

## AGENDA FOR THE CITY COUNCIL

March 7, 2023

### LAI ON THE TABLE

1. The Committee on Ordinance to whom was referred an order that following the adoption of a resolution in support of the district, that the Ordinance Committee work with the mayor and the appropriate city and state departments to adopt an ordinance creating a Puerto Rican Cultural District within the City of Holyoke.
2. Petition of Steven P. Glaude for a zone change application from BG to BH for 2203 Northampton St.
3. From Assistant City Solicitor, Kathleen Degnan, legal forms from Ordinances passed at the February 7, 2023 meeting

### PUBLIC COMMENT

### COMMUNICATIONS

4. From Joshua A. Garcia, letter appointing Ms. Jaime Morrow, 9 Coolidge St. Springfield, Mass for the position of Interim Chief Procurement Officer: Ms. Morrow will replace Ms. Lori Belanger and will serve Lori's remainder of the term; Said term will expire on November 30, 2025.
5. From City Solicitor Lisa Ball: Update on outside legal fees from period of 11/4/22 to 2/3/23.
6. From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Ass't. to City Council minutes of February 21, 2023.
7. From Anthony Dulude, Executive Director Holyoke Retirement Board, letter re: Cost of Living Adjustment (COLA) for Fiscal Year 2023.
8. From Alicia Zoeller, Administrator Office of Community Development, FY2023 CDBG Proposal Book & FY2023 CDBG Allocation Recommendations and FY2023 Resolution.
9. From The Wistariahurst Foundation, 2020 Return of organization exempt from Income Tax.
10. From Scott MacPherson, Executive Director for Holyoke Media, Annual report.
11. From Citizens of Holyoke, petition to meet with City Council to discuss Mayor Joshua Garcia's recent removal of The Chair of the Holyoke Historical Commission, Paola

Ferrario.

12. Board of Fire Commission minutes of January 18, 2023.

### PETITIONS

13. Petition for pole and wire locations, The gas & Electric Department requests permission to locate a line of wires, cables, poles and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:

One (1) 45' pole between property line of 175 Lincoln St. & Holyoke Park on corner of Northampton and Lincoln St. Holyoke, Mass.

14. Petition of Jesus Candelario, for a zone change at 1109 Dwight St from R-2 to B-G.

### PRESIDENT'S REPORT

### REPORTS OF COMMITTEES

15. Ordinance Committee Reports (if any)
  - 15A. The Committee on Ordinance to whom was referred an order Per Constituent request, that an additional handicap parking space be added at 204 Oak St. for Josephine Rivera. Although a designated handicap space was created during the summer of 2022, that space is regularly occupied by other vehicles with handicap plates, indicating additional need. Recommended that the order be adopted.
  - 15B. The Committee on Ordinance to whom was referred an order Special permit application for Carefully Curated LLC at 400 Race St (028-07-016) to operate a marijuana manufacturing establishment. Recommended that the special permit be granted with the following conditions:
    1. That the owner of the building always pay the commercial property tax rate to the extent allowed by federal, state, and local laws for the duration of the Special Permit.
    2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
    3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke.
    4. There shall be no marijuana consumption allowed on site.
    5. That the hours of operation be set according to City ordinances.
    6. That the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission.
    7. That the petitioner/applicant shall conform with city and state health laws, rules,

and regulations, including odor nuisance controls, for the duration of the permit.  
8. That if substantial progress has not occurred within 2 years of issuance of the Special Permit, an extension shall be required.

- 15C. The Committee on Ordinance to whom was referred an 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 Recommended that the order be adopted.
- 15D. The Committee on Ordinance to whom was referred an order That the City Engineer remove the signs near 970/980 Hampden St. Recommended that the order be adopted.
- 15E. The Committee on Ordinance to whom was referred an order The city council and DPW amend any ordinances to allow for road improvements at Whiting Farms Rd. to allow for a dedicated Left-hand turn into K-Mart Plaza and to allow for motorists to also travel towards the Mall in a dedicated lane. Recommended that the order be adopted
- 15F. The Committee on Ordinance to whom was referred an order The recently installed handicap sign at 363 Chestnut St please be removed by request original petitioner. Recommended that the order be adopted.
- 15G. The Committee on Ordinance to whom was referred an order Special permit extension application for Victoria Frost LLC at 679-689 Main St & Beaulieu St property abutting 679 Main St (055-00-009, 009.1, 009.2) to extend the special permit originally granted on August 4, 2020, to operate a cannabis product cultivation, manufacturing, and dispensary facility. Recommended that the special permit extension of one year be granted.
- 15H. The Committee on Ordinance to whom was referred an order Special permit application amendment of Holyoke 420 LLC dba Holyoke Cannabis at 380 Dwight St (021-01-003) to remove original condition prohibiting delivery, add suite #4 for a new vault, add new sallyport location, and amend hours condition so that they be set according to city ordinance. Recommended that the amendments to the special permit be granted.
- 15I. The Committee on Ordinance to whom was referred an order that Order to put signs at the Lyman Terrace neighborhood stating "Resident Parking Only" and have residents apply for parking permits. Recommended that the order be referred to the Holyoke Housing Authority.
- 15J. The Committee on Ordinance to whom was referred an order Petition for Speed hump for Hillside Ave Recommended that the Engineer's report to not install temporary speed humps be accepted.

- 15K. The Committee on Ordinance to whom was referred an order Petition for Speed Hump from citizens for Moss Ave Recommended that the Engineer's report to not install temporary speed humps be accepted.
- 15L. The Committee on Ordinance to whom was referred an order That speed humps be placed on Moss Ave. Recommended that the Engineer's report to not install temporary speed humps be accepted.
- 15M. The Committee on Ordinance to whom was referred an order That speed humps be placed on Memorial Dr. Recommended that the Engineer's report to not install temporary speed humps be accepted.
- 15N. The Committee on Ordinance to whom was referred an order That speed hump be placed on Fenton St Recommended that the Engineer's report to not install temporary speed humps be accepted.
- 15O. The Committee on Ordinance to whom was referred an order Speed hump petition from Citizens of Mackintosh Terrace. Recommended that the Engineer's report to proceed with installing temporary speed humps be accepted.
- 15P. The Committee on Ordinance to whom was referred an order That speed humps be placed on Mackintosh Terrace. Recommended that the Engineer's report to proceed with installing temporary speed humps be accepted.
- 15Q. The Committee on Ordinance to whom was referred an order That speed humps be placed on Mackintosh Terr. Recommended that the Engineer's report to proceed with installing temporary speed humps be accepted.
- 15R. The Committee on Ordinance to whom was referred an order that a no parking sign be placed in front of 5 Whiting Avenue at the request of the residents.  
Recommended that the order has been complied with.
16. Finance Committee Reports (if any)
- 16A. The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2023 STATE 911 DEPARTMENT 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.  
Recommended that the order be adopted.
- 16B. The Committee on Finance to whom was referred an order 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 Recommended that the order be adopted.

- 16C. 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 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 Recommended that the order be adopted.

- 16D. The Committee on Finance to whom was referred an order that our City Solicitor draft a ballot question for the next eligible election for voters to decide if the CPA tax should be reduced from 1.5% to 0.5% in light of the current financial hardship of our taxpayers.

Taxes will increase by over \$200.00 per year for a house valued at \$236,262 due to repeated inability to achieve 7 votes of the City Council for lower taxes for homeowners. This increase is taking place along with significant increases in sewer, gas, electricity, food & heating prices. Voters should have the right to decide the rate. City Council initiated the CPA tax here originally, so needs to vote to place it on the ballot again for voters to decide. Recommended that the order be adopted, as amended to 1%.

- 16E. The Committee on Finance to whom was referred an order From Mayor Joshua A. Garcia list of Historic Preservation related repairs needed on city buildings as requested by Councilor Jourdain, Councilor Bartley, Councilor I. Rivera and Councilor Vacon on order filed April 5, 2022 Recommended that the order has been complied with

- 16F. The Committee on Finance to whom was referred an order Holyoke media come into finance to give an update and discuss appointments. Recommended that the order has been complied with.

- 16G. The Committee on Finance to whom was referred an order that the City Treasurer be invited into a Finance meeting to update on his cleanup efforts within the department. Recommended that the order has been complied with.

- 16H. The Committee on Finance to whom was referred an order that the Treasurer and Flynn Financial please appear before the Finance Committee to discuss how our Stabilization Funds are being invested. The City Council would also like to receive quarterly financial statements on these investments going forward. In advance of

the meeting, please provide us the financial statements for the period July 1, 2019-June 30, 2022 so we can be prepared for the meeting and our discussion. Please also provide us any applicable regulations or rules from the state related to how Stabilization funds may be invested. Recommended that the order has been complied with

- 16I. The Committee on Finance to whom was referred an order that we invite in the CPA board members to give an update on the program. Recommended that the order has been complied with.
17. Public Safety Committee Reports (if any)
  - 17A. The Committee on Public Safety to whom was referred an order From Mayor Joshua Garcia, Police Audit documents Awaiting disposition
  - 17B. The Committee on Public Safety to whom was referred an order that the Mayor be invited to a Public Safety meeting for presentation of the Police Department audit. Awaiting disposition
  - 17C. The Committee on Public Safety to whom was referred an order that an RFP be created to study a community responder model type program that is outside of the Police Dept but works in collaboration with that department as one of several contributing partners. Awaiting disposition
  - 17D. The Committee on Public Safety to whom was referred an order that Chief Pratt come in to discuss a possible gun drop off program. Awaiting disposition
  - 17E. The Committee on Public Safety to whom was referred an order that our City Engineer evaluate and determine the installation of a crosswalk. The crossing guard stands on the corner of Kane and Knollwood Circle. This is a request from school staff and our School Committee member. Awaiting disposition
  - 17F. The Committee on Public Safety to whom was referred an order that our city engineer evaluate the intersection of Evergreen and Bray Park Drive for improvements due to safety concern. Awaiting disposition
  - 17G. The Committee on Public Safety to whom was referred an order that the Chief of Police, business owners, and residents that live in those communities are invited to discuss safety measures to prevent shootings. We would also like to invite the licensing board to discuss the process of what happens when a licensed business has incidents that heavily impact public safety. The purpose of this order is to provide the public some transparency given the recent shooting at the Unicorn Inn and to advise the City Council on any legislative steps we can take. Awaiting disposition
  - 17H. The Committee on Public Safety to whom was referred an order that the honorable city council invite in the chief of police to discuss whether or not the department has

a "Traffic Squad", ordinance references the designation of 6 officers that are required to act as traffic officers. Constituents are concerned with drivers that speed, eat stop signs, etc...

Investment in a "Traffic Squad" as city ordinance states, should help tremendously with mitigating some of our constituent concerns.

Sec 50-42. - Traffic squad—Designation and training of members.

The chief of police shall designate six members and such additional members as may from time to time be required to act as traffic officers. Such members shall receive and be given thorough and adequate training in the regulation and direction of traffic, in accordance with a uniform and recognized standard. Awaiting disposition

- 17I. The Committee on Public Safety to whom was referred an order That the police department provide an update on what steps and systems are being put in place to ensure that shot spotter will work effectively and efficiently when the new technologies installed. Awaiting disposition
- 17J. The Committee on Public Safety to whom was referred an order that traffic calming measures be recommended by our City Engineer for Bray Park Drive and access to the plaza. Install temporary speed humps on Bray Park Drive to slow traffic. Awaiting disposition
18. Public Service Committee Reports (if any)
19. Development and Governmental Relations Committee Reports (if any)
20. Charter and Rules Committee Reports (if any)
- 20A. The Committee on Charter and Rules to whom was referred an order Order that we add a rule 9Bviii (Committee) to read "The Youth Services Committee shall have jurisdiction over matters relating to the youth and are the representing body for the Joint Committee of the City Council and School Committee" Recommended that the order has been complied with
21. Joint City Council and School Committee Reports (if any)

#### MOTIONS, ORDERS AND RESOLUTIONS

22. TALLMAN -- Ordered, that the City Council hold interviews to appoint a member of the public to the Holyoke Media board.
23. TALLMAN -- Ordered, that the Police Chief, Auditor, and Treasurer come before the Finance Committee to review the process of newly hired RollKall Technologies LLC and try to find a process to find a procedure to pay down the current deficit in the off duty fee account.

Sent to Finance

24. BARTLEY MCGIVERIN -- The DPW Superintendent and the BPW chair come before the City council Finance Committee for a friendly discussion regarding the city's current waste management including recycling fees, dumping fees, amount of trash dumped, amount of recycling (paper and plastic) diverted from the landfill. Are there strategies Holyoke needs to implement to improve this aspect of government? Please include any contracts so that we can review them in advance of the meeting.
25. JOURDAIN -- Ordered, that the City Council work with the Treasurer to review and codify the city's investment policy by ordinance
26. JOURDAIN -- Ordered, that the City Council establish a OPEB Liability Trust Fund pursuant to Chapter 32B, Section 20 including voting on approval of local option and then forming the Board of Trustees. Holyoke has a projected liability of \$224 Million (June 2019) and is 1 of handful of cities not to have begun starting to fund their Trust Fund.
27. JOURDAIN -- Ordered, beginning in Fiscal Year 2024, funding for the city's OPEB Trust Fund will become a part of the operating budget and the long term goal will be to fully fund the outstanding OPEB liability by 2040.
28. JOURDAIN -- Ordered, that the City Council invite in the Retirement Board Director Mr Dulude to discuss if the City should stay with 2035 schedule or move to a 2040 schedule for fully funding the unfunded retirement fund liability. The Director also please give us an update on status of the unfunded liability and the city's plan to address it.
29. MCGEE -- Ordered, that the Zoning Ordinance, Section 7.8 WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS, be amended to include Small Wireless Facilities.
30. MCGEE -- Ordered, that the Zoning Ordinance be amended to add a Section for Tiny Houses, in addition to amending Section 2 DEFINITIONS, and any other Sections that may apply to this use.
31. MCGEE -- Ordered, that the Zoning Ordinance be amended to add a Section for AirBNB, in addition to amending Section 2 DEFINITIONS, and any other Sections that may apply to this use.



32. MCGEE -- Ordered, that the Zoning Ordinance, Section 6.4.2 Exemptions, be amended to add a letter,
- (k) Banners or signs associated with a civic or municipal program may be allowed in all districts. Community or commercial sponsorship may be displayed on said banner or sign provided that the banner or sign itself is not be greater than six (6.0) square feet. These installations must be approved by the City and by the Department of Public Works as applicable.
33. 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 |
34. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY SEVEN THOUSAND FIVE HUNDRED FORTY FOUR AND 58/100 Dollars (\$27,544.58) as follows:
- |             |                 |             |
|-------------|-----------------|-------------|
| FROM:       |                 |             |
| 12101-51104 | LIEUTENANT      | \$3,883.22  |
| 12101-51105 | SERGEANT        | 13,447.60   |
| 12101-51107 | PATROLMEN       | 10,213.76   |
|             | TOTAL:          | \$27,544.58 |
| TO:         |                 |             |
| 12101-51180 | INJURED ON DUTY | \$27,544.58 |
|             | TOTAL:          | \$27,544.58 |
35. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, FIVE THOUSAND FOUR HUNDRED EIGHTY ONE AND 00/100 Dollars (\$5,481.00) as follows:
- |             |              |            |
|-------------|--------------|------------|
| FROM:       |              |            |
| 12201-51105 | FIREFIGHTERS | \$5,481.00 |
|             | TOTAL:       | \$5,481.00 |
| TO:         |              |            |
| 12201-51101 | FIRE CHIEF   | \$5,481.00 |
|             | TOTAL:       | \$5,481.00 |
36. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal

year 2023, SIXTEEN THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$16,500) as follows:

FROM:  
8812-10400 SEWER STABILIZATION \$16,500  
TOTAL: \$16,500  
TO:  
60402-53011 SEWER - PROFESSIONAL SERVICES  
\$16,500  
TOTAL: \$16,500

37. MCGIVERIN -- 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:  
... SUBSTANCE ABUSE PROGRAMS \$100,000  
TOTAL: \$100,000

38. MCGIVERIN -- that the amount of TWO THOUSAND FIVE HUNDRED TWENTY THREE AND 40/100 Dollars (\$2,523.40) be authorized from the PURCHASING Department's TELEPHONE USAGE CHARGES (11382-53410) appropriation in fiscal year 2023 for services rendered in fiscal year 2022 which were unencumbered at the 2022 fiscal year end.

39. MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, THIRTY SEVEN THOUSAND THREE HUNDRED FIFTY NINE AND 87 /100 Dollars (\$37,359.87) as follows:

FROM:  
11512-53010 SOLICITOR-SPECIAL COUNSEL  
\$37,359.87  
TOTAL: \$37,359.87  
TO:  
12202-53011 (Fire Dept) INFORMATION TECHNOLOGIES  
\$19,359.87  
12402-53008 WEIGHTS & MEASURES SERVICES  
18,000.00  
TOTAL: \$37,359.87

**Addendum:**

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

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

*Brenna Murphy McLee*

City Clerk