

REGULAR MEETING OF THE CITY COUNCIL**February 21, 2023**

The meeting was called to order by President McGee at 7:03 PM

The Clerk called the roll. Absent members: 0 Present Members in person 13 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, Rivera_I, Rivera_J, Tallman, Vacon).

The Pledge of Allegiance was recited.

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

LAID ON THE TABLE

President McGee asked if the item was to remain on the table.

Councilor Vacon confirmed that it was.

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.

---> Laid on the table.

PUBLIC COMMENT

Catherine Hamel, 231 Oak Street, stated that she was returning to assure that her concern remained first on councilors' minds. She then emphasized that the tree issue was citywide. She noted that she had sent pictures to Stephan Fay, the mayoral aide, as well as to Councilor Givner. She then stated that many trees on peoples' properties went over grass belt, into sidewalks, and over the streets. She then stated that accountability needed to be defined through ordinance changes. She then explained that a tree that fell in February had been rotted. She added that another incident in August of 2021 involved a tree that fell and took the power out. She then suggested that the person needed to be held accountable.

Tyrone Bowie, Jr, 218 Walnut Street, began with a quote: "there is not enough people like you to have something like that done." He then stated that many people in power within the city, including Mayor Garcia, had told this to him, in response to his request to hold a celebratory activity for the black community members of Holyoke, commending them for the work they do in Holyoke. He then asked if the City Council held the same ignorant prejudices toward the city's black community. He then asked that a celebratory event be held on May 16th. He then explained that the day was picked as it would be 57 years since the death of Malcolm X. He further asked that there be quality for the black community of Holyoke.

Spencer Fox Peterson, 51 Portland Street, expressed concern about reports through New England Public Media regarding issues within the Holyoke Police Department dealing with citizen complaints. He then suggested that Mayor Garcia's response was an inadequate rewording of the same thing. He then suggested that other constituents look these things up. He then emphasized that the department was costing a lot of money that could be spent elsewhere. He further noted that claims they did not have enough money was always an excuse when they were found to be improper or presented in a bad light.

Polo Delgado, 32 Willow Street, asked for support of the NAGE union raises, including retro. He emphasize that they were overworked and underpaid compared to department heads as well as counterparts in Chicopee and South Hadley. He added that they had been without a contract for almost a year.

Sharon Konstantinidis, 17 Charles Street, expressed her support of the contract with retro pay. She noted that she and many colleagues had worked diligently through COVID and often worked understaffed for various reasons. She also stated that they had worked for a year and a half without a contract, often worked evening meetings, with some being compensated while others were not. She then asked that pay be brought closer to others in surrounding communities.

Brian Yebernetsky, stated that he was the Senior Custodian for the city, did not live in the city but had worked for the city for 12 years. He then explained that he was there to assure the NAGE union contract was pushed through.

COMMUNICATIONS

(9:50)

From Mayor Garcia, Progress on Middle School Building Project
---> Received and referred to the Finance Committee.

From Mayor Joshua Garcia, letter reappointing Mr. Nelson Lopez of 3 Shawmut Ave. to serve as a member of the Citizens Advisory Committee, Mr. Lopez will serve a one-year term; said term will expire on June 30, 2024.

Councilor Jourdain stated that he supported Ms. Lopez as a hard worker. He then asked if someone could be a Fire Commissioner and be on another committee or commission.

President McGee suggested that with it being a reappointment, it was already vetted.

Councilor Jourdain questioned if the matter was vetted. He then suggested it might not be an issue as the Citizens Advisory Committee (CAC) may just be helping out with ARPA. He suggested that it should be looked into.

President McGee suggested referring to Public Service to discuss it.

Councilor Jourdain emphasized that he did not have an issue with approving it if it were subject to being looked into.

Councilor Bartley stated that the question was valid, but that the CAC supported CDBG efforts. He then made a motion that the appointment could be approved pending a communication from the Law Department addressing the concern.

Councilor McGiverin expressed concern with adopting an item while waiting for an advisory legal opinion. He noted that their opinions were not binding and that the Council should hear the opinion before taking a vote. He recalled that they got the okay on Mr. Nelson the previous year because the CAC was just an advisory committee that did not receive a stipend but were all volunteers. He also noted there was a distinction with the Fire Commission who set policy and voted on personnel issues.

Councilor Jourdain asked to clarify that they had already looked into this matter previously. He reiterated that he had no issue with appointing Mr. Lopez as a good candidate for the role.

Councilor Bartley echoed that sentiment. He noted that the CAC met only a few times a year as part of the CDBG process. He suggested filing a separate order requesting an opinion to verify there was no issue.

Councilor McGiverin clarified that he recalled it was discussed but unsure if an opinion had been provided.

Councilor Jourdain asked if there was an answer to the question.

Councilor McGiverin stated that he was unsure.

President McGee expressed his belief that it was addressed.

Councilor Jourdain suggested that the appointment be approved, and he would seek an answer offline.

Councilor Bartley withdrew his motion.
---> Received and appointment confirmed.

From Mayor Joshua Garcia, letter reappointing Mr. Terry Gibson of 20 Oakwood Avenue to serve as a member of the Citizens Advisory Committee, Mr. Gibson will serve a one-year term; said term will expire on June 30, 2024.

---> Received and appointment confirmed.

From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, minutes from the February 7, 2023 meeting

Councilor Bartley stated that the minutes were excellent but asked if he could include page numbers.

Admin Asst Anderson-Burgos stated that he would do that going forward.
---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 6, 7, and 9 as a package.

From City Solicitor Lisa A. Ball; Red-Lined Agreement between the City of Holyoke and Municipal Employees Union NAGE Local R1-180 for the period of July 1, 2022 to June 30, 2025.

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

From City Solicitor Lisa A. Ball; Red-Lined Agreement between the City of Holyoke and the International Brotherhood of Police Officers, Local 409 Police Supervisors for the period of July 1, 2022 to June 30, 2025.

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

From Maria Pelchar, Grant Completion Report, Safe FY22 Fund

Councilor McGiverin suggested the three items go to Finance to be archived.

Councilor Bartley asked why the Police Officers agreement would be going to archives.

Councilor McGiverin stated that the Council was required to receive copies of contracts prior to taking votes. He then stated that both agreements were coming out of the Finance Committee, noting the Council votes on appropriations connected to them or at least recognizes that funds were already in the budget. He then explained that these items were a matter of housekeeping. He added that the committee tries to keep agreements received over the years for the purpose to referring back to them.

Councilor Bartley asked for clarification of where the archives get kept for the benefit of public interest.

Admin Asst Anderson-Burgos stated that they were kept in a Google Drive folder for storage purposes but that he could put them online.

Councilor Bartley asked if that would be permissible.

President McGee stated that they were a public record.

Councilor Bartley suggested that they be made accessible to the public.

President McGee stated that it was not uncommon for items to be sent to committees for archiving.

Councilor Jourdain thanked the Law Department for putting these items together quickly. He then noted that he filed an order to change an ordinance that would seek similar red line agreements in the future. He explained that they had not in the past been provided agreements that included changes made to the language for comparison.

Councilor McGiverin recognized the good points made by the previous Councilors Bartley and Jourdain. He then noted that the committee archives had historically been backup folders that items could be searched for, if possible, but it had been an improvement that they could now be found through a website

link. He emphasized that they used to get red line contracts in the past and that they would be getting back to doing that again.

Councilor Bartley commended Lt Pelchar and the Fire Department for submitting the grant report. He noted the administrative assistant would be helping to organize those.

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

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

The Committee on Finance to whom was referred an order Settlement agreement between the City of Holyoke and the International Brotherhood of Police Officers, Local #409.

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

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 ONE THOUSAND NINE HUNDRED FIFTY TWO AND 00/100 Dollars (\$51,952.00) as follows:

FROM:

12101-51510 SICK BUYBACK \$51,952.00
LOCAL #409 HPD SUPERVISORS MOA .
TOTAL: \$51,952.00

TO:

12101-51103 CAPTAINS \$9,409.00
12101-51104 LIEUTENANTS 16,218.00
12101-51105 SERGEANTS 26,325.00
TOTAL: \$51,952.00

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello

Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin offered a reminder that the City Council does not negotiate contracts and could interfere or intervene when they were being negotiated. He emphasized that the City Council has a vote when the funds get appropriated. He then explained that the increases were effective as of July 1, 2022, which included a 2% increase at that time, another one in 2023, and a final one in 2024. He added that additional changes in the contract had financial impacts, including arbitration details, fixing a typo, adding a one-time bonus payment dealing with the per diem rate effective from June 20th. He noted there was discussion about the legality of payment from the previous fiscal year, learning that it was allowed through contracts. He then stated that the transfer to pay for the increases came from sick buyback line items. He added that addition discussions included education, the Quinn Bill, and longevity. He noted that most superior officers were still grandfathered under the Quinn Bill but upon retirement, the education plan for superior officers would remain a flat rate for each degree level. He further noted that an additional part of the discussion focused on the overall impact and affordability.

Councilor Jourdain emphasized that these were highly compensated employees, ranking among the top of the list of the top 100 salaries in the city. He noted that not all of it was city funds as much of it was covered by private vendors paying for needs such as road detail work. He also emphasized that many of the officers work a lot of hours. He then stated that the agreement was balanced, observing that it had moderate rate increases in light of the impacts of inflation, the educational incentive was increasing, and that the sick leave cash out was changing by reducing the cap of 250 days to 120 days. He noted that some payouts in the past had been in the hundreds of thousands of dollars. He commended the union for recognizing the need to reduce the amount to save the city money in the future. He then recalled one questioned remained on if it was allowed to pay retro for a holiday in the prior fiscal year. He noted there was a state law restricting paying retro for a prior fiscal year.

Councilor Tallman commended the work of the Police Department, adding that it was a fair contract. He reiterated the importance of the savings found in changing the sick leave buyback terms. He emphasized that it was not an easy job and that it was often difficult to fill positions when people retire.

Councilor Vacon spoke in favor of the contract and expressed appreciation for the balance of what the union was willing to give back.

Councilor Rivera_I asked to clarify the details of the Quinn Bill as well as what the difference would be to the overall budget. He then stated that he supported the educational piece but had heard the city was the only one still paying to cover the Quinn Bill. He then stated that while he supported the raises, it should be equitable across the board and not just for a particular department.

President McGee stated that other communities had still been paying for Quinn Bill provisions. He then suggested that the Auditor could provide the breakdown of the budget impact.

Councilor Jourdain stated that Northampton, Chicopee, Agawam, Westfield, and West Springfield were surveyed in a report to the Finance Committee.

Councilor Rivera_I clarified that he was seeking to ensure the information was explained for the benefit of the public.

President McGee stated that it could be posted online.

Councilor Rivera_I suggested stating it during the meeting.

Councilor Jourdain reiterated that Northampton, Chicopee, Agawam, Westfield, and West Springfield all had it, providing educational incentives based on degrees earned. He then stated that the state changes the law in 2009 where they had been paying half with the cities paying the other half, adding that the state has since stopped paying their half. He further stated that Holyoke paid a flat rate while most other communities were paying a percentage.

Councilor McGiverin stated that the Quinn Bill went back to the 1970's/80's. He then stated that the city made a mistake in making it a percentage of the base salary as opposed to a flat rate, leading to it becoming inflated over the years. He then explained that most superior officers were grandfathered. He then stated that the state later reneged on their half. He emphasized the value of officers with college degrees, particularly when testifying in court hearings. He then explained that the current 2% base increase would trigger a Quinn Bill increase of \$7,951, totaling \$405,488. He added that if nobody retired in the next year, the increase would be \$8,110, and the following year would be \$8,272. He then explained that the Quinn Bill portion would reduce with retirements, and the newer flat fee education incentive would kick in.

Councilor Bartley stated that the Quinn Bill was named after former Speaker of the House and former Attorney General, Robert Quinn. He then clarified that the bill was still state law that was defunded by former Governor Patrick in 2009. He then suggested that the issue be brought up when the state delegation comes into an upcoming subcommittee meeting. He also noted that an arbitration case in Springfield led to a ruling that it would be a binding benefit until the funds run out. He added that it became a de facto rule for the whole commonwealth. He emphasized that the city was now paying both halves of it, further emphasizing that the state legislature had never attempted to refund it.

Councilor Rivera_I asked to clarify that the city was required to pay the other half by state law.

Councilor Bartley stated that was not what he said.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to up item 16C out of order.

The Committee on Finance to whom was referred an order Settlement Agreement By and Between The City of Holyoke and NAGE R1-180, Clerical Union

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello

Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the increases were 2% for fiscal year 2023, totaling \$5,804, 3% for fiscal year 2023, and 2% for fiscal year 2025. He then stated that the increases were cost of living increases. He added that the funds to pay for the increases were in the budget adopted the previous June. He noted that Mayor Garcia was one of the first mayors in decades to put funds into a budget prior to an agreement coming to the City Council. He then stated that the base salary dealt with the schedule of several individuals in the union titled as police clerks, noting they would be on a 4 on and 2 off schedule which would help reduce unnecessary overtime.

Councilor Jourdain expressed support for the contract, noting that the 2-3-2 increases were reasonable when considering the cost of living. He added that they were not receiving the greatest of salaries to begin with.

Councilor Tallman expressed his support for the contract, noting that several of the workers in the union were hard workers that had not worked with a contract in over a year.

Councilor Rivera_I commended the members of the public who attended to speak on behalf of their union that evening.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

From Assistant City Solicitor, Kathleen Degnan, legal forms from Ordinances passed at the February 7, 2023 meeting.

UNDER DISCUSSION:

Councilor Jourdain raised points of order on several matters related to City Council rules that had not been suspended. He then stated that while the rule on removing items from committee had been addressed and the Law Department had put the orders into legal form, they were also required to mail the forms out to all councilors, the Clerk, and the mayor. He added that if the committee approved, they had to mail it out to everyone for the final approval meeting. He further explained that they were required to have a committee report and there had not been one of most of the orders. He noted there were additional rule issues he may bring up later.

President McGee asked if there was a request.

Councilor Jourdain stated that the Council was not postured to have a vote.

President McGee stated that the Council voted 9-4 to suspend the rules, allowing the Law Department put the orders into legal form. He then suggested that the Law Department could be asked to address the points bring raised.

Councilor Jourdain emphasized that a specific rule was suspended allowing the Council to send the orders to the Law Department to get legal form, but all rules were not suspended.

Councilor Puello stated that Councilor Jourdain's point was correct according to the minutes of the previous meeting.

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

Councilor McGiverin expressed his acceptance of the President's ruling on the points of order.

Atty Bissonnette expressed his understanding that once the orders were discharged from committee, it eliminated any role for the committee going forward and essentially put the Council in the shoes of the committee. He then expressed support of the President's ruling.

Councilor Jourdain asked if he recalled the Council suspending the other rules or just that the legal form be waived by the Ordinance Committee. He then emphasized that something being removed from committee did not mean the rules were suspended. He added that they would have to suspend the other rules. He then reiterated that there needed to be a committee report.

Atty Bissonnette suggested that it was a matter of simple logic that the committee would not still be expected to submit a committee report if the order was removed from committee.

Councilor Jourdain emphasized that there was a standard of procedure that needed to be followed. He further stated that all orders to be put into legal form were required to have a committee report. We then suggested that the Council was not voting on legal form but voting on the committee report of the legal form.

Atty Bissonnette stated that it was incorrect to state that the Council votes on committee reports and not ordinances to be ordained and enrolled. He added that the Council votes to adopt ordinances.

Councilor Givner asked to clarify that the Council votes on legal language or committee reports. She then expressed her understanding that the Council votes on what is provided by the Law Department.

Atty Bissonnette stated that if the question was whether or not the ordinances could be passed that night, he confirmed that they could through a majority passing the second reading and a two-thirds majority to ordain.

Councilor Givner asked if the Council votes on committee reports or ordinance language provided by the Law Department.

Atty Bissonnette stated that there was not a committee report to vote on for these orders as they were discharged from the committee.

Councilor McGiverin stated that the vote should go forward as the Law Department had backed up the President's ruling. He then stated that while he recognized the importance of rules, they were made to

have exceptions. He noted that the Council had passed many orders on the floor the same night they were received. He also suggested that committees work as study groups to gather information and get answers. He then asked to call the question.

Councilor Jourdain stated that he cared a lot about the institution and its rules. He suggested that some may find the rules inconvenient today but would appreciate them at other times. He then reiterated that several rules had not been suspended and were not being followed. Noting that he would likely lose a vote on appealing the President's ruling, there were points to bring up on the merits. He then explained that a financial analysis needed to be done, would have been done in committee, and suggested that other councilors likely had not done one. He noted the legal form had a typo with a financial impact. He then stated that 34 employees would be impacted by the ordinance. He then asked if all 4 were being taken up at one time.

President McGee stated that they were all sent as a package and would be taken up all at once.

Councilor Jourdain stated that the impact for adding a personal day would be around \$7,300. He then stated that adding vacation days would have an impact of \$29,732. He also emphasized that the proposal changed from when it was first introduced to when it was refiled as a late file in December, adding that there had not been a proposal to add an extra week to all vacations. He clarified that the original proposal was to give the mayor additional discretion for new employees, up to 2 additional weeks. He then stated that the potential financial impact of just vacations would be around \$57,570 if everyone received what they would potentially be eligible for, with both proposals adding up to around \$65,000. He then expressed concern that the city was allowing flex schedules, giving raises, removed residency rules, and would now be increasing time off dramatically. He then questioned the mayor's explanation that would create a better work-life balance. He noted people already work a 35 hour work week, giving an additional 32.5 days per year compared to normal, private sector workers on a 40 hour a week schedule. He added that workers would be getting an additional 5 days per week, as well as any additional days the mayor may choose to give people if he likes them. He further added that employees would receive 15 sick days. He noted that employees have already received 12 holidays. He then added that 3 personal days would be increased to 4. He then suggested that all of the proposals would lead to employees having 82.5 days off per year. He then questioned if that was a fair work-life balance. He further added that employees on the high end of seniority could receive up to 95.5 days. He also noted that employees had been receiving increases in pay. He also questioned the argument that employees should receive what the unions get, noting that these increases would be more than what the PSA (Professional Supervisors Union) was getting. He then suggested that the Law Department was negotiating contracts with the unions, allowing them to get more, then arguing that all city employees including themselves should get then same. He also noted that the NAGE union, the Firefighters Union, as well as the DPW laborers and supervisors were getting less than these proposals. He then stated that councilors were not supposed to be voting on raises for relatives.

Councilor Bartley asked President McGee to rule on that question.

Councilor Jourdain clarified that he was making a statement.

Councilor Bartley stated that he was raising a point of order, asking if a councilor can vote on a pay raise for a relative.

President McGee stated that he did not know of any issue to be raised.

Councilor Bartley stated that there was a conflict of interest.

President McGee stated that it was up to individual councilors to seek a ruling on if they have a conflict of interest, and then vote if they are told there is no conflict.

Councilor Bartley asked if they should get a ruling before they vote.

President McGee suggested that he was sure they already did, adding that it was not his job to ask if anyone sought a ruling.

Councilor Bartley asked if he was sure, can they be asked if they got a ruling.

President McGee stated that he not sure they did.

Councilor Bartley questioned why he said he was sure.

President McGee stated that this was not going to be debated, and that Councilor Bartley was out of order.

Councilor Jourdain stated that 268A was one concern, adding that the Ethics Ordinance, 2-69 also needed to be looked at. He noted these were specific rules relative to peoples' economic interests. He then expressed disappointment that there appeared to be no leadership calling attention to the city's dire financial shape. He suggested that department heads should know better. He emphasized that the city's balance sheet when it was last updated showed the city was in the negative \$237,225,218, adding that this was prior to struggles with the stock market. He added that the Retirement Board had lost \$50 million the previous year. He also noted that Flynn Financial would be in to speak about the city's stabilization fund investments at the March 1st Finance meeting. He added that the city had recently a bond rating report from Moody's.

Councilor Givner noted the city was downgraded.

Councilor Jourdain stated that the report talked about the city's challenging finances and that the city was at 80% depreciation, with massive capital needs. He then emphasized that the Council had a duty to reign things in and focus tightly on finances. He then stated that people should continue getting cost of living increases but increasing benefits such as vacation and personal days was not something that should be done to the city. He questioned if there was fiscal restraint. He then suggested that the city was being kept financially afloat due to federal funding that would be going away. He then stated that while \$65,000 was not a great deal in the grand scheme, it was symbolic of the reasons why taxes continued to go up. He noted the tax levy had increased from \$28 million to \$65 million over the past 20 years.

President McGee called for order after a brief disruption.

Councilor Jourdain recognized that the city did not get into this situation overnight, but it did not absolve the Council of the impact of this decision. He then suggested that the city had a crumbling tax base. He then added that there had been suggestions to address it, such as revisiting PILOT agreements, as well as asking the state legislature for more funding. He then noted that in discussing the state funding issue

with a state legislator, he was asked what the city was doing to help itself. He then suggested that the tax levy for the current year could have been better if the vote on it had shown more restraint. He then expressed frustration that other councilors could not see the same facts that he did. He then questioned why there were no performance reviews of city employees.

Councilor Givner asked for sourcing of the figures being provided, specifically that one day would add up to \$7,000 and a week would add up to \$60,000. She then questioned what the definition of normal was in referencing the private sector. She then expressed her belief that happy employees lead to a much nicer city. She also noted that many city employees lived in Holyoke which made them the Council's constituents. She suggested that the Council needed to figure out a way to make this work. She then emphasized that she has had 6 weeks of vacation in previous jobs before. She suggested that people come back happy and ready to work after taking a vacation.

Councilor Rivera_I stated that while many of the points being brought up were valid, they did not appear to be consistent across the board. He suggested that those who have been around longer use their knowledge of the process to wield their power, using key terms and buzz phrases to get people riled up while not doing what would be effective or efficient for the community. Noting that many councilors were new, he suggested that a lot of the past decisions had nothing to do with many of the current councilors. He suggested that many of the other funding decisions made that night would have greater impact on the city's debt than these proposals. He further suggested that nobody was complaining about one department featured in the list of the city's top 100 salaries. He questioned where the financial analysis was of those decisions.

Councilor Jourdain stated that he had done an analysis.

Councilor Rivera_I asked why it wasn't presented and talked about for an hour. He then reiterated that he had not been around for many of the past decisions that brought the city to this point, but would be happy to take accountability for this one decision. He then suggested that the city needed to be more equitable across the board, noting that salaries were higher than in other communities with lower crime rates. He then suggested that this may be the way to help some departments hire more people and help the city evolve.

Councilor McGiverin stated that this was a positive proposal for a small amount of city employees. He further noted that they worked in city government offices on 8:30 - 4:30 schedules. He added that they could not enter into collective bargaining agreements and many often did not see any types of increases for years. He noted one position had not seen an increase in over 10 years, and could not receive one until the salary tables were adjusted. He then emphasized that these were benefits that would allow employees to have time off, adding that many spend hours coming into committee meetings long beyond their 8:30-4:30 schedules. He further emphasized that while the Law Department was responsible for being involved in collective bargaining, the final negotiation was the role of the mayor. He also noted that excluding the Library which had a unique schedule, these changes involved only 19 employees. He also emphasized that while the worst case scenario could add up, many employees were not staying around for 20 years because they can get more somewhere else. He added that the city trains people and then they leave. He further noted that no direct appropriation or financial impact was involved in making these changes. He also stated that while elected officials play a key role in government, these people were the ones responsible for providing the services that taxpayers want.

Councilor Murphy-Romboletti noted that as a former city employee that could not stay due to poor pay, she watched a lot of turnover take place. She then suggested that while fearmongering may be effective

for some, she emphasized that the only people that would get 30 days of vacation if the orders were adopted would be those who had been around for 25 years, relatively few employees. She then suggested that employees sticking around that long would understand the appropriate times to take time off. She then stated that employees should understand that they were appreciated by some of the Council.

Councilor Vacon emphasized that the Council was talking about Schedule A employees. She then stated that as the body was functioning as a committee of the whole, she asked that the affected positions be read into the record.

President McGee stated that the first order was for section 2-40, "Vacation Leave - Generally," Division 1 entitled "Generally," Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances, 1997.

Councilor Vacon clarified that she was asking for the titles of the affected positions.

President McGee stated that it was not attached to the form.

Councilor Vacon suggested that the administrative assistant could find it.

Councilor Vacon questioned the use of loaded words such as fearmongers when the debate was on the merits of the issue. She emphasized that there differences of opinion and some were pointing out process. She then pointed out that there was no emergency necessitating pulling orders from the committee when they had barely been in there for 45 days. She noted that every committee had orders that were more than a year old. She further emphasized that the Council was elected to represent the voters and taxpayers of the city. She then stated that they should and had provided good and reasonable working conditions. She then reiterated that these benefits would exceed some of the agreements and that logic would dictate they would then want the same benefits. Returning to the conflict of interest matter, she noted that former Councilor Leahy abstained from voters relative to the Police Department because he had a relative that had a financial interest. She then expressed concern about picking and choosing which conflicts matter and which ones don't. She added that vacation time was a monetary value.

President McGee stated that Schedule A titles included: Library Assistant, Reference Library Assistant, Custodian-Library, Archivist, Computer Coordinator, Administrative Assistant to the City Council, Administrative Assistant to the Fire Chief, Administrative Assistant to the Police Chief, Cataloger, Head Administrative Clerk, Children's Librarian, Financial Manager, Reference Librarian, Collection Development Librarian Paralegal, Assistant City Clerk, Administrative Assistant to the Mayor, Mayoral Aide, Personnel Specialist, Assistant Director - Library, Assistant Treasurer, Mayoral Aide-Chief of Staff, Assistant City Solicitor, Chief Assessor, Director - Library, Personnel Administrator, Tax Collector, Assistant City Solicitor, City Auditor, City Solicitor, Director of Planning & Economic Development, and Superintendent of Public Works.

Councilor Puello noted that one of the titles listed was administrative assistant. He then asked if it was permissible to ask the Ward 6 Councilor if he sought guidance from the State Ethics Commission.

President McGee stated that the question was out of order.

President McGee called for order after a brief, heated disruption between Councilor Anderson-Burgos and Councilor Puello.

Councilor Jourdain returned to the question of what was considered normal. He then stated that the average income per household in Holyoke was \$31,628. He then suggested that most of the people covered under these proposals were doing better than that. He also suggested that most people in the city did not get 8 weeks of time off per year. He added that the average job was 40 hours a week. He then questioned the argument that the people would go elsewhere if these proposals were not passed. He suggested that the city had not had an issue filling positions over the years. He then emphasized that he supported reasonable pay raises but giving additional benefits was a different matter. He also emphasized that councilors inherit the decisions made in the past and could not absolve themselves of those impacts by making it worse.

Councilor Maldonado Velez stated that this debate would not be necessary if the city moved to offering unlimited time off. He suggested that would be the best solution. He then suggested that in most salary jobs, employees don't usually take their entire hour and tend to work straight through. He also suggested that a lunch break is also useful for breaking bread with those one works with. He then questioned the merit of using employee lunch breaks to argue about time off.

Councilor Rivera_I stated that this was not about making things worse but about making decisions that would be best for the city and city employees. He suggested that a survey of city employees would likely show most of them are also constituents. He recognized that while there were real concerns being brought up, a lot of them were "just in case" concerns that were not set in stone. He reiterated that it was rare to have employees working for the city 15, 20, 25 years. He also emphasized that raises had just been given to employees making over \$200,000 and nobody batted an eye. He added that his average weekly hours in the jobs he had worked was around 37.5. He also suggested that the public sector should not be compared to the private sector. He also emphasized that many of the raises given to city employees before we just to catch up. He also questioned that peoples' salaries would be weaponized and not used in a way that would be beneficial to people. He also noted that he had been receiving many messages from people asking how many times and for how long someone can speak.

President McGee stated that rules have to be suspended if someone wanted to speak for a 3rd time, but that there was no rule on how long someone could speak.

Councilor Bartley stated that while he had appreciation for city employees, he did not like the process of pulling the orders from committee arbitrarily. He added that he could not recall ordinances being pulled prematurely before there was a committee meeting. He suggested that it was not good process to have lengthy discussions of several hours at the full City Council when it should have happened in committee. He then emphasized that he supported the bulk of the proposed changes but would have rather had it vetted at a subcommittee meeting. He further emphasized that he was not addressing money but the process.

Motion was made and seconded to suspend the necessary rules to allow Councilor Jourdain to speak for a 3rd time.

Councilor Jourdain returned to Councilor Givner's previous question on how \$65,000 was calculated. He then explained that he multiplied the number of days by each employee's daily rate of pay. Referring to the argument that these changes would only help a small number of employees, he suggested that union employees would then want the same thing as non-union employees would be getting under these

proposals. He suggested the number could get bigger than \$65,000. He emphasized that everyone would get at least something by adding at least 5 days to every grade and length of employment, as well as an additional personal day. Referring back to the question of comparing the statistics to the rest of the community, he emphasized that the city was not a business that made money by selling products but was totally funded by the taxpayers. He added that the tax burden of taxpayers was enormous compared to the percentage of residents' income. He further noted that the tax levy as a percentage of household income was double the statewide average.

Councilor Vacon reiterated that the body was acting as a committee of the whole due to the decision to pull the matters out of committee. Referring to the point that raises were approved without doing any salary comparisons, she emphasized that discussion in the Finance Committee meeting along with the documents sent showed that those reviews were done and the information was made available. She emphasized that the level of detail being discussed during this meeting was due to the Council acting as the committee. She then made a motion that the legal forms be referred to the Ordinance Committee. She suggested that further amendments needed to be made. Councilor Puello seconded the motion.

Councilor Rivera_J expressed frustration that there was a 2 hour discussion of this subject at the last meeting and that it was now at an hour and a half at this meeting. She then asked if people were considering how the public may be viewing the Council, watching disrespect toward the president and towards each other. She then stated that her workday was 9-5 with an hour break, giving her 35 hours a week. She added that she had been working that way for a long time. She then stated that the city needed to do better for city employees. She then suggested that any good employee is not going to take 30 days at a time but would spread them out. She then called the motion.

Motion to refer the items back to committee failed on a voice vote.

Councilor Anderson-Burgos stated that he had a long week and was tired, offering an apology to the constituents and to Councilor Puello for being out of line. He then observed that things can get heated, especially when your integrity is challenged. He then expressed frustration that his husband was being used to question his ethics when this had nothing to do with his husband. He then questioned the concern about spending more money with item 31 on the agenda. He also stated that the city could have saved \$20,000 when the qualifications of 2 councilors were challenged. He also suggested that there was high turnover, impacting the city's services. He then stated that he had been voting on the budget and was told by the Law Department that this was no different than voting on the budget. He then asked Atty Bissonnette is that was accurate.

Atty Bissonnette stated that he was correct in that it was similar to voting on the budget, adding that it was even further removed than that. He added that there was no conflict on this vote.

Councilor Anderson-Burgos asked to clarify that there was no conflict.

Atty Bissonnette stated that there would not be a conflict.

Councilor Anderson-Burgos stated that it was insulting to say that the mayor would just give additional time because he likes someone. He suggested that this was saying the mayor was irresponsible, coming from the same people who say they like the mayor. He questioned the contradiction.

President McGee addressed a member of the public who had their hand raised, informing them that public comment takes place at the beginning of the meeting, or they can participate in committee meetings.

Councilor Jourdain stated that while it was well established that a councilor can vote on the budget, he asked Atty Bissonnette if a councilor can vote to give their spouse increased pay on a proposal with a limited number of individuals. He suggested that he was not an authority to rule on this and that it should come from the State Ethics Commission.

Atty Bissonnette stated that was incorrect and that in the first instance, it would be the City Solicitor's office.

Councilor Jourdain stated that it was past practice for the Law Department to encourage councilors to contact the State Ethics Commission.

Atty Bissonnette stated that was still the policy.

Councilor Jourdain asked to clarify that someone can vote to increase their spouse's pay or benefits in a limited context such as this.

Atty Bissonnette stated that if it was an individual line item only pertaining to that employee, it would be a conflict. He added that there were 31 employees listed on Schedule A, more than enough to make it a generic vote rather than a specific vote. He suggested that any councilor or member of the public was welcome to contact the State Ethics Commission.

Councilor Jourdain asked if the city's ethics ordinance had been reviewed.

President McGee stated that this would be up to the councilor who may or may not have an ethics issue and that it was not the job of the rest of the Council to police it. He stated that the question was out of order.

Councilor Jourdain stated that he was asking the Law Department a question.

President McGee stated that the question was referring to a specific councilor.

Councilor Jourdain stated that it was a generic question.

President McGee stated that it was out of order. He reiterated that it was up to a specific councilor to seek guidance on ethical issues.

Orders passed the first and second readings.

Councilor Jourdain raised a point of order. He then expressed his understanding that according to Mass General Law Chapter 43, Section 22, any ordinance, order, or resolution may be passed through all

stages of legislation at one session provided that no member of the Council objects, but if any member objects, the measure shall be postponed for that meeting. He then expressed his objection.

President McGee suggested that the objection was out of order since the Council had already voted to take the orders up on a two-thirds vote.

Councilor Jourdain questioned how state law could be out of order.

President McGee suggested that Atty Bissonnette could address it.

Councilor Jourdain asked if the relevant state law allowed him to object and have the matter postponed for the meeting.

Atty Bissonnette stated that he could.

President McGee asked to clarify that it had to be postponed.

Atty Bissonnette confirmed that was accurate if the councilor objects and cites Section 22. He added that it could not be waived by the Council because it was a state law.

Councilor McGiverin suggested that the state law applied if all the votes took place on the same evening. He further suggested that this was the second evening the Council had debates these, perhaps even the third if including the evening they were referred to Ordinance.

Atty Bissonnette suggested that the question revolved around at what stage a reading occurs. He then stated that the rules stated that the Council President was to read every order introduced, which happened before orders get referred to committee. He then stated that in past practice, orders go through 2 readings on the same night that they are enrolled to be ordained. He suggested that it was a matter for the City Council to determine if a reading occurs the first time an order is read.

Councilor Jourdain stated that the first and second readings had just been passed.

Councilor McGiverin stated that the first reading was done on the first night and that it had now been debates for two meetings.

Councilor Jourdain stated that this evening had been the first reading.

President McGee asked if postponing it would be tabling it for the next meeting.

Atty Bissonnette stated that it would, and that they would have already passed two readings.

President McGee stated that pursuant to the rule, the matter was postponed to the next meeting.

Councilor McGiverin asked if they were now tabling the final reading.

President McGee confirmed that was correct.

Councilor McGiverin asked if that meant there would be no debate at the next meeting.

President McGee stated that it would just be the final vote.

---> Laid on the table.

Motion was made and seconded to suspend the necessary rules to take up items 10 and 25 as a package.

From Laddy Rua, Chairperson Holyoke Soldier's Commission, communication to City Council regarding legislation

---> Received and referred to the Law Department to draft a Home Rule petition. Refer back to the Council.

TALLMAN — Ordered, that the charter be amended to update the entry regarding the Soldiers' Memorial Commission, striking out references to members needing to be veterans of specific conflicts or wars. At the very least, the reference requiring that there be 2 members who "shall be veterans of the Second World War" should be struck.

Councilor Tallman stated that this would have to be go through the state. He noted that it was currently a requirement that two members be from World War 2 and that it was difficult to get people from that era, causing them to be short members.

Councilor Bartley suggested that it could go to the Law Department right away instead of going to committee.

---> Received and referred to the Law Department to draft Home Rule. Refer back to the Council.

From Canna Provisions, Annual report

---> Received.

From Ezra Parzybok, notice of Community Outreach Meeting for Euphorium LLC

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

PETITIONS

(2:29:45)

Petition of Four Tree's Holyoke LLC, for a special permit extension for a Licensed recreational Marijuana retail Establishment and a Marijuana Manufacturing Establishment at 1 Cabot St.

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

Petition of Steven P. Glaude for a zone change application from BG to BH for 2203 Northampton St.

Councilor Bartley noted that the address was at the Kmart plaza and that the petitioner did not own the property. He added that the petitioner was a realtor and investor, and president of Instant Hotels, specializing in acquiring assets and converting them. Referring to an email he received, the petitioner was looking to convert it into a self-storage facility. He then asked how a petition for a zone change could be filed by someone who did not have ownership interest in the address.

President McGee stated that the address may actually be 2211, noting that the administrative assistant received a call and was informed that the address was incorrect.

Councilor Bartley stated that was still Kmart plaza and the same comment applied. He then emphasized that the question needed to be addressed before a vote to send it to committee.

Councilor Vacon stated that she spoke with the petitioner, and learned that he would be going through the Planning Department to make two proposals in keeping with the current zoning which would not include self-storage. She added that she had not heard from Planning regarding the petitioner.

President McGee suggested that it could be tabled to allow the Law Department to address the question.

Councilor Bartley reiterated that the Law Department should clarify if a non-owner can file a zone change petition before sending it to committee.

---> Laid on the table.

PRESIDENT'S REPORT

(2:34:00)

President McGee stated that he would forego a President's Report due to time.

REPORTS OF COMMITTEES

(2:34:20)

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

The Committee on Finance to whom was referred an order Release and Settlement agreement between the City of Holyoke and Travelers Insurance.

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, FOUR HUNDRED THIRTY TWO THOUSAND AND 00/100 Dollars (\$432,000) as follows:

FROM:

2602-10400 INSURANCE CLAIMS/SETTLEMENTS > \$150K \$432,000

TOTAL: \$432,000

TO:

14102-53009 CONTRACT SERV. -CLAIMS/SETTLEMENTS \$432,000

TOTAL: \$432,000

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the appropriation was for a settlement that came from Traveler's Insurance. He then explained that a contractor for the city damaged a building and part of city property. He then stated that the settlement had to cover what would restore the property to what it was. He added that the funding would go into a settlement line item so that the repairs could be done.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

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 SENATOR CHARLES E. SHANNON, JR., COMMUNITY SAFETY INITIATIVE (SHANNON CSI), \$566,355.26, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that this was an annual grant received by the city, serving several agencies including some within Chicopee. He then explained that the portion of the grant going to Holyoke's Police Department was \$154,126, adding that the rest of the grant was shared between the Holyoke Boys & Girls Club, the Chicopee Boys & Girls Club, and the Sheriff's Department. He then noted that Sgt Hart had provided a spreadsheet showing the breakdown of the grant's planned use. He then stated that Holyoke was the lead city for the grant, adding that the Police Department and the City Auditor worked with the agencies to keep it in line and ensure it was put to good use.

Councilor Bartley expressed an interest in seeing a report explaining how it gets used. He then asked for a copy of the breakdown.

Councilor McGiverin stated that they would make sure it gets distributed.

Councilor Rivera_I asked if Roca was one of the grant's recipients. He noted that he used to work with the grant and that there used to be a successful youth initiative as part of it.

Councilor McGiverin stated that it still did, it would likely go through the Sheriff's Department portion of it. He added that the state made the final determination of where the funds would go.

Councilor Rivera_I stated that the city had to apply for it as a community and then approve it for the application.

Councilor McGiverin reiterated that the state approved the final breakdown.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

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 "Marcotte Ford Holyoke Police Department Equipment Donation, Est. Value \$10,000" 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.

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello

Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that donation was earned by the Police Department through an event where the Chief outcooked the Chief of the Fire Department. He noted the Fire Department received a similar donation a couple meetings prior. He then expressed that the department and the Council were appreciative for Marcotte Ford's generosity. He noted that it had to be accepted like a grant. He then explained that the grant would pay for a tool that all police officers within the department, an all-purpose tool that could be used as a knife, to cut seatbelts in an emergency, and many other situations. He noted that it was not something the city would have purchased out of its normal budget.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

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

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "STATE HISTORICAL RECORDS ADVISORY BOARD (SHRAB) FY2023 VETERAN'S HERITAGE GRANT, \$26,238, 50% MATCH \$13,238, \$3K CASH & IN KIND, " grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 1 (Puello).
Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, THREE THOUSAND AND 00/100 Dollars (\$3,000.00) as follows:

FROM:

15432-57700 VETERANS BENEFITS-DIRECT \$3,000.00

TOTAL: \$3,000.00

TO:

.-. FY2023 VETERANS HERITAGE GRANT \$3,000.00

TOTAL: \$3,000.00

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the total grant had a 50% match, which would be covered by both in-kind services already in place as well as the \$3,000 transfer. He then explained that the grant would be used for items related to Veterans Services.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 1 (Puello).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that the honorable city council approve an increased funding request in the amount of \$3,000 to the Wistariahurst museum for their painting restoration project. Originally Wistariahurst 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.

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the item went back to committee a second time. He then explained that the CPA had approved \$125,000 the prior year for repainting of the Wistariahurst. He emphasized that it was an historical building. He noted that the question was raised as to whether the painting would be considered maintenance or preservation. He added that the Law Department ruled that because the goal was to return the building to its original color, the CPA funding could be used for this purpose. He noted that the building was donated to the city by the Skinner family to be used for educational purposes.

Councilor Tallman commended Councilor Jourdain for bringing the question up as well as Atty Degnan for her research on the question. He noted that they needed the \$3,000 to enter into the contract to get it done before the summer.

Councilor Jourdain expressed appreciation to Atty Degnan, noting she had done great work on doing research on the rules and providing good guidance for the CPA Committee.

Councilor Bartley pointed out that the Friends of the Wistariahurst had been renamed to the Wistariahurst Foundation. He also noted that one councilor was on that board. He also noted that the board contributed \$75,000 toward this project. He then reiterated a request showing the balances of that board's accounts. ---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays-- Yeas 11--Nays 0--Absent 1 (Puello)--Abstain 1 (Givner). Councilor Givner did not vote or participate in discussion on this item.

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, EIGHT THOUSAND SEVEN HUNDRED EIGHTY EIGHT AND 00/100 Dollars (\$8,788.00) as follows:

FROM:

2601-10400 TNC RIDESHARE \$8,788.00

TOTAL: \$8,788.00

TO:

11752-53010 OTHER CONTRACTED SERVICES \$8,788.00

TOTAL: \$8,788.00

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the TNC Rideshare program provided the bikes seen around the city at various kiosks. He then stated that Northampton was the lead city on the program, making them accountable to the funds used for administration of the program. He added that they worked with the Pioneer Valley Planning Authority. He noted one component of it was for-profit, adding some funds came in from the program itself. He suggested that when the current or future mayor was to renegotiate it, they should look at the contract and make it a little different.

Councilor Bartley expressed his support, noting that many hours were spent in committee relative to locating where the stations would go. He expressed the hope that the program could expand in the future. He also expressed support for the current contract, adding that it had been a successful asset to the city. He then contrasted that with a program that had been a disaster in the city of Hartford because the bikes never got returned.

Councilor Maldonado Velez asked if ValleyBike was still happening.

Councilor Tallman stated that they were out seasonally. He then expressed that it was a great program, noting that someone could grab a bike near the college and ride it down to other areas in the city such as Cabot Street. He noted that a councilor in Westfield reached out to him for feedback as they were considering a similar program.

Councilor McGiverin agreed that it was a good program, outweighing some details that he found to be questionable. He then stated that they should find out the profit being made on the program, noting that municipalities carried a lot of responsibility and liability for their maintenance of the program. He noted that he had still seen a few bikes out during the winter months.

Councilor Maldonado Velez emphasized that many other cities provide bikes throughout the year.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 1 (Puello).
Approved by the Mayor.

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 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

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that in discussing the waste contract, the city would be returning to dual-stream recyclables. He emphasized that it was the right thing to environmentally, adding that the city sometimes makes money on recyclables. He also stated that it would keep recyclables out of the dump, adding to the tipping fee. He then explained that the city had gone into a single stream program a few years prior. He noted that they were not sure what happened to some of the recyclables. He then stated that China had stopped recycling plastics a few years earlier. He added that several companies in this country had started recycling plastics.

Councilor Bartley questioned why a unilateral decision was made to stop the dual-stream. He suggested looking into the historical records to find out what happened. He noted that Holyoke was making money at one point while other surrounding communities were often having to pay a lot for their recycling. He then asked if an order can be filed to find out how much the city diverts into recycling as opposed to the landfill.

Councilor McGiverin suggested that could be done. He stated that it would be viewed through the amount of tonnage.

Councilor Bartley stated that he would plan to do that.

Councilor Jourdain expressed concern about the transparency, emphasizing that citizens should know where their recycling is going when they put it out. He suggested that the decisions needed to be run by the mayor and the City Council.

Councilor Bartley added the Board of Public Works to that list.

Councilor Jourdain suggested that a lot of things occurred in the last few years that led to a lot of questions. He reiterated that the mayor, the City Council, and citizens should be consulted if any important decisions were made in the future.

Councilor Anderson-Burgos noted that the change happened while Acting Mayor Murphy was in office, coming as a result of the impacts of the COVID pandemic. He stated that due to shortages in staff, they made the change to simplify and make things easier.

Councilor Givner suggested that more information needed to be shared with the public in general, including easier ways to find information on the website.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 0--Absent 1 (Puello).
Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to take up items 16L, 16M, 16N, 16O, and 16R as a package.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows:

FROM:

8815-10400 CANNABIS STABILIZATION \$150,000

TOTAL: \$150,000

TO:

.-. OPED MUNICIPAL SUPPORT/MASTER PLAN \$150,000

TOTAL: \$150,000

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.
Approved by the Mayor.

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 THOUSAND AND 00/100 Dollars (\$100,000) as follows:

FROM:

8815-10400 CANNABIS STABILIZATION \$100,000

TOTAL: \$100,000

TO:

.-. OPED PUBLIC ART/COMMUNITY BENEFIT \$100,000

TOTAL: \$100,000

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--

Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, SEVENTY THOUSAND AND 00/100 Dollars (\$70,000) as follows:

FROM:

8815-10400 CANNABIS STABILIZATION \$70,000

TOTAL: \$70,000

TO:

.-. OPED CONTRACTED LEGAL SERVICES \$70,000

TOTAL: \$70,000

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--

Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, THREE HUNDRED NINETY NINE THOUSAND AND 00/100 Dollars

(\$399,000) as follows:

FROM:

8815-10400 CANNABIS STABILIZATION \$399,000

TOTAL: \$399,000

TO:

.-. DPW RACE STREET IMPROVEMENT \$399,000

TOTAL: \$399,000

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--

Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, TWO HUNDRED TWO THOUSAND AND 00/100 Dollars (\$202,000.00) as follows:

FROM:

8815-10400 CANNABIS STABILIZATION \$202,000.00

TOTAL: \$202,000.00

TO:

.-. DPW MAIN STREET SAFETY PROJECT \$202,000.00

TOTAL: \$202,000.00

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that all 5 requests were for funds coming from the Cannabis Stabilization fund. He then explained that there was a process set up for use of the funds, which resulted from several newer councilors asking questions about creating a process. He explained that a community advisory committee was set up to vet each of the projects. He noted that around \$3.2 million had gone into the account so far from the impact fees assessed to cannabis businesses.

He then stated that the first request would support a master plan, noting the current one was outdated.

He emphasized it would cost far more than \$150,000 but this would help get it started. He added that the second request would cover the cost of marketing the city, bringing in entrepreneurs and artisans to showcase their work. He then stated that the third request of \$70,000 would be for legal contracted services to avoid the kinds of lawsuits over communities were seeing relative to their uses of the impact fee funds. He also stated that the final two were DPW projects for street improvements, improvements to the Canal Walk, and sidewalk improvements.

Councilor Bartley noted that this was around 1/3 of the existing balance. He then asked if the Council should be anticipating more transfer requests on an annual basis.

Councilor McGiverin stated that there would be more requests as they were vetting more projects. He then stated that the funds would eventually be capped since there would eventually be only so many manufacturers that could fit in the city. He noted that dispensaries pay a form of a sales tax.

Councilor Bartley asked if the funds would be reflected in the budgets for these departments as line items.

Councilor McGiverin stated that the legal services would be kept in OPED as it would be very specific to these impact fee funds. He then stated that the master plan was a part of Planning and should be under their budget.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY SIX THOUSAND AND 00/100 Dollars (\$26,000.00) as follows:
FROM:

8811-10400 CAPITAL STABILIZATION \$26,000.00

TOTAL: \$26,000.00

TO:

16302-52420 EQUIPMENT R & M – RECREATION \$26,000.00

TOTAL: \$26,000.00

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

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the request would to equipment repairs and maintenance for the Parks and Recreation Department, having to do with a community garage storage that the department uses. He added that the equipment was for measuring hazardous air quality within the building. He noted that there

was an RFP attached for a contractor.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--
Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Finance to whom was referred an order The Holyoke Gas and Electric be requested to take all necessary steps to end the gas moratorium. That they report back to the City Council by April 1, 2022 on their recommended plan of action including potential time table to bring the moratorium to an end.

have considered the same and Recommended that the order has been complied with.

Committee Members:

Joseph McGiverin
Kevin A Jourdain
Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the order was reported out as a matter of housekeeping in the committee jacket. He noted that Holyoke Gas & Electric reported on the request at an earlier meeting that they would be able to expand out and add a tank in West Holyoke, bringing down the leverage on the moratorium.

Councilor Vacon commended HG&E for their great outreach in Ward 5, the site for the additional tank. She suggested that additional approvals may be needed in the next couple years but their outreach helped to make the neighbors comfortable with the project. She also commended Mayor Garcia for his support, noting the previous mayor had been against any additional gas supply.

Councilor Jourdain also commended Mayor Garcia and HG&E for their efforts. He expressed an expectation that this would help Holyoke for many years to come. He noted that he had received a lot of positive feedback from people in the commercial sector expressing relief in the resolution rather than needing to install propane tanks.

Councilor Bartley offered thanks to the constituents in Ward 5, as well as to HG&E for their innovative forward-thinking approach.

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

President McGee stated that there were no reports from the Public Safety Committee, Public Service Committee, Development and Governmental Relations Committee, Charter and Rules Committee, or the Joint City Council and School Committee.

ORDERS AND TRANSFERS

(3:18:45)

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

PUELLO — ORDER: in accordance with the city charter, create ordinance language that confirms, when a resident is elected as a ward councilor and subsequently moves to another ward during the term, the ward city council seat is vacated.-to Ordinance Committee
---> Received and referred to the Ordinance Committee.

PUELLO — in accordance with the city charter, create ordinance language that confirms, no sitting city councilor shall become a member of any board or commission in city government during the term of office. To Ordinance Committee
---> Received and referred to the Ordinance Committee.

24. PUELLO — That the Legal Opinion currently in Charter and Rules regarding the seat of a councilor no longer living in their ward please be moved to public service.

UNDER DISCUSSION:

Councilor Tallman asked if it had been taken up already and if there was an opinion.

Councilor Maldonado Velez stated that there was an opinion and that it was in the Charter and Rules jacket.

Councilor Tallman stated that there would be two similar orders.

Councilor Jourdain noted that he misspoke at the last meeting, believing that both opinions were already in Public Service, later learning that one was in Charter and Rules. He then suggested that it would be convenient to have both discussed with the Law Department at one meeting.

Councilor Tallman suggested that the one in Public Service could go to Charter and Rules since they already had a meeting scheduled.

Councilor Jourdain stated that could be fine too.

Councilor Tallman emphasized that Charter and Rules had a meeting planned and Public Service had not yet scheduled one.

Councilor Jourdain asked if the two opinions could be put on the February 27th agenda.

Councilor Maldonado Velez stated that he could.

Councilor Bartley suggested that there was not a pressing time to take them up and that the wishes of the order's maker be respected. He added that as a member of the Public Service Committee, he felt it would be easier to participate in the discussion as a member.

Councilor Tallman suggested that it made more sense to keep them together in Charter and Rules because a meeting was already scheduled on the 27th. He then suggested deferring to the maker.

Councilor Puello stated that he was fine with whatever the body wanted to do.

Motion was made and seconded to send them both to Charter and Rules.

Councilor McGiverin emphasized that an ordinance cannot supersede the Charter. He suggested starting in Charter and Rules and taking it from there.

Councilor Jourdain stated that these would only be discussing a legal opinion. He clarified that the other orders went to Ordinance.

Councilor McGiverin reiterated that they still could not supersede the Charter.

Councilor Jourdain stated that his request was simply that they be discussed on the same night.

Councilor Puello asked that they be sent to Public Service.

Councilor Tallman stated that he was fine with taking them up, adding that they would just be waiting a little longer.

---> Received and Adopted. Send legal opinion to Public Service.

VACON — that the City Forester removes the trees in the cul de sac on Sequoia Drive – constituent request

---> Received and Adopted. Copy to City Forester.

ANDERSON-BURGOS — Ordered, that the City Engineer provide feedback to address traffic safety issues at the intersection of Linden, Anderson, and MacKenzie. Drivers have been observed frequently driving through, often speeding through the stop sign on Linden. Recently a vehicle hit a house right at that corner.

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

BARTLEY — DPW install appropriate signage at or near 249 Huron Ave to alert motorists of Autistic persons residing in this neighborhood. (Please see the unique signage we approved near 226 South St. for a template.) Receive, Adopt and refer to DPW.

Councilor Bartley recalled that a sign was changed a couple years prior, adjusting the language from “autistic children” to “autistic person.”

Councilor Rivera_I suggested having a conversation in Public Safety. He stated that, as the parent of an autistic child, he would like to learn more about it.

Councilor Bartley recalled in the last situation, the sign said “child” when the person was 27 years old. He then explained that in this new situation on Huron, he was open to having a conversation in Public Safety

but would like to see it adopted right away as the residents were patiently waiting for it to be posted.
---> Received and Adopted. Copy to DPW, Public Safety Committee.

BARTLEY, Tallman — The City Council both add to its tradition to celebrate St. Patrick's Day and bestow proclamations to the AOH Award Winners for 2023. The City Council honor the Ladies AOH Woman of the Year Mary Kate O'Connor and the AOH Man of the Year Jay Whelihan. Mary Kate is a Nurse and an avid volunteer for many causes including Kate's Kitchen and Jay is the Ward 5 HPS School committee member, Chief Assessor, and serves as AOH's Treasurer. Both are to be honored 3/7/23 alongside the Parade Committee awardees and membership.
Receive and Adopt.

Councilor Bartley stated that this would be in addition to having the Parade Committee dignitaries and award winners in for the first meeting in March, along with the Caledonian Pipe Band.

Councilor Tallman asked to be added to the order. He noted that he was a part of the AOH, adding that they were very active in the community.

Councilor McGiverin stated that the award winners were great choices. He also noted that the Caledonian band would also be attending as the Parade Committee's Citizenship Award winners.
---> Received and Adopted.

GIVNER, All Councilors — With Community support, order that the City Forrester present his department's obligations and an action plan for addressing constituent concerns. Ongoing issues include dangerous dead and overgrown trees growing on or over city property. Understanding our Forrester's action plans will help us understand how best to support the department's efforts. This will also help with understanding if an ordinance update or change is needed.
-To public safety / Copy to City Forrester

Councilor McGiverin made a motion to amend, noting that the City Forester was not a department head but also that the Superintendent of the DPW should be invited in to answer questions regarding why the \$240,000 truck was still sitting in the barn.

Councilor Bartley made a motion to amend, suggesting that the Conservation Director should attend to discuss trimming trees. He added that the Law Department should be invited to address the issue of trees on neighboring properties, which was a matter of state law. He recalled that a member of the public spoke on the issue. He suggested that they should explain how state law defines the rights and responsibilities of property owners with trees affecting neighboring properties.

Councilor Rivera_I suggested that additional issues could be discussed regarding the impact of trees on city property.

All councilors asked to be added to the order.

Councilor Tallman recalled an issue on JoAnne Drive where a tree fell down onto a fence separating the street from the highway. He noted that the Highway Department sent someone within a couple days and the forester took the tree out, but the fence was still damaged. He stated that it would be important to hear from the forester about their need to hire someone so that they could use the truck.

President McGee stated that the State Rep was also contacted on that issue.

---> Received and referred to the Public Safety Committee. Copy to City Forester, DPW, Conservation, Law Department.

JOURDAIN — Ordered, that the Ordinance relative to the payment of city lifeguards be revised so as to make sure we are being competitive to other communities in the highly competitive employment of Summer lifeguards. Moreover, that the Aquatics Director and/or other reps from the Recreation dept be invited to the Ordinance Committee to help us review and change as appropriate.

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

JOURDAIN — Ordered, that Ordinance 2-61 be amended as follows:

Amend Section B. Each member of the city council shall be furnished, by the city solicitor's office, a copy of every collective bargaining agreement clearly outlining all changes made to the agreement showing the prior language and the new proposed language, a minimum of ten days prior to the cost items of said agreement being submitted to the city council for approval.

Add Section C. That the City Auditor provide the City Council an accurate financial impact analysis of any such proposed agreement submitted to the city council for approval explaining the full cost of the proposed agreement and attesting to the city council if such agreement is projected to be affordable in all fiscal years impacted by the new agreement.

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

Motion was made and seconded to suspend the necessary rules to take up items 33 and 34 as a package.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, TWO THOUSAND TWO HUNDRED NINETY THREE AND 90/100 Dollars (\$2,293.90) as follows:

FROM:

12201-51105 FIREFIGHTER \$2,293.90

TOTAL: \$2,293.90

TO:

12201-51180 INJURED ON DUTY \$2,293.90

TOTAL: \$2,293.90

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 21, 2023.

Joshua A Garcia, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

Approved by the Mayor.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY THREE THOUSAND TWO HUNDRED THIRTY FOUR AND 11/100 Dollars (\$23,234.11) as follows:

FROM:

12101-51104 LIEUTENANT \$3,883.22

12101-51105 SERGEANT 10,085.70

12101-51107 PATROLMEN 9,265.19
TOTAL: \$23,234.11
TO:
12101-51180 INJURED ON DUTY \$23,234.11
TOTAL: \$23,234.11

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 21, 2023.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

President McGee stated that item 33 covered 1 employee and item 34 covered 8 employees.

Councilor McGiverin stated that the transfers were for accounting of public safety employees receiving their salaries while being out of work due to being injured on duty. He added that they were getting to the point of forcing the issue on requesting a report on the impact injuries had on the budget.

Councilor Jourdain stated that the Auditor sent a report at his request on the cost of disability pensions in the city. He noted it was almost \$3 million a year for 74 people. He suggested that it would be a staggering amount to compare the cost of standard pensions versus disability pensions.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--
Absent 0.

Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to take up items 35 through 37 as a package.

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

FROM:
12941-51830 CLOTHING ALLOWANCE \$200.00
TOTAL: \$200.00
TO:
12942-53190 EDUCATION & TRAINING \$200.00
TOTAL: \$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, February 21, 2023.

Joshua A Garcia, Mayor

Councilor Bartley suggested that the City Council should not need to address a \$200 transfer. He asked if the Law Department could work on addressing that concern.

Councilor Vacon stated that \$500 was normally considered material.

Councilor Jourdain stated that the Charter said \$200.

Councilor McGiverin expressed agreement, noting that the larger focus was that the transfer was going from a personnel line item to an expense line item.

Councilor Bartley suggested that the Council still shouldn't have to deal with \$200.

Councilor McGiverin stated that he agreed. He added that the Council shouldn't have to deal with injured on duty transfers. He then stated that the committee would be meeting on March 1st to take these up along with several other orders that were waiting for answers.

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

MCGIVERIN — that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2023 STATE 911 DEPARTMENT EMERGENCY MEDICAL DISPATCH GRANT PROGRAM, \$18,375, 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 21, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, FIFTEEN THOUSAND AND 00/100 Dollars (\$15,000.00) as follows:

FROM:

12441-51101 PAY-SEALER OF WEIGHTS & MEASURES \$15,000.00

TOTAL: \$15,000.00

TO:

12442-57100 IN STATE TRAVEL \$500.00

12442-58501 EQUIPMENT 12,750.00

12442-54200 OFFICE SUPPLIES 1,750.00

TOTAL: \$15,000.00

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 21, 2023.

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

MCGEE, All Councilors — The City Council present Helen Rogers a proclamation for being the oldest Holyoke resident. Ms. Rogers just turned 107.

All councilors asked to be added to the order.

Councilor Tallman stated that he spent about 45 minutes with Ms. Rogers the day before and she was sharp as a tack. He noted that she had gone to school with his mother. He described her as an amazing woman who deserved all the accolades she was getting.

---> Received and Adopted.

LATE FILED ORDERS AND COMMUNICATIONS

(3:42:55)

From James Bartolomei – IBPO 409 Financials
---> Received and referred to the Finance Committee.

From Atty Russell Dupere, Legal opinion on retroactive pay for prior fiscal year
---> Received and referred to the Finance Committee.

From Mayor Joshua Garcia, Police Audit documents
---> Received and referred to the Public Safety Committee.

JOURDAIN, BARTLEY - Ordered, request an opinion from the Law Dept as to whether a citizen can serve on more than one (1) municipal board in the city. For example, may a sitting Fire Commissioner also serve on the Citizens Advisory Committee?
---> Received and referred to the Law Department.

Adjourned at 10:47 PM