

**REGULAR MEETING OF THE CITY COUNCIL**  
**November 1,2022**

The meeting was called to order by President McGee at 07:31 PM.

The Clerk called the roll. Absent members: 1 (Rivera\_J) Present Members in person 13 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, Rivera\_I, Tallman, Vacon).

The Pledge of Allegiance was recited..

The name of Councilor Jourdain was drawn to head the roll call voting.

President McGee stated that Councilor Rivera\_J was on vacation and would not be in attendance.

Councilor Bartley and Councilor Tallman approached the podium for a presentation. Councilor Bartley then stated that he along with Councilors Tallman, Givner, Murphy-Romboletti, McGiverin, and Anderson-Burgos attended the Mayor's reception for the 2022 inductees into the Volleyball Hall of Fame. He expressed that it was a great and special night and encouraged those who were not able to attend to make sure they do so the following year. He then stated that he procured a volleyball that Councilor Tallman was able to have signed by all of the inductees in attendance that evening. He then presented the volleyball to Council President McGee and suggested that it be displayed next to the President's podium. He further suggested that Councilor McGiverin present it back to the Volleyball Hall of Fame the next year.

Councilor Tallman stated that it was a great night, noting that it had been his first time attending.

**LAID ON THE TABLE**

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.

---> Laid on the table.

**PUBLIC COMMENT**

(4:25)

John Rivera, 125 Cabot Street, expressed support for the vendor license, item 10, noting that it was a great food business serving the best Mexican food you'll get in Holyoke. He then expressed that while he appreciated the effort from Councilor Murphy-Romboletti on item 25, he was opposed to criminalizing systemic poverty. He also expressed opposition to item 46. He then expressed support for helping tenants through item 52 which would create an Office of Tenants Protection. He further thanked Councilor Maldonado Velez for his work in putting it forward.

**COMMUNICATIONS**

(6:00)

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. Moqin will replace Nicholas Duclos and will serve the remainder of the term; said term will expire June 30, 2024.

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

From Lisa A. Ball, City Solicitor letter re: Legal fees for Litigation involving Dunkin donuts/Log Cabin.  
---> Received and referred to the Finance Committee.

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Ass't. to City Council minutes of October 18, 2022.  
---> Received and adopted.

From AACO Realty Corp, letter regarding 380 Dwight St. for 420 LLC failure to enforce city ordinances continued complaint.

Councilor Bartley, responding to the suggestion that it be referred to Ordinance, emphasized that this was a private dispute. He suggested that it be referred only for archival purposes.

Councilor Vacon noted that this was a second part pertaining to a previously discussed complaint. She stated that they had asked the Law Department to work with the Building Department to handle an inspection. She suggested that the only question Ordinance would have was that they may have to come in to amend their special permit. She suggested it would be helpful to have the letter as background information.

Councilor Jourdain also emphasized that the first letter had been discussed in Ordinance, adding that this was a follow up letter.  
---> Received and referred to the Ordinance Committee. Copy to Law Department.

FY2022 Traffic Grant Summary from Sgt Hart at the Holyoke Police Department.  
---> Received.

From Board of Public Works, Sewer Commission and Stormwater Authority minutes of August, 1, August 15, and September 19, 2022.  
---> Received.

From Holyoke Redevelopment Authority minutes of July 20 & September 21, 2022.  
---> Received.

From Board of Fire Commission minutes of September 16, 2022.  
---> Received.

**PETITIONS**

(9:15)

Petition of Elias Martinez for a street vendor license to be located on High St. ( mambo cafe parking lot ).  
---> Received and referred to the Ordinance Committee.

**PRESIDENT'S REPORT**

(9:30)

President McGee thanked City Hall departments for getting involved in Halloween festivities. He noted that many families had come in with their kids trick-or-treating. He also commended Admin Asst Anderson-Burgos for decorating the City Council chambers. He further stated that the Parks and Recreation Department had done a great job organizing and getting supplies for everyone. He then stated that there would be a dedication of the gym at the Boys and Girls Club to Bryan Marcotte on November 5th.

He then stated that the Holyoke High School Hall of Fame would hold an event that Saturday.

Councilor Bartley stated that there would be an induction and banquet event at Wyckoff at 5:30 pm.

President McGee stated that the Trees of Hope preview event would take place on November 4th, noting that invites had been sent out earlier that day.  
He then stated that Barley represented the Council at the Morgan School event.

Councilor Bartley stated that he and Councilor Puello attended, and had a long line of children in costumes coming in. He stated it was well attended, and well organized by the staff at Morgan School.

**REPORTS OF COMMITTEES**

(11:40)

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. have considered the same and Recommended that the order be adopted.

- Committee Members:
- Linda L. Vacon
- Jose Maldonado-Velez
- Kocayne Givner
- Kevin A Jourdain
- Israel Rivera\_I

**UNDER DISCUSSION:**

Councilor Vacon stated that the application was complete, the applicant had a good plan, and had sought flexibility with the days and hours.

Councilor Jourdain commended Ms. Machuca, noting she was industrious and hardworking, and was seeking to incubate it into something bigger and better.

---> Report of Committee received and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Rivera\_J).

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 have considered the same and Recommended that the order be adopted, as amended for losses over \$500.

- Committee Members:
- Linda L. Vacon
- Jose Maldonado-Velez
- Kocayne Givner
- Kevin A Jourdain
- Israel Rivera\_I

**UNDER DISCUSSION:**

Councilor Vacon stated that councilors had the legal form on their desks.

---> Report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --Yeas 12--Nays 0--Absent 1 (Rivera\_J).

The Committee on Ordinance to whom was referred an order that the handicap parking located at 29 Belvidere Ave be removed. Per constituent request have considered the same and Recommended that the order be adopted.

Committee Members:

Linda L. Vacon  
Jose Maldonado-Velez  
Kocayne Givner  
Kevin A Jourdain  
Israel Rivera\_I

UNDER DISCUSSION:

Councilor Vacon stated that the matter was straightforward.

---> Report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays  
--Yeas 12--Nays 0--Absent 1 (Rivera\_J).

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 have considered the same and 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. .

Committee Members:

Linda L. Vacon  
Jose Maldonado-Velez  
Kocayne Givner  
Kevin A Jourdain  
Israel Rivera\_I

UNDER DISCUSSION:

Councilor Vacon stated that in speaking with the Cannabis Control Commission, she learned that they handled the overall enforcement within a department of their commission, adding that they were in an ongoing investigation into the death at Trulieve which had been underway for the better part of a year. She then emphasized that this order was not about getting involved in that investigation but to seek clarify and steps moving forward relative to regulating, enforcing, and inspecting a fast growing business in the city. She emphasized that there were 69 special permits approved or in the process to be approved. She then stated that Sean Gonsalves, the city's Board of Health Director, explained that their department could adopt some regulations locally. She then stated that they were recommending that the mayor organize local enforcement through the use of cannabis industry impact fee funds. She emphasized that they were not getting involved in the findings of the investigation as it was not the City Council's role, but the situation did bring to light that the area could benefit from more attention.

Councilor Jourdain, noting that the industry had come in and fixed up older buildings and put them back onto the tax rolls, stated that citizens should be able to know that the city would be inspecting and enforcing the rules, that the businesses and the people working at them would know that someone would be inspecting to assure workplace safety. He further emphasized that with the city having received around \$3.5 million in impact fee funds, it was well past the time to put inspections, help with the application process, and monitoring of the industry into place. He suggested that this kind of process should be at the forefront of the expenditure of those funds.

---> Report of Committee received and recommendation adopted. Referred to the Mayor Garcia.

The Committee on Ordinance to whom was referred an order That "No Engine Brakes" signs be installed at all city gateways. This will allow citing, Engine break use is not permitted in Holyoke have considered the same and Recommended that the order be adopted as amended to clarify "except in an emergency." This should be added to all new an current signage.

Committee Members:

Linda L. Vacon  
 Jose Maldonado-Velez  
 Kocayne Givner  
 Kevin A Jourdain  
 Israel Rivera\_I

UNDER DISCUSSION:

Councilor Vacon stated that the discussion included conversation around the merits and demerits of their use. She noted that there was recognition that some circumstances may require the use of engine brakes. She then stated that many streets had signs stating, "No Engine Brakes" because they were so disruptive in residential areas. She emphasized that the committee struck a balance between maintaining peace in neighborhoods while acknowledging the need to use them in emergency situations. She then stated that the Police Chief acknowledged that there was discretion used in enforcing it depending on the size of the load a truck may be hauling.

Councilor Bartley suggested an amendment to assure that existing signage be replaced to update with the suggested language.

Councilor Vacon expressed her understanding that the language was to clarify how it would be enforced and not how it would be printed on the signs.

Councilor Bartley expressed his understand that it would be on the signs.

Councilor Vacon stated it wasn't her belief that the existing signs would be replaced.

Councilor Jourdain expressed his understanding that all of the language would be put on the signs, noting that if the signage only stated, "no engine brakes," truck drivers would not know there was an exception for emergencies. He further stated that he believed it was intended to be for all signs. He then suggested that the issue raised the question about speed and weight. He suggested that if a truck was going the proper speed, they should not need to use the engine brakes. He then suggested that trucks should also be considerate about the routes they take through the city.

Councilor Bartley expressed his understanding that the verbiage would be placed on any new signs and the current signs would be taken down to update the language. He noted that the Police Chief expressed his intent to have his department get more training on the issue from the State Police.

Councilor Vacon noted that she saw a truck recently going down a hill that was able to use regular brakes. She added that she had received many complaints about truckers using engine brakes on relatively small hills.

President McGee asked for clarification that there should be an additional amendment at the end of the recommendation stating, "which will be added to all new and current signs."

Councilor Bartley confirmed that was accurate.

Councilor Jourdain made a motion to amend with the suggested language. Councilor Bartley seconded the motion. Motion passed on a voice vote.

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

The Committee on Ordinance to whom was referred an order Petition of Yajaira Mulero, for a street vendor license have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

Linda L. Vacon  
 Jose Maldonado-Velez

Kocayne Givner  
Kevin A Jourdain  
Israel Rivera\_I

UNDER DISCUSSION:

Councilor Vacon stated that the Administrative Assistant reached to the applicant out on 3 occasions and they did not appear.

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

ORDERS AND TRANSFERS

(28:25)

Motion was made and seconded to suspend the necessary rules to take up items 18, 19, 22 through 24 and 28 through 32 as a package.

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

---> 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 "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.

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
---> Received and referred to the Finance Committee.

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
---> Received and referred to the Finance Committee.

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
---> Received and referred to the Finance Committee.

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED 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

To the City Council:  
 I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
 ---> Received and referred to the Finance Committee.

Motion was made and seconded to suspend the necessary rules to take up items 20, 21, 27, and 33 as a package.

MCGIVERIN Ordered, 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

To the City Council:  
 I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
 ---> Received and referred to the Auditor.

MCGIVERIN Ordered, 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

To the City Council:  
 I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
 ---> Received and referred to the Auditor.

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
---> Received and referred to the Auditor.

Motion was made and seconded to suspend the necessary rules to take up items 25 and 26 as a package.

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor  
---> Passed two readings and Adopted on a call of the roll of the yeas and nays --Yeas 11--Nays 0--Absent 2 (Maldonado-Velez, Rivera\_J).

MCGIVERIN Ordered, 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

To the City Council:  
I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

**UNDER DISCUSSION:**

President McGee stated that item 25 was for 2 employees and item 26 was for 11 employees.

Councilor McGiverin stated that the transfers were for public safety employees who were injured on duty. He emphasized that the claims had to be checked out by Meditrol, who also cleared employees to return to work. He further stated that some were for short periods and that they were looking for answers on why some were out for longer periods of time. He stated that they were for accounting purposes to track employees receiving their salary but not performing services due to being injured.

Councilor Bartley asked for a breakdown of the how many lieutenants, sergeants, and patrolmen were covered with item 26.

President McGee stated that the paperwork showed it was 11 employees but did not break it down further.

Councilor Bartley asked what impact these had on overtime when there was extended injured on duty situations.

Councilor McGiverin stated that it can have an impact on a case-by-case basis, especially if an individual is out for longer periods of time, sometimes leading people needing to come in on overtime if they didn't have a full complement of officers working.

Councilor Bartley stated that the number of officers on duty at any one time provided by the Chief of Police caught him off guard, noting it was in the single digits.

Councilor Jourdain asked if it would be wise to table this or refer it to committee, noting that they had asked for a report several times. He emphasized that the Council would like to know who was injured and how long they had been out. He expressed concern that the Council just passes the transfers without getting basic information. He also suggested that it was obvious it would impact overtime. He also stated that there needed to be more transparency of the full financial impact of these claims. He further stated that they needed to know where each claim was in the process. He emphasized that the mayor had been proactive in looking at these matters.

Councilor Anderson-Burgos stated that while he agreed with Councilor Jourdain that they needed to come in, the current transfers should not be held up.

Councilor McGiverin stated that the answers would come and that it was worth a discussion. He then stated that while the vote on these transfers was not meaningless, the employees would still get their salaries either way. He then reiterated that the transfers were just an accounting tool to recognize how many hours of injured on duty was paid in the year. He then asked that these orders not be referred to the committee, noting that 10 other orders were already referred, a handful were tabled at the last committee meeting, and there were also a few coming up in the late files. He then stated that they would be meeting on November 10th but they would likely not be able to get all of the orders handled on that evening. He also noted that the tax classification meeting was likely coming up soon.

President McGee stated that it would be either the 14th or the 15th.

Councilor McGiverin stated that the answers to the concerns would continue to be sought but reiterated his request that the transfers not be referred.

Councilor Jourdain stated that if there was no information in another two weeks, they would have to determine that enough was enough.

Councilor Tallman stated that he spoke to the Police Chief and learned that some were longer term while some were a week or two. He then expressed his agreement that they needed to have more information.

Councilor Rivera\_I thanked his colleagues for pushing an issue he had been bringing up for several weeks. He also asked what Meditrol was so that he could do more research on it.

Councilor Jourdain stated that Meditrol worked for the city to process workers comp claims, and do the initial reviews and investigations.

Councilor Rivera\_I asked if they could be brought in for questions.

Councilor Jourdain stated that he had sought to do that, noting he had an order in Finance to do that. He

further emphasized that he and several other councilors filed an order to get more information about the root causes of accidents, noting that the costs added up to around \$1 million a year. He then stated that the mayor planned to bring in a consultant to do a top to bottom review of these issues, adding that Personnel Director, Kelly Curran, was also focused on addressing workplace safety issues.

Councilor Rivera\_I stated that they did not need to talk about specifics but talk about the process they use so that the community would understand as well.

Councilor McGiverin stated that it had been done in the past and it should be done again.

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

MURPHY-ROMBOLETTI Ordered, that 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.

Councilor Vacon asked to clarify if the intent of the order was to fine a business when someone steals their property instead of fining those who stole it.

Councilor Murphy-Romboletti asked if she wanted to discuss it that evening.

Councilor Vacon clarified that she was just seeking to understand the intent.

Councilor Murphy-Romboletti stated that she did not believe it had currently been enforceable.

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

MURPHY-ROMBOLETTI Ordered, that 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.

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

MURPHY-ROMBOLETTI Ordered, that 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.

---> Received and adopted. Referred to the Engineer. Copy to Public Safety.

PUELLO Ordered, that a handicap sign be placed in front of 363 Chestnut St. for Martha Garib, placard #PL4500551.

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

PUELLO Ordered, that 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? Report within 30 days

---> Received and adopted. Referred to the Law Department.

PUELLO Ordered, that 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.

---> Received and adopted. Referred to the Tapestry for Communication to the City Council.

RIVERA\_J Ordered, that a handicap sign be placed in front of 97 High St. for Nicole Bertone-Gill, placard #PL 5920320.

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

RIVERA\_J Ordered, that That a handicap sign be placed for 364 Maple St. for Amy Garcia, Placard #PL0200749.

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

RIVERA\_J, Maldonado-Velez Ordered, that Ordered, that the mayor and the flex squad be invited 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.

---> Received and referred to the Public Safety Committee. Copy to Mayor Garcia and Flex Squad.

VACON Ordered, that our city engineer evaluate the intersection of Evergreen and Bray Park Drive for improvements due to safety concern.

---> Received and adopted. Copy to Public Safety.

VACON Ordered, that speed limit signs be replaced or added on Homestead (northbound) so that enforcement can occur.

Councilor Bartley suggested an amendment to add them for southbound as well.

Councilor Vacon stated that southbound had adequate signage.

Councilor McGiverin asked if the speed limit for northbound and southbound were the same.

Councilor Vacon stated that was her understanding. She then asked if it needed to go to Ordinance.

Councilor Jourdain suggested that it did not if it was just about posting signage.

---> Received and adopted. Referred to the DPW.

VACON Ordered, 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.

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

VACON Ordered, that That the City Clerk, Police Dpt., and Legal Dpt. 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?

Councilor Vacon stated that the order was to seek an update, noting that the election was the next week.

City Clerk Murphy McGee stated that she spoke with the mayor about the matter. She stated that he was planning to put security cameras outside City Hall with the use of funds received the previous year, adding that one would be focused solely on the ballot drop box.

---> Complied with

ANDERSON-BURGOS Ordered, that 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.

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

BARTLEY, Jourdain Ordered, that 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.

Councilor Tallman asked to be added to the order.

Councilor Anderson-Burgos asked to be added to the order.

Councilor Bartley stated that Councilor Anderson-Burgos, in his capacity as the aide to the State Rep Duffy, would plan to have her attend at an upcoming meeting in place of Rep Lewis who would be unable to attend. He noted that Rep Lewis was very grateful for the honor and had mentioned a professor that had done work on the subject.

Councilor Anderson-Burgos noted that the professor's work had been about 100 years prior.

Councilor Jourdain stated that there had been an article in the newspaper 6 months earlier about how Holyoke had been the original home of the dinosaur, as well as about the research the professor had done.

---> Received and adopted.

GIVNER Ordered, that 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.

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

JOURDAIN Ordered, 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.

---> Received and adopted. Referred to the Forestry and Conservation.

JOURDAIN Ordered, that 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? Please reply in 30 days

---> Received and adopted. Referred to the Law Department.

MALDONADO-VELEZ Ordered, that 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.--

Councilor Bartley asked that Councilor Maldonado Velez provide a template ahead of discussion at a meeting with thoughts on how this would exist.

Councilor Jourdain suggested that the Law Department be consulted. He then asked if a date had been picked for a hearing on the petition that had been submitted to address tenants rights.

Councilor Rivera\_I stated that he expected it to be held at the Public Safety meeting on November 21st, but if not, it would be held at their following meeting.

Councilor Bartley suggested that it would be preferable for the Public Safety Committee to do the heavy lifting but noted it would eventually need to go to Ordinance. He recalled a similar process had taken place with an order in Public Service.

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

MCGEE Ordered, that 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

---> Received and adopted. Referred to the DPW.

MCGEE Ordered, that 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

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

### LATE FILED ORDERS AND COMMUNICATIONS

(1:07:50)

From DEP Waterways Regulation - Notice of December 5th public hearing for Holyoke Rows

Councilor Jourdain asked if it was a financial type item.

President McGee clarified that it was a notice of a public hearing for Holyoke Rows to install two new floating docks.

Councilor Vacon stated that it just needed to be received.

--->Received.

RIVERA\_I -- That the honorable city council pledge to support and protect the democratic rights of ex-felons and or the formerly incarcerated to vote, run for office and hold a seat that they were duly elected for.

In recent weeks the formerly incarcerated population has been under attack, specifically in Florida where they are being hunted down fined and jailed for voter fraud (meaning they are not suppose to vote due to their ex=felon status).

This type of disenfranchisement should not be tolerated and we here in Holyoke do not approve and stand with any citizen that is deserving of a second chance.

Councilor Rivera\_I asked that it be adopted as a pledge from the City Council.

President McGee stated the rules would have to be suspended to take final action since it was a late file.

Councilor Jourdain stated that he would prefer it to go to a committee since it was not on the agenda and they did not have language to consider.

Motion was made and seconded to suspend the necessary rules to take final action.

Councilor Rivera\_I stated that his intent was just a pledge of support but he could put together wording for discussion at a committee meeting.

Motion to take final action withdrawn.  
 --->Received and referred to the Public Service Committee.

From Erin Linville, Holyoke Public Schools, Erin Linville, HPS - School Rezoning Update  
 --->Received and referred to the Joint Committee. Copy to Finance Committee.

From Wayfinders, Analysis of the 5-block area of Holyoke bounded by Appleton Street, Nick Cosmos Way, Worcester Place, and High Street  
 --->Received and referred to the Development and Governmental Relations Committee.

From Office of Planning & Economic Development, Impact Fee Funding Application - Fire Department for 6 Carbon Dioxide Detectors  
 --->Received and referred to the Finance Committee.

From Office of Planning & Economic Development, Impact Fee Funding Application - Board of Health for Cannabis Industry Inspector  
 --->Received and referred to the Finance Committee.

From Office of Planning & Economic Development, Impact Fee Funding Application - OPED for Marketing Manager/Team

Councilor McGiverin asked what impact fee the items were referred to.

President McGee stated it was the cannabis impact fee.

Councilor McGiverin stated that it should be filed as an appropriation from the mayor through the auditor.

President McGee stated that the late files were the applications, including the project impact, summary, and why they were requesting that amount.

City Clerk Murphy McGee stated that they could follow up to make sure they had the necessary items in committee.  
 --->Received and referred to the Finance Committee.

From Mayor Joshua A. Garcia, proposed FY23 supplemental budget  
 --->Received and referred to the Finance Committee.

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000.00) as follows:

FROM:		
12201-51105	FIREFIGHTERS	\$150,000.00
TOTAL:		\$150,000.00
TO:		
12201-51300	OVERTIME	\$150,000.00
TOTAL:		\$150,000.00



To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

Councilor McGiverin asked if the late files were emergencies that they could not have submitted by 12 pm on Friday to assure they were posted on the public agenda. He stated that the public had the right to see the items on the agenda. He emphasized that late files should only be emergency items after the deadline. He asked that they be required to follow the rules.

Councilor Jourdain suggested that these items were likely not surprises but things they knew about for months.

President McGee noted that some of the late files were replacements of orders that were sent back due to errors.

President McGee stated that they had gotten better at not going this.

Councilor Bartley stated that late files had started being added to public record on the meeting minutes thanks to a rule they filed.

President McGee stated that it comes back the following meeting.

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

MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED TWENTY THOUSAND AND 00/100 Dollars (\$120,000.00) as follows:

FROM:

8810-10400	CAPITAL STABILIZATION	\$120,000.00
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TOTAL: \$120,000.00

TO:

13003-58000	SCHOOLS-CAPITAL OUTLAY	\$120,000.00
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TOTAL: \$120,000.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGIVERIN -- Ordered, 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:

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

TO:

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

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Joshua A Garcia, Mayor

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MCGIVERIN -- Ordered, 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:

14211-51103 OFFICE MANAGER \$12,529.00

TOTAL:\$12,529.00

TO:

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 the City Council:

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Joshua A Garcia, Mayor

--->Received and referred to the Finance Committee

MCGEE Ordered, that 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 McMahan, 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."

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

MCGEE Ordered, that Order Holyoke media come into finance to give an update and discuss appointments

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

MCGEE, Tallman Ordered, that 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

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

### LATE FILED ORDERS & COMMUNICATIONS

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Councilor Vacon stated that it just needed to be received.

--->Received.

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MCGIVERIN -- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED TWENTY THOUSAND AND 00/100 Dollars (\$120,000.00) as follows:

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 TOTAL: \$120,000.00  
 TO:  
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FROM:  
 60401-51999 SEWER-RETIREMENT & BENEFITS \$3,657.00  
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 60401-51105 PRINCIPAL CLERK/STENOGRAPHER \$3,657.00

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TOTAL: \$12,529.00

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12941-51101 FORESTER 2,089.00

14301-51106 WASTE/RECYCLING COORDINATOR 2,088.00

TOTAL: \$12,529.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, November 1, 2022.

Joshua A Garcia, Mayor

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

MCGEE - Ordered, That the City Council give a proclamation for the Bryan Marcotte Dedication.

Motion was made and seconded to suspend the necessary rules to take final action.

--->Received and Adopted.

MCGEE -- That the City Council give a proclamation to Gary Rome for 2023 Time Dealer of the year award.

Motion was made and seconded to suspend the necessary rules to take final action.

--->Received and Adopted.

MCGEE -- That the City Engineer remove the signs near 970/980 Hampden St.

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

Adjourned at 8:48 PM

Adjourn at 08:48 PM.

A true record

ATTEST:

*Brenna Murphy McLee*  
City Clerk