonable and fair to all involved. The “Go it alone” strategy relative to the Mall has caused Holyoke significant losses in the past (please see Macy’s abatement case as example)
37. JOURDAIN  
VACON -- That Governor Healey return local control of our schools in 2023. We believe local control can produce improved results and with new leadership in the Governor’s office, we request consideration for the issuance of an order to return local control by July 1, 2023. We do further recommend that with this local control, Holyoke be held accountable by DESE to achieve established benchmarks to produce excellent results for our children.
38. JOURDAIN -- Mayor and Wistariahurst Director please give the City Council an update and repair plan on specifically when will the Walls of the grounds be repaired and how it will be funded. This needs to be a priority and fixed as soon as possible.
39. JOURDAIN -- That Marijuana impact funds be used to fund access to a program for marijuana addiction and problem use for Holyoke residents who need it. Also, that a marketing campaign be funded with the use of these dollars to advertise the availability of this program. That OPED and the Board of Health coordinate these activities and track annual statistics and report out to the Mayor and City Council annually.
40. JOURDAIN -- That Representative Duffy, Senator Velis, Governor Baker, and Governor Elect Healey provide the City of Holyoke with an additional \$4 million in annual local aid starting with the current fiscal year 2023 so we can avoid massive tax increases on the state’s poorest residents who already have among the very highest residential tax burden in the state. The property tax system no longer works for a city such as Holyoke that needs to serve everyone; including, the state’s neediest constituents. Holyoke residents are being squeezed by a growing city budget

to meet city needs, growing property tax exemptions that are shifting more burden on to residents, a collapsing commercial and industrial tax base (see Holyoke Mall tax (largest commercial payer cut in half) and see Mt Tom Power plant (formerly largest industrial payer)), massive water and sewer increases (with more planned to meet unfunded federal mandates), and inflationary cost of living costs that disproportionately affect Holyoke's residents versus than other communities. Holyoke's average property tax bills have now surged past other gateway cities such as Chicopee and Springfield. This situation is only going to get worse without state investments to place local aid funds where in fact they are needed most. Current generic funding formulas are inadequate. The state cannot turn a blind eye to this situation any longer and just allow Holyoke to fail. Intervention and investment need to be made now. Holyoke has a long history of supporting those most in need in our state and Holyoke cannot be expected to shoulder this burden without sufficient support. Meanwhile the state has record cash reserves in the many billions while Holyoke struggles financially. Holyoke will do its part but our state government must too.

41. JOURDAIN -- That the City Engineer review the opportunity to put a raised sidewalk(s) in front of Blessed Sacrament School on Westfield Rd and report back to the City Council on our ability to do that. These were placed in front of Mayer Field on this street and should also be considered here as well for child safety.

42. MCGEE -- That a no parking zone be created  
 Location Waldo St.  
 Side Westerly  
 From Beacon Ave.  
 To A point 64 feet further north  
 Type Parking No parking Mondays from 9 a.m. to 3 p.m.

43. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE THOUSAND DOLLARS AND 00/100 Dollars (\$1,000.00) as follows:

FROM:	
15101-51111	BOARD OF HEALTH FLOATING CLERK
\$1,000.00	
TOTAL:	\$1,000.00
TO:	
15101-51300	BOARD OF HEALTH OVERTIME
\$1,000.00	
TOTAL:	\$1,000.00

44. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, NINE THOUSAND NINE HUNDRED TEN AND 92/100 Dollars (\$9,910.92) as follows:

FROM:  
14301-51102 REFUSE-HMEO \$9,910.92  
TOTAL: \$9,910.92  
TO:  
14301-51500 REFUSE-VACATION BUYBACK  
\$9,910.92  
TOTAL: \$9,910.92

45. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, FIFTY THOUSAND DOLLARS AND 00/100 Dollars (\$50,000.00) as follows:

FROM:  
14251-51104 HIGHWAY-HMEO \$50,000.00  
TOTAL: \$50,000.00  
TO:  
14302-52902 TRASH-RECYCLING CONTRACT  
\$50,000.00  
TOTAL: \$50,000.00

46. MCGIVERIN -- that the amount of ONE THOUSAND FOUR HUNDRED FORTY FIVE AND 00/100 Dollars (\$1,445.00) be authorized from the BUILDING CODES & INSPECTIONS Department's OTHER CONTRACTED SERVICES (12402-53010) appropriation in fiscal year 2023 for services rendered in fiscal year 2022 which were unencumbered at the 2022 fiscal year end.

47. MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT-FY2023 URBAN AGENDA GRANT PROGRAM, \$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.

48. MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "NEW ENGLAND FOUNDATION FOR THE ARTS-2023 MAKING IT PUBLIC FOR MA MUNICIPALITIES, \$15,000, 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.

49. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWO HUNDRED SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$275,000) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION

TOTAL: \$275,000

TO: Holyoke Public Schools MSBA 2022 Accelerated Repair Program Project Funding Agreement: H.B. Lawrence School for a potential window and door replacement project, at the Lt. Elmer J. McMahon Elementary School for a potential window and door replacement project, at the Maurice A. Donahue Elementary School for a potential partial window and door replacement project and at the William J. Dean Vocational Technical High School for a potential boiler replacement project, (The invitation for the partial window and door replacement project at the Maurice A. Donahue Elementary School is limited to the window section from the original 1973 building.)

TOTAL: \$275,000

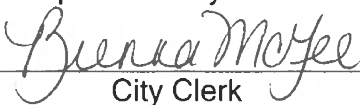
50. PUELLO -- That 1 out of the 2 handicap parking signs at 588 South Summer street, as well as the 3rd sign on the Morgan side of the street, please be removed. Only one spot was requested by constituents, 3 were installed and school parking is on the city owned lot. Additionally requested that a no parking sign at the same address please be removed.

51. PUELLO -- That the Do Not Enter sign at Main and Springdale Sts. please be fixed.

**Addendum:**

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

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

  
\_\_\_\_\_  
City Clerk