

REGULAR MEETING OF THE CITY COUNCIL

March 21, 2023

The meeting was called to order by President McGee at 7:08 PM

The Clerk called the roll. Absent members: 0 Present Members in person 11 (Anderson-Burgos, Bartley, Givner, Jourdain, McGee, McGiverin, Murphy-Romboletti, Puello, Rivera_I, Rivera_J, Tallman). Present Members on Zoom 2 (Maldonado Velez, Vacon).

The Pledge of Allegiance was recited.

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

PUBLIC HEARING

Motion was made and seconded to open the public hearing.

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.

UNDER DISCUSSION:

Vincent O'Connell stated that they were planning to install a pole that would have equipment to be used for backup to the circuit in the area, as well as helping with a couple backyard service relocations. He added that they sent letters 2 1/2 weeks earlier to residents abutting the area within 300 feet.

Councilor Jourdain asked if residents provided any feedback, questions, or concerns.

V. O'Connell stated that they had not received responses but that he had spoken with a few residents who expressed that they were fine. He added that they were working with them on their services.

Councilor Bartley asked him to identify himself and provide his address.

V. O'Connell stated that he resided at 99 Suffolk Street, and was Electrical Engineer for HG&E.

Councilor Bartley asked if 45 feet was standard height of a pole.

V. O'Connell stated that it was for this specific area because it was for backbone, which was their main line for the circuit of that area. He added that the equipment they were installing on it required a 45 foot pole for clearance for the personnel working on it.

Councilor Bartley asked what necessitated the request.

V. O'Connell stated that they were working on upgrading the circuit from a lower voltage to a higher voltage. He added that they were adding in distributed automation to help with outage management. He further explained that if there was an issue downstream on the existing circuit, this would close and would be backed up by another circuit to bring customers back online sooner.

President McGee asked if there were any members of the public seeking to speak on the issue.

Motion was made and seconded to close the public hearing.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2
(Maldonado Velez, Rivera_I).

Motion was made and seconded to suspend the necessary rules to take up Public Comment out of order.

PUBLIC COMMENT

(6:25)

Steve Superba, 17 Glen Street, stated that he had lived there for 35 years and had voted in every election, and had paid his fair share of taxes as a homeowner. He then expressed his disappointment after reading the Municipal Resources Inc. (MRI) report on Police Department risk review. He further explained his disappointment in the Chief of Police. He then noted that the chief's employment contract established that his primary role was manager. He then then suggested that the report outlining deficiencies and liabilities established that they were the manager's responsibility. He then stated that while he was not seeking to disparage or vilify Chief Pratt, he believed that Chief Pratt was underperforming and that the shortcoming were the result of unwillingness or inability to perform. He also expressed concern that supervisors were being provided little training as they were promoted within the department. He noted that the report provided feedback from department employees who questioned promoting people based solely on test results without consideration for other attributes.

Dimarys Seymour, 11 Village Road, read from an email sent to her Ward 5 councilor. She then expressed thanks to Councilor Vacon for a flyer sent out and for her commitment to the ward. She then stated that she was a resident and also an employee for the city who fell under Schedule A. She then asked for support for amending the vacation ordinance. She emphasized that when she started working with the city having over 20 years of experience, she received only 10 vacation days. She further emphasized that family and work balance was valuable. She further stated that time off with family was important for being able to reset and rejuvenate in order to be a better team player. She then stated that she looked forward to continuing to work with councilors and employers to make the city great.

Vadim Tulchinsky, 801 Dwight Street, stated he was from Urbanist Development. He then asked for consideration of a CPA application to restore the Wernick Furniture building. He then stated that when he moved to Holyoke a decade ago, it was because he fell in love with the city's architecture and its promise. He then explained that he wanted to help restore the iconic buildings. He then explained that he watched bulldozers tore down 111 High Street across the street from him. He then suggested that the best way to save Holyoke's historic treasures was to put them back on the city's tax rolls. He then explained that their ask of the CPA was to match 50/50 of their funds with the city's to help save the Wernick Building's historic facade. He further explained that the investment would restore a historic facade for future

generations, leverage federal dollars to build 19 badly-needed apartments, and add additional \$30,000 of taxes into the city's treasury every year.

Lourdez Martinez, Maple Crest Circle, stated that she worked as assistant treasurer for the city. She then asked for consideration of schedule A employees and their vacation time. She then emphasized that the employees worked hard for the city and it would be great for that hard work and dedication to be recognized.

Deb Brunelle, 18 Dexter Street, stated that she worked under Schedule A and wanted to speak up for all employees under that schedule who had been long forgotten in terms of salary and benefits. She suggested it would be beneficial to increase benefit for new employees to attain quality, experienced, and educated employees. She added that it would help retain long term employees, adding that the cost benefit would outweigh the immediate cost of giving the benefit and would save money in the long run in the costs of hiring and training. She noted that many employees had left other sectors to work for the city and had often given up many benefits.

President McGee read from an email sent by George Mettey:

"As President of the Holyoke Public Library Corporation, I support the ordinance which increases the amount of vacation time the city may give to prospective applicants as well as current employees who have experience. This is one area where the city may be competitive with other cities or private industry to attract and to retain qualified candidates. It is a tool we should take advantage of."

LAI D ON THE TABLE

(16:10)

Motion was made and seconded to remove item 2 from the table.

From City Solicitor Lisa Ball: Update on outside legal fees from period of 11/4/22 to 2/3/23.

Councilor Bartley stated that this was a follow up to an order he filed asking for a communication documenting legal fees incurred as a result of actions pertaining to the Dunkin Donuts/Log Cabin project and votes of the Planning Board. He also asked that the Council be updated every quarter. He noted the first ones received showed the total legal fees resulting from the vote, which was still pending in the Superior Court. He added that the costs for outside legal counsel had added up to \$74,545 at that point. ---> Received.

Motion was made and seconded to remove item 6 from the table.

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

Councilor Bartley stated that he had received a communication from the owner expressing that they did not support this application. He questioned if it had gone to other councilors or to the Clerk's office.

President McGee stated that nothing had been received by the Clerk to send to the Council.

Councilor Bartley suggested that it be left on the table to allow him to forward the communication to the Clerk.

---> Laid on the table.

Motion was made and seconded to remove item 7 from the table.

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

Councilor McGiverin stated that the information was received but that there may have still been an open question.

Councilor Jourdain stated that the mayor was asked to produce a list. He noted that a request had been made during public comment that CPA funds be used for a private project. He noted that some believed historic preservation on public buildings should be done first. He then stated that a list was still needed to detail public projects the CPA funds could be used on. He noted that the CPA explained they were giving funds to private organizations because they had not been given a shovel ready list of public buildings to give the funds to. He noted that the murals in the Council chambers were peeling off the walls as one example.

Councilor Rivera_I stated that while he agreed there should be a list of projects to tackle through CPA, they could not take the initiative without department heads applying for the funding. He noted that the Parks and Recreation Department and the Conservation and Sustainability Department were the only ones applying for funds.

Councilor Givner recalled that it had been discussed that departments did not have grant writers. She echoed the sentiment that people needed to apply for funds to receive them.

Councilor Jourdain emphasized that the problem was that there wasn't a list, and nobody was applying for the funds. He suggested that solution included getting a list so that the CPA wasn't turning to non-public projects. He suggested that the matter could be tabled to give time to communicate with the mayor to seek a list of priorities.

Councilor Bartley noted that there were a lot of follow up questions and suggested that a more in depth discussion should happen in committee.

Councilor McGiverin stated that Finance could take up more discussion if that was the interest of other councilors. He suggested that community preservation should include helping historic buildings in the city.

Councilor Givner emphasized that having a list would not create applications for the funding. She then questioned the holding up of funding while the city worked on getting departments together. She noted that there were many new department heads who may not be ready for that yet. She added that while a list was important, it would be better if it were used for the next round of funds.

Councilor McGiverin clarified that projects and funding would not be held up if a list was not produced. He noted that a list of CPA recommended projects was on that evening's agenda.

Councilor Bartley reiterated that the matter should be referred back to Finance.

Councilor Vacon stated that as an example, the mural in Council chambers should be on a list. She noted that there wasn't clarity as far as who would be the point person for that project and that more discussion would help get more focus on that.

Councilor Bartley made a motion to amend the order to ask who the appropriate department would be to apply for funding mural restoration in Council chambers.

---> Report of Committee received and referred back to the Finance Committee.

Motion was made and seconded to remove item 8 from the table.

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%.

Councilor McGiverin stated that the Council was still in a good time frame to get language to vote on and meet the final deadline. He noted that the Law Department was still working on it.

Councilor Bartley stated that the City Solicitor should advise on when the language would be ready.

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

Atty Degnan stated that it could be done by end of April if that worked.

Councilor McGiverin stated that the most important detail was if it worked for the City Clerk.

Atty Degnan stated that she could work to get it earlier if that was an issue.

Councilor Jourdain stated that the question was already worded from when it was first done on the initial ballot and that it was just a matter of changing a couple words. He questioned why it would take 2 months when other more complex things were turned around in 2 weeks.

Atty Degnan stated that part of the issue was that they were dealing with deadlines that dealt with litigation. She suggested that she could get it done in the first part of April.

Councilor Jourdain requested that it be done by the first meeting in April.

Councilor Bartley asked if it would be sent as a communication to City Council to be acted on that night, or if it would have to go to committee.

Atty Degnan stated that it had to go before the Council for a vote before it could be put on the ballot. She then deferred to the Council procedure on if it had to go to committee first.

Councilor Bartley suggested that it could be received at the first meeting in April and the Council could decide then if it needed to be referred to committee. He suggested that it did not matter what committee received it but that if it were sent to committee, it could then be referred back to Council for the second meeting in April or even the first meeting in May. He emphasized that would be getting close to budget time.

Atty Degnan stated that the Council will have it by the first meeting in April.

Councilor Vacon noted that it was already referred to the Finance Committee and they recommended it out for proper legal form.

Councilor McGiverin echoed that point. He noted that they had used the Ordinance Committee format by referring it to the City Council and asked the Law Department to draft the language. He then emphasized that the recommendation was a short and concise question with the option to reduce it to 1%.

Councilor Rivera_I questioned why the matter wouldn't go to Charter and Rules after the language was provided.

President McGee stated that it was being taken up in Finance like the last time CPA was handled.

Councilor Rivera_I expressed his understanding that ballot questions had to come out of Charter and Rules.

President McGee reiterated that because there were already CPA orders in Finance, it was taken up with those. He added that they then recommended it out to do the ballot question.

Councilor Rivera_I stated that as it was going to be on the ballot, he suggested that it should be done the right way.

President McGee clarified that it had been DGR that handled it the first time.

Councilor Rivera_I asked if it should have been Charter and Rules. He then explained that the intent of his questions was to understand the process.

Councilor Jourdain emphasized that a full discussion of this item took place in the Finance Committee meeting, including a whole presentation of the CPA's history of projects given by Megan from the CPA Committee.

President McGee noted that a bat was flying in the hallway.
---> Laid on the table.

Councilor McGiverin stated that item 9 could remain on the table, noting it was the reason the ballot discussion took place in Finance.

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
---> Laid on the table.

President McGee stated that item 10 would remain on the table as they were still waiting for an update.

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.

Motion was made and seconded to suspend the necessary rules to remove items 3 through 5 from the table and take up with item 12 as a package.

From Kathleen Degnan, legal for Vacation Leave

---> The Ordinance was passed to be enrolled.

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

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --
Yeas 8--Nays 4 (Bartley, Jourdain, Puello, Vacon)--Absent 0--Abstain 1 (Anderson-Burgos).

From Kathleen Degnan, legal form for Additional Staff

---> The Ordinance was passed to be enrolled.

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

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --
Yeas 8--Nays 4 (Bartley, Jourdain, Puello, Vacon)--Absent 0--Abstain 1 (Anderson-Burgos).

From Kathleen Degnan, legal form for Personal Day

---> The Ordinance was passed to be enrolled.

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

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --
Yeas 8--Nays 4 (Bartley, Jourdain, Puello, Vacon)--Absent 0--Abstain 1 (Anderson-Burgos).

Councilor McGiverin questioned if the ordinances that had been laid on the table at the last meeting was on the agenda.

President McGee clarified that items 3, 4, and 5 were those items.

Councilor Anderson-Burgos stated that he would be abstaining from the votes.

President McGee noted that the passage to ordain was where the votes were left off at the last meeting.

Councilor McGiverin emphasized that while there could be procedural discussion, there was no debate on the final vote to ordain.

Councilor Jourdain made a point of order and clarification. He then expressed his intent to address a legal opinion just submitted. He noted that an earlier legal opinion a couple meetings earlier advised a councilor that he could vote only to have that be inaccurate. He then referred to the legal opinion on the agenda that evening provided as a result of a request by the mayor. He then stated that while he did not object to the mayor asking for one, he did object to the opinion and found it to be groundbreaking in its scope. He noted that it spoke on the votes required under the City Council's rules to have a 2/3rds vote. He noted that rule 8K required a 2/3rd majority for adoption. He suggested that the Law Department was adding words to the rule that did not exist in the rule. He then read from the rule: "Motion that the Legal Form be Ordained, by a 2/3 supermajority of the full Council." He noted that as there were 13 on the full Council. He further noted that the legal opinion suggested that if someone did not show up or vote, an item could be passed with fewer votes. He suggested that this was not allowed. He added that the Council rules had a definitions section. He then stated that section 1-A-iii stated "All votes of the Council or any of its committees requiring a 2/3 or more supermajority shall require that same supermajority of the entire membership." He then emphasized that the reason the Council did this was to avoid gamesmanship where a smaller number showed up and an item could pass with a 5-2 vote, as an example. He emphasized that everyone was required to vote unless they had a conflict of interest. He then asked that the Chair uphold the rule when the vote on these items take place.

Councilor Bartley suggested that the legal opinion was not on the agenda.

Councilor McGiverin stated it was item 12.

Councilor Bartley noted that item 12 referred to a letter from the mayor on the legal opinion but did not reference the opinion itself. He suggested that the opinion was not properly before the Council. He then noted that in the legal opinion, state law was referenced, specifically MGL c. 4 § 6, stating "wherever action by more than a majority of a city council is required,...action by the designated proportion of the members thereof, present and voting thereon, in a city having a single legislative board, shall be a compliance with such requirement." He then suggested that the editing of that section left out a section which stated, "unless their observance would involve a construction inconsistent with the manifest intent of the law-making body." He suggested that the manifest intent of the body was clear in the rule requiring a 2/3 be based on a count of the entire membership. He expressed amazement that the legal opinion left out that specific section of the state law. He then emphasized that while he supported the intent of the orders and supported city employees, he found the procedural way this was handled to be unprecedented in his time in office. He expressed concern that these were not taken up in Ordinance Committee for discussion with a referral back to the full Council for a vote. He suggested it was not a fair way to go about it, leading to unnecessarily lengthy meetings. He then expressed a hope that the items would be sent to the Ordinance Committee for a fair hearing.

Motion was made and seconded to suspend the necessary rules to also take up item 12 out of order and allow the Law Department to explain the opinion.

From Mayor Joshua A. Garcia, letter for legal opinion on Voting Requirements.

President McGee read from the mayor's letter:

"Honorable Councilors:

I have been following the City Council meetings regarding proposed ordinance changes and some of the procedural questions that have come up during these meetings. Based on the fact that the City Council rules were updated on June 21, 2022, I asked the legal department for an opinion on what is required procedurally for an ordinance to be passed by the City Council. The opinion is attached as a communication from me."

Councilor McGiverin asked who the legal opinion was addressed to.

President McGee stated that it was addressed to the mayor.

Councilor McGiverin asked to confirm that the mayor submitted it after receiving it from the Law Department.

President McGee stated that was accurate.

Atty Jane Mantolesky stated that she was fairly new to the Law Department and would discuss the legal opinion, noting it was a collective effort by the department. She then stated that she had done the bulk of the research. She then stated that while she appreciated the comments and concerns being expressed, she suggested that rule 8.K provided language that conflicted with the definitions rule, 1.A.iii. She then explained that when looking at a conflicting document, the next step would be to refer to state statute, case law, and Robert's Rules of Order. She further explained that when there is ambiguity, qualifications must be looked at. She then stated that in 8.K, the rule stated "full Council voting." She then suggested that in looking at statute and case law, the Law Department found that the only reasonable interpretation of this language was that this would mean the full Council present and voting. She emphasized that this was ingrained in case law and also could be found in Robert's Rules of Order. She then stated that she also looked at a 2012 case which addressed when a City Council procedural rule was in conflict with state statute. She noted that the case held that City Council rules were merely guidance systems for the Council and could not supersede statute. She suggested that if the Council wanted to designate what was meant by 2/3, they should do so through ordinance so that it could be protected by the home rule amendment. She reiterated that a City Council rule was procedural and could not trump a statute that was clear and conflicting.

Councilor Jourdain asked Atty Mantolesky how long she had worked for the city examining the rule and procedures of the City Council.

Atty Mantolesky stated that she had worked for the city for 4 months but had been practicing law for 15 years.

Councilor Jourdain stated that he had been with the Council for 26 years.

Atty Mantolesky reiterated that she had been practicing law for 15 years.

Councilor Jourdain stated that in 26 years, he had seen how things work and that the matter had been studied extensively. He then asked if she was aware that the City Charter was a part of the Acts of 1896 and was a state law adopted by the state legislature. He then suggested that this was amateur hour.

Councilor Murphy-Romboletti questioned if the Council was allowed to talk to city employees this way.

Councilor Jourdain stated absolutely...(inaudible)

Atty Mantolesky stated that she had looked at the Charter.

Councilor Jourdain asked if she was aware that it was part of the Acts of 1896.

Atty Mantolesky stated that she did not have the specific date of the enactment but had confidence that he did.

Councilor Jourdain asked if it was her suggestion that the way the City Council governed itself under the Charter was inconsistent with state law.

Atty Mantolesky stated that if Charter made reference to this requirement, then under the home rule amendment, ordinances can be more specific than statute. She then emphasized that this was not an ordinance and was not within the Charter but was a procedural rule.

Councilor Jourdain asked if she understood that procedural rules were governed under the powers laid out in the Charter.

Atty Mantolesky offered to reference the case.

Councilor Jourdain suggested that he did not need her citations.

President McGee called for order and emphasized that questions were to be asked regarding the opinion.

Councilor Jourdain asked if she had read the definitions section of the rules and the specific definition in question.

Atty Mantolesky stated that she had.

Councilor Jourdain asked her opinion of the wording which required a 2/3 vote be based on the entire membership.

Atty Mantolesky stated that it conflicted with the language in 8.K.

Councilor Jourdain asked for an explanation of the conflict and how it was ambiguous.

Atty Mantolesky stated that entire membership would include everyone present or not present, abstaining, voting or not voting. She then reiteration that the qualification on the Rule 8.K was what had to be utilized under Robert's Rules. She then emphasized that disagreeing with the opinion did not mean it was incorrect.

Councilor Jourdain suggested that the Law Department was almost always incorrect. He then reiterated that the Law Department gave a legal opinion a month earlier stating that there was no conflict.

Councilor Rivera_ I asked if they were correct when they told him that he had to resign from his job in the schools.

President McGee called for order, noting that the matter was getting information from the Law Department on the legal opinion.

Councilor Jourdain reiterated his question.

Atty Mantolesky stated that he would have to speak to the specific attorney.

Councilor Jourdain asked if it was her testimony that they handle opinions as a group.

Atty Mantolesky stated that it was not.

Councilor Jourdain apologized if the questions were too hard but that they needed to be asked.

Atty Mantolesky stated that she was happy to answer the questions.

Councilor Jourdain asked if she was aware of the practical application of the rules and if that was taken into consideration on how they had worked for the last 100 years.

Atty Mantolesky stated that if he was concerned with it being a law, it should be enacted by ordinance.

Councilor Jourdain asked for an example of a Council in Massachusetts had its internal rules adopted by ordinance.

Atty Mantolesky clarified that she was referring to rules that related to voting and the requirements for passage of ordinances. She also noted that there was a recent Supreme Judicial Court (SJC) ruling with respect to rules on decorum which stated that regardless of City Council rules, the state constitution provided for a right of free speech.

Councilor Jourdain noted that he had an order later on the agenda with respect to the ruling. He then asked her to cite any other Council in Massachusetts that had their rules on voting in an ordinance.

Atty Mantolesky stated that she could look at that but could say that as she worked for the city of Holyoke, she looked at the city's ordinances and rules.

Councilor Bartley referred to rule 1.A.iii which stated that all votes of the City Council requiring a 2/3 or more supermajority shall require the same supermajority, emphasizing “all votes.” He then questioned how it was ambiguous.

Atty Mantolesky stated that this section was conflicting with rule 8.K.

Councilor Bartley referred back to the state law, which stated, “unless their observance would involve a construction inconsistent with the manifest intent.” He then emphasized that it had been the practice of the body for decades that it was 2/3 of the whole membership. He then asked if that practice had not been taken into account.

Atty Mantolesky stated that while she understood what he saying, she believed that the prior rules from 2017 made it clear that it was the entire membership. She then emphasized that the ambiguity was not with respect to votes but with respect to the qualification in rule 8.K that the passage be qualified by those voting.

Councilor Bartley referred back to rule 8.K, which stated, “(1) Motion to pass the first reading, by a majority of the full Council, (2) Motion to pass the second reading by a majority of the full Council, and (3) Motion that the Legal Form be Ordained, by a 2/3 supermajority of the full Council voting in a recorded roll-call vote.” He then noted that as a practice, it had been voice votes for the first and second readings but a recorded vote for putting items into ordinance. He suggested that her interpretation was not fair or reasonable when taking into account that the words “votes” and “voting” were being parsed. He suggested that the Law Department was coming to their desired conclusion. He also suggested that the body would have gotten to that point through regular order. He then stated that the Chair would need to rule on the point of order. He also suggested that the rules had not changed drastically from 2017. He reiterated that he did not believe the rules were ambiguous or that state law trumped the rules. He also emphasized that the 3 sitting councilors who had served as presidents had always ruled that it was 2/3 of the entire body.

Atty Mantolesky thanked him for his candor.

Councilor Murphy-Romboletti emphasized that Atty Bissonnette had never been spoken to in the way Atty Mantolesky had been spoken to. She recalled that she had disagreed with an opinion on a matter related to Girls, Inc but had not insulted the Law Department or anyone else in Council chambers. She also emphasized that this was a work environment and if anyone had screamed at her at her full time job, she would have filed a complaint for a hostile work environment.

Councilor Jourdain invited her to file a complaint.

Councilor Murphy-Romboletti demanded that he not talk to her like that.

President McGee called for order.

Councilor Murphy-Romboletti stated that he was being unreal, adding that she was done because was she not interested in having a temper tantrum.

Councilor Givner echoed that some behavior had been uncalled for. She emphasized that she could say what she needed to say without screaming at anyone and tried to avoid being offensive to people. She then noted that while free speech was important, there was a big difference between the tone and etiquette being used. She added that it was not appropriate to attach one another. She then questioned the notion that someone who had been around for over 20 years would know better. She then pointed out that this had not been the first time there were discrepancies, noting that they often saw language during work in the Ordinance Committee that often did not make sense, particularly with respect to different zoning sections completely conflicting with one another. She then emphasized that the Law Department had a big job and that the city had been understaffed for a long time. She also expressed appreciation to many new employees who were pulling a lot of weight. She added that if zoning language and other ordinances sometimes did not make sense, she suggested that sometimes legal language may not match up. She then expressed that she was in favor of the proposals up for a vote. She then observed that the opinion said, "voting members present." She also suggested that many areas of language within the city merited more discussion. She then expressed a hope that there could be more decorum even if free speech meant that they did have to.

Councilor Vacon stated that when the rules were reorganized, none of the language was changed in the last revision. She added that prior to that, with respect to voting, two of the steps were eliminated because it had been a much more complex process for passing an ordinance. She emphasized that in neither case was the language changed. She then noted that a discussion had taken place recently regarding this specific rule and the result was leaving it in place as stated. She then noted that the Council had been advised in the past that the rules could be more strict but could not be more lenient than the state law. She also noted that when the Council had been 15 members, 10 votes had been required to pass any ordinance, adding that it had been 9 votes required since the Council went down to 13 members as a well understood practice. She reiterated that no changes to the language had been made but that they were reorganized for better flow and making sense of them. She stated that while she appreciated the opinion, she took it as just an opinion and disagreed with it as a matter of practice. She suggested that it turned all the ordinance votes taken in the past on their head. She also suggested that it would not help the body come to better decisions.

Councilor McGiverin recalled during his tenure as president, they would often refer to rule 35. [For clarity, this order referenced ordinances, orders, resolutions, or votes involving the appropriation or expenditure of money.] He recalled that rule 35 was adopted to clarify what was required when there were multiple readings on the same evening, notably that the second reading would require 2/3 vote in such a situation. He added that if there was a simple majority vote, they would table after the first reading and then adopt it with a simple majority at the next meeting per state law. He then stated that some ordinance changes should require 2/3rd majority but others such as handicap sign should not be necessary. He reiterated that he always understood the 2/3rd to be based on the readings and when they took place. He noted that the readings of these orders had taken place during 3 separate meetings and that they were now on the vote to ordain. He also emphasized that according to state law as described to him by former City Clerk, Jimmy Shea, the final vote is the final vote.

Councilor Maldonado Velez recalled that a discussion on this topic took place in Charter and Rules the previous year, initiated by an order filed by Councilor Anderson-Burgos as well as an earlier order filed by former Councilor, Rebecca Lisi. He then expressed frustration at the current discussion, noting that a legal opinion was not sought at the time because new councilors didn't know about asking for one and had to rely on the experience of those who had been around longer. He noted that the same councilor who just had an outburst had said last week that they relied on 30 year old legal opinions and then was attacking the Law Department when an opinion came out that he did not agree with. He then suggested that the matter needed to be voted on. He also suggested that legal opinions were being asked for all the

time and then the Law Department was being criticized for not having materials ready when they were asked for.

Councilor Jourdain suggested that there was no ambiguity in the rules but was being conjured on by the Law Department who were biased in the matter as the number one recipients of additional leave time. She added that they were pushing for these changes since the beginning and were able to get the legal forms ready in two weeks but took months to get things back for a CPA opinion. He then emphasized that he did not mean to be disrespectful if people were confusing harsh questions for disrespect. He then stated that he will continue to ask direct and tough questions because he knew the rules. He then stated that with respect to what Councilor McGiverin stated, he suggested that this was not about timing but about an interpretation of the words "full Council" and "the entirety of the membership." He reiterated that there was no ambiguity, adding that it was inappropriate for the Law Department to interject ambiguity. He reiterated that the rule 1.A.iii in the definitions was crystal clear what was meant by "entire membership" and that it had been clear for decades. He then called on the president to uphold the rule on this. He also emphasized that he had given 26 years of his life to this institution and had no issue losing a vote but wanted to see the rules applied fairly and evenly. He added that doing anything other than that would question the integrity of the institution. He then stated that this was manipulation of the rules.

Councilor Rivera_J expressed an apology to Atty Mantolesky for what she found to be disrespectful. She then offered an apology to the taxpayers of the city. She added that everything happening in the chambers was disrespectful. She then stated that a legal opinion was asked for and Atty Mantolesky was getting belittled. She then stated that it did not make a difference who had 4 months or over 20 years. She then emphasized that the Council should be voting on what city employees deserve and had worked hard for. She then suggested that the real issue was that people were pissed off that the matters did not have a vote in Ordinance and they wanted to blame everyone for it. She further emphasized that people voted for everyone there to do their job. She then suggested that some councilors like to dig dirt up on other people, adding that she was there to work for the city. She noted that Atty Mantolesky had not been the only one to be disrespected, noting that many board members have been spoken to disrespectfully. She then emphasized that screaming at people needed to stop.

Councilor Rivera_I offered an apology, noting that he sometimes gets heated. He suggested that if it were him screaming, he would be in the paper the next day described as the angry black man. He then stated that while heated debate will happen between councilors, it was appalling for a city employee attending to do their job.

President McGee noted that the mayor reached out to the Law Department and asked a question, they looked into it and provided a legal opinion that was signed off by the City Solicitor, Lisa Ball. He asked to confirm she agreed with it.

Atty Ball confirmed that she did.

President McGee stated that it had been standard procedure that when a legal opinion was needed, it was asked for. He then stated that while he understood how things had been, there were several other examples of the Council believing it was doing things the right way until finding out it was not. He then suggested that a legal opinion was not designed to be biased. He also noted that as an attorney, he took an oath that when giving an opinion, he would do so in compliance with the laws of Massachusetts. He noted the SJC was now saying that people can say whatever they want in a meeting, even swear, but that he was asking councilors not to do that. He also noted that he had known Councilor Jourdain for years and was sure he was speaking out of passion. He then stated that when he looks to the Law

Department for an opinion, he was asking them to do the research and give their best opinion. He emphasized that the mayor has asked for the opinion because he noticed some questions and wanted some guidance. He recalled this topic was discussed the previous June because there was concern on what votes were and what was a majority. He then emphasized that the Law Department was now explaining what the issue was and the way to fix it which would be by ordinance to avoid ambiguity. He then stated that he would defer to what the Law Department was saying.

Councilor Jourdain emphasized that the rules said "entire membership" and "2/3." He then suggested that the Law Department had been wrong numerous times over the years. He added that some Law Department opinions had reversed earlier opinions. He also emphasized that this opinion had ramifications not just for the current vote but going forward as well. He then asked President McGee what he saw as ambiguous. He emphasized that the opinion of President McGee, as President, is the opinion that counted.

President McGee stated that he would defer to the earlier discussion of rule 35 and the distinction when readings were taken up on the same night or the majority would change when taken up on separate nights. He suggested that is what this was looking at. He noted that sometimes the motion will be made to receive, pass the first reading, and then send to committee when an order is first received. He reiterated that the Law Department had provided the path to address the issue, which was to pass an ordinance.

Jourdain asked if it was his argument that the rules don't apply unless they were made into ordinance.

President McGee clarified that based on what was before the Council, he was going to side with the legal opinion.

Councilor Vacon asked if this meant that they would not need a 2/3 vote to create that ordinance but just a majority.

President McGee clarified that the opinion meant that if the Council wanted 2/3 to represent the full body, it would have to be in ordinance.

Atty Mantolesky stated that the issue was that there was a statutory authority that was different than the rules. She added that rules cannot be more restrictive than a statutory authority unless they were codified in ordinance under the home rule amendment. She also emphasized that they were stating that the rules had no basis but when a state law was in conflict with the rules of procedure, those rules could not trump the statute. She reiterated that it would be different if it were an ordinance.

Councilor Vacon asked to clarify that this meant the 2/3 rule did not stand up. She then suggested that this meant future ordinances could be passed with a simple majority.

Atty Mantolesky clarified by reading from the state law, Chapter 4, Section 6, that when you have more than the majority, it was "the designated proportion of the members of each branch thereof, present and voting." She further clarified that it was not that the body could not require 2/3 but that there was the qualification of present and voting.

President McGee asked what the Council would need to draft for ordinance form in order to address the issue.

Atty Mantolesky stated that once drafted into ordinance, it can say "entire membership." She added that if trying to pass an ordinance through the current rules, the Council had to follow the statutory language of "voting and present."

Councilor Vacon asked what that would look like if the Council was to create an ordinance based on the Law Department's interpretation of the statute.

Atty Mantolesky stated the ordinance can have language that specifically said "2/3 of the entire membership."

Councilor Vacon stated that while she understood that, she questioned what would need to be done procedurally in order to pass that ordinance.

Atty Mantolesky stated that it would have to be 2/3 present and voting.

President McGee clarified that when filing for a new ordinance, the body would need 2/3 of those present to vote for it.

Councilor Vacon asked what the difference would be between what was being done that night and what would need to be done to pass a new ordinance. She suggested it was contradictory.

President McGee emphasized that they were trying to fix the interpretation and the rule going forward.

Atty Mantolesky stated that the body would be codifying the rule.

Councilor Vacon stated that while she understood that, she sought to understand how it would be passed. As an example, how many votes would be required if there were 10 councilors in the room.

Atty Mantolesky stated that with 10 councilors present, it would require 2/3 of those 10.

Councilor Vacon asked to clarify that if only 10 were in the room, it would not require 9 votes.

Atty Mantolesky stated it might be 6 or 7.

Councilor Vacon then stated that she understood what was being said.
---> Received.

COMMUNICATIONS

(1:56:15)

From Mayor Joshua A. Garcia, letter reappointing Mr. Jeffrey A. Trask, 28 Central Park Dr. to serve as the Emergency Management Director for the City of Holyoke: Mr. Trask will Serve a one year term; said term will expire on May 2024.

Councilor Bartley noted that he and Mr. Trask were planning on working to draft an ordinance relative to emergency preparedness.

---> Received and appointment confirmed.

Memorandum of Agreement by and Between the City of Holyoke and NAGE R1-180, Clerical Union.

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

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. to City Council minutes of March 7, 2023.

Councilor Bartley thanked the administrative assistant for numbering the pages.

---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 15 and 22A as a package.

2023 CDBG Allocation Spreadsheet- DGR Recommendations

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

The Committee on Development and Governmental Relations to whom was referred an order From Alicia M. Zoeller, Administrator, Office of Community Development, FFY2023 CDBG Proposal Book

have considered the same and Recommended that the allocation recommendations and the resolution accepting the home funds be adopted.

Committee Members:
Tessa Murphy-Romboletti
David K. Bartley
Joseph McGiverin
Jenny Rivera_J
Linda L. Vacon

UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that the meeting was very efficient, with the committee tending to agree with the recommendations of the Citizens Advisory Committee (CAC). She then emphasized that there many fantastic applications and a lot of worthy organizations doing important work. She noted that HUD approved the city for a little over \$1.2 million. She then stated that the main difference for the DGR Committee was adding extra emphasis on supporting domestic violence services.

Councilor Bartley stated that he often tended to defer to the CAC to make the decisions. He then noted that while he usually had a collegial relationship with mayors relative to this issue, he found there were a couple places where things went off the rails. He stated that they had always supported Alianza in the past and while the mayor and CAC were recommending not to, the committee recommended fully funding them. He also emphasizing the importance of getting proper crosswalks, sidewalks, and handicap accessibility coming from High Street, to the I-391 interchange, and up to the South Street shopping plaza. He further emphasized the issue with seeing parents pushing strollers up the street in the road. He then stated that multiple engineering opinions had confirmed that it the interchange was not

Commonwealth property but city property, and that it was up to the city to figure out how to make it safe. He noted that it was both ARPA and CDBG eligible. He added that regarding the Springdale Park spray pads, the committee cut back from the mayor's recommendation, noting that there were supply chain shortages to get the parts needed. He added that \$175,000 was recommended so that the ground could be prepared and the rest of the work could be funded the following year.

Councilor Rivera_I noted that this would mean there would be no spray pads for kids in the Springdale Park area for the coming summer. He then stated that this would mean those kids would have to walk up to Pouliot Pool to cool off. He stated that while he understood the reasoning, a master plan was presented four years earlier and the work was behind on getting done. He then noted that regarding the \$215,000 recommendation for McMahon and Lawrence Schools, he stated that while they did need a new park, they could also apply for CPA funding. He added that the schools had already received ESSR and ARPA funding. He further questioned what the plan for the park behind Lawrence School was if it was taken offline.

Councilor McGiverin commended Councilor Murphy-Romboletti for managing the meeting well. He then emphasized that while the committee's recommendations were important, they were not binding. He recalled that in past years, the federal government had provided close to \$7 million in CDBG funding. He added that the current year's funding was \$1,230,146. He further emphasized that every project had merit. He then noted that the most important vote was adoption of the resolution allowing the mayor to allocate the funds as well as adoption of the home investment partnership program. He emphasized that in the partnership with Chicopee and Westfield, Holyoke was receiving the lion's share of the funding.

Councilor Bartley clarified that the committee was in support of the spray park but due to the situation, they wanted to at least get the site prepared and be able to allocate the rest of the funds elsewhere. He also emphasized that nobody would be turned away at Pouliot Pool for lack of financial resources. He then stated that this was the first time the committee had not recommended funding the neighborhood improvement program. He added that there were already resources in place for their applications and they would be good to go for this year.

Councilor Tallman noted that funds were often reallocated after not being spent in past years.
---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

FY23 Community Preservation Act Committee Recommendations

Councilor McGiverin noted that the communication was the CPA's list of recommendations for the Council to give its approval. He then recalled that in previous years, the Council's representative on the CPA filed an order in their name with the recommendations attached. He then asked if it was necessary procedurally.

President McGee recalled that while former Councilor Sullivan had usually filed an order, the Council had received recommendations as a communication as well.

Councilor McGiverin stated that he was fine if everyone was comfortable, but that he wanted to assure nothing held up the process.

Councilor Rivera_I stated that while he could file under his name, he was under the understanding that there could be an issue with a councilor voting for the recommendations at the CPA meeting and then voting for them again in Council. He noted that no other community had a councilor on their local CPA.

President McGee noted that Admin Asst Anderson-Burgos looked up the previous year's recommendations and found that it had been submitted as a communication.

Councilor Rivera_I stated that he had seen it done both ways, but believed it made sense that he should not be voting on them twice.

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

Proposal to Erect a Plaque at Edward Holyoke's Grave.

---> Received and referred to the Mayor.

PRESIDENTS REPORTS

(2:17:00)

President McGee offered thanks to the St. Patrick's' Day Parade Committee, their award winners, the Police and Fire Departments, and everyone involved for the great parade weekend.

He then stated that the City Hall dedication ceremony would take place at 3 p.m. on April 6th as part of the city's 150th celebrations.

He then offered a reminder that anyone holding events in the city during the year were encouraged to submit their events on the 150th calendar at ExploreHolyoke.com.

He then stated that he was working with the mayor to get new furniture in the chambers. He added that the mayor was working to get the funds for someone to work on restoring the murals in the chambers.

Councilor Givner asked for outlets to be added.

President McGee stated that lighting and outlets would be worked on.

He then stated that Amie from the DPW had done an outstanding job leading the department as interim director while the city searched for a permanent director. He offered thanks and noted that the City Council was giving her a proclamation. He noted she had moved on to work as treasurer in Belchertown.

Councilor Tallman stated that the School Building Committee was in its schematic design phase, adjusting the model school project to the educational needs and the constraints of Holyoke. He added that they were also in the process of getting 2 cost estimates. He also stated that they had proposed vote language reviewed by the city's lawyers and the MSBA legal team. He then expressed their expectation that they would be submitting to the MSBA on April 27th for their June 21st meeting. He added that they would be filing with the City Council earlier that month in order for the Finance Committee to review financial details, including total cost, reimbursement, and cash flow. He then stated that there would be a public meeting on April 5th at Holyoke High School North at 5:30 p.m., as well as a virtual meeting on April 10th at 12 p.m. to present updates to the public.

Councilor McGiverin offered a reminder that the final vote would be an appropriation which would likely be a request to bond presented by the mayor. He then offered thanks to the Council for honoring the Parade Committee at the last meeting, noting it was extra special because his daughter, Kelly, was the O'Connell

Award winner. He noted that while he usually walks with the Council in the parade, tradition was that family members ride with award winners.

President McGee quipped that he usually finds himself several cars back from the Council.

Councilor McGiverin noted that former Lt. Governor, Tim Murray, had attended the Ambassador Breakfast before the parade. He recalled that while he had in office, he had walked the parade with the mayor and City Council. He noted that the state troopers guarding him had briefly mistaken the City Council president for Mr. Murray and were guarding him.

Councilor Rivera_J commended Councilor Murphy-Romboletti for getting over 200 sign carriers to sign up.

Councilor Murphy-Romboletti noted that 183 showed up on parade day.

Councilor McGiverin emphasized that it was the hardest job on the committee getting sign carriers.

Councilor Tallman remarked that Councilor Anderson-Burgos was the selfie king, taking posting 150 pictures online.

Councilor Anderson-Burgos stated that his highlight of the day was speaking at the Ambassador Breakfast, in which he described both Ireland and Holyoke as a pot of gold with a rainbow connecting the two.

Councilor Tallman noted it was a great job speaking from the heart.

REPORTS OF COMMITTEES

(2:27:30)

President McGee stated that there were no reports from the Ordinance Committee.

The Committee on Finance to whom was referred an order 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.

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 invoice for a prior fiscal year telephone use charges.
---> 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 (Murphy-Romboletti).
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, 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

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 funds had not been in the budget and this was to assure the necessary amount was there to cover the Chief's salary for the year in order to honor the contract.
---> 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, 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

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 was for the DPW to increase the amount of money for the consultant working on the issue of sewers and the related contract. He then stated that BPW chair, Mary Monahan, and the new DPW Director, Carl Rossi, presented on objectives and why these funds were necessary. He then explained that this stabilization fund comes from surplus funds from the previous year.

---> 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, 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

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 items were grouped together for discussion purposes. He then stated that the Auditor identified the surplus and assured it was available. He then explained that the information technologies funds were needed for an IT specialist used by the Police Department, Fire Department, and the DPW for their dispatching systems. He noted they can be very sophisticated. He further noted that the previous Fire Chief had been led to believe that the funds needed for this could come out of a knock down account but was later informed that it could not and that it needed to be more specific in the budget. He then stated that the weights and measures portion was additional funding needed for the purposes of the department's budget now that the department was active again.

---> 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 19E through 19H as a package.

The Committee on Finance to whom was referred an order From Rory Casey, City Treasurer, Moody's Credit rating for Holyoke.

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 Moody's was one of the rating services rating the city in terms of bonding. He then stated that the city had been downgraded, adding that they had been looking to downgrade the city more than they did but the mayor, auditor, and treasurer were able to work out things to avoid a deeper downgrade. He also stated that while it was important, the city was using Standard & Poor's ratings when it came to bonding and they kept the city at the same rating.

Councilor Jourdain stated that while people can naysay him for pointing out financial realities, these credit reporting agencies were picking up on the city's deteriorating financial status. He added that this would continue to cost the city in interest if difficult decisions were not made in the years ahead. He then emphasized that the city was heavily depreciated, was not reinvesting in the community, had a large cost ahead with the Retirement Board, and declining economics and financials in the community. He suggested that it remained to be seen if the City Council had the financial discipline to address it.

Councilor Rivera_I thanked Councilor McGiverin, Councilor Bartley, and Councilor Jourdain for their analysis. He then suggested that information was coming out that would allow the mayor and the Council to take steps necessary to correct things that had festered for a long time. He noted that the issues leading to the credit rating going down happened over the course of many years. He suggested that it did not have to be seen as a negative as the city now understood what needed to be done.

Councilor McGiverin noted that while the Moody's rating was important for the city's ability to borrow, he emphasized that part of the reason the city was downgraded was that they changed their formula and the downgrade was across the board for many municipalities. He then reiterated that Standard & Poor's had not downgraded the city.

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

The Committee on Finance to whom was referred an order 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.

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 Retirement Director, Anthony Dulude, discussed investments, goals, and projections, as well as a mandate to cut down on unfunded liabilities. He added that the city was on schedule to fully fund by 2035. He noted that everyone had taken a hit in terms of investments, but it had bounced back in the last quarter of the previous year. He added that the city was going in a good direction to get rid of the unfunded liability. He emphasized the importance of this, noting that Massachusetts had been trying to force municipalities out of their own investment schemes and put their funds into investments that the state would control, giving them more leverage. He further emphasized that the state had not been able to touch the city's retirement investments. He added that the Retirement Board was governed by the membership of retired employees and that the auditor was also a voting member, along with a member appointed by the mayor.

Councilor Jourdain commended the Retirement Board for addressing the unfunded liability question and trying to get it done as soon as possible. He then pointed out that their schedule was based on their financial status as of the end of 2021 and had not taken into account their stock market performance and their recent account balances. He noted they had updated the schedule to fully fund by 2033. He emphasized that this would mean a dramatic increase in the annual payments to the Retirement Board. He questioned if the tax revenue was coming in to pay for that. He suggested that the city was going to need to be able to make sacrifices instead of saying yes to everything. He added that the city was not experiencing the kind of new growth needed to cover the extra cost without difficult decisions made by the Council.

Councilor McGiverin suggested that consideration of the unfunded liability should be kept in mind when the Council takes up the budget in the coming months. He then emphasized that the issue was inherent from the beginning of the retirement system being implemented in Massachusetts because when it was implemented, nobody had paid into the system to backpay for the employees who were employed at the time even though they had become eligible for their years of service. He suggested that it may be reasonable for 2035 but Councilor Jourdain's suggested for 2040 may be more appropriate.

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

The Committee on Finance to whom was referred an order 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.

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 DPW Director, Carl Rossi, as well as BPW Chair, Mary Monahan, presented on recycling and land fees. He noted the surprise at learning that dual stream had been suspended the previous year without the City Council being informed. He emphasized that dual stream required paper to be separated from plastic and glass and was the purer and cheaper way to recycle. He added that the system experienced a glitch when China stopped accepting recycled materials. He further emphasized that recycling was the right thing to do both environmentally and financially, adding that it also was not part of the tipping fee from the trash transfer station but that the city sometimes can make money on recycled goods. He also stated that it was part of an ordinance.

Councilor Bartley noted that the city had allocated \$500,000 for new trash totes that would be made available for all residential owners in the coming year, similar to new recycling totes. He pointed out that former Mayor Murphy had used some ARPA funds to purchase around 100 of those recycling totes. He suggested that more should be purchased. He then emphasized that the switch single stream recycling had violated city ordinances and never should have happened. He added that the city had gone back to dual stream and that there would be serious enforcement of that.

Councilor McGiverin emphasized the importance of understanding the new way the waste was going to be picked up.

Councilor Tallman noted that 2 new recycling trucks had come in to go along with the new bins.

Councilor Rivera_I asked if the new bins were the small ones.

President McGee clarified they would be large bins.

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

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

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 Bartley stated that while this had been complied with, the city needed to do better in terms of billing, collections, and memorializing the agreements. He noted that the agreement with ISO New England, a multi-million dollar operation, was done on a handshake. He suggested that it didn't cut it to have that kind of an agreement for \$140,000 a year. He also pointed out that the Green High Tech Performance Computer Center had an \$80,000 a year agreement based on a 2012 assessment. He suggested that the assessment was much higher currently, noting the endowments of billions of dollars for Harvard and MIT. He added that some entities who promised PILOTs had not been paying.

Councilor Jourdain stated that the mayor was committed to redoubling efforts to revisit many of the agreements. He suggested many of the entities should be able to afford the taxes many others were paying in the city. He questioned allowing tax breaks for organizations that were paying members of their staff more than a quarter million dollars each.

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

President McGee stated that there were no reports from the Public Safety Committee.

(3:00:25)

The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter appointing Ms. Jean Jonker, 198 Locust St. to serve as an Alternate of the Historical Commission for the City of Holyoke: Ms. Jonker will serve a three-year term; said term will expire on January 30, 2026.

have considered the same and Recommended that the appointment be confirmed.

Committee Members:
Peter Tallman
Will Puello
David K. Bartley

UNDER DISCUSSION:

Councilor Tallman noted that a couple councilors had Ms. Jonker as a teacher at Holyoke High and remembered her well. He then stated that she had great experience, was focused on ways to repurpose buildings, was a lifelong resident of Holyoke, taught in the public schools, and kept working to provide leadership for teaching in area colleges. He added that she had been involved with events at Olmsted park the previous year and was involved with the Holyoke Preservation Trust. He recalled that questions focused on how to save some of the city's older buildings, giving them time to put funds into developing some of them. He noted she had been on the commission several years back.

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

The Committee on Public Service to whom was referred an order That the honorable city council pledge to support and protect the democratic rights of ex-felons and or the formerly incarcerated to vote, run for office and hold a seat that they were duly elected for.

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

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

have considered the same and Recommended that the order has been complied with, with a request that the City Clerk provide information on the city website outlining voting rights and rights to run for office for the formerly incarcerated.

Committee Members:
Peter Tallman
Will Puello
David K. Bartley

UNDER DISCUSSION:

Councilor Tallman stated that there was a good discussion about the rights of ex-felons to get involved in the democratic process, including voting and running for office. He noted that the discussion was motivated by issues in Florida where ex-felons were being discriminated against, including being fined and arrested, for voting. He added that they resolved to reach out to the City Clerk and the Secretary of State to put information on the city website to inform individuals about their rights to be involved in the process.

Councilor Rivera_I stated that he originally filed the other with the intent of adopting a resolution and may still file another order to do so. He then explained that the order stemmed from the fact that the previous August, several arrests had taken place in Florida from squads searching for people with criminal records. He then suggested that the arrests being discussed in the news leads people with criminal records anywhere to not vote or get involved in the democratic process. He emphasized that anyone coming back into society and trying to change their lives should be able to get a second chance. He then thanked Councilor Bartley for suggesting that the City Clerk takes steps to help educate people of their rights, as well as assure the information is known to those who work at voting booths.

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

President McGee stated that there were no reports from the Charter and Rules Committee or the Joint City Council and School Committee.

ORDERS AND TRANSFERS

(3:06:35)

VACON -- that Veolia/Suez repairs 3 collapsing catch basins on Ernest Lane at #14, #11 and #2. These have been reported for 2-3 years. This should be completed before road surface work is done.

Councilor Vacon, noting that the fund that covers this work may have been depleted, asked if this could be adopted or if it would have to go to Finance first.

President McGee suggested that it could be adopted and sent to Veolia, noting that they were supposed to do the work by contract. He then stated that if the funds were depleted, they could inform the Council and the next steps could be taken.

Councilor McGiverin suggested that it should also be sent to the Board of Public Works, noting that other funds may be available to do the work.

---> Received and Adopted. Copy to Veolia, DPW.

JOURDAIN -- That Division 2 of our Ordinances be amended to require the Mayor and Personnel Dept. create and implement a job evaluation system for city employees so that all employees receive goals, standards of performance and a thoughtful annual evaluation against those standards. Ordinance 2-312 currently requires the Personnel Administrator to maintain the job evaluation system. Problem is no such system actually exists to be maintained. The new ordinance should be designed to require the existence of the system but management will be allowed the flexibility to draft it according to their needs and professional opinion. It is unacceptable that for too long such a system that is so necessary for all workplaces our size still does not exist in our city government. Absent the City Council requiring such a system it is almost certain that no such system will come into existence independent of us or it would have by now. There is no current objective measurement of employee performance that rewards high quality employees and holds poor quality employees accountable. Management in this city needs to take action as soon as possible.

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

JOURDAIN -- That the Law department and City Council meet to discuss the recent Supreme Judicial Court decision in the matter Barron v Kolenda (SJC-13284) and the impact of that decision as it relates to and/or may modify our council rules.

---> Received and referred to the Charter and Rules Committee.

JOURDAIN -- The City of Holyoke develop a personnel policy for the handling of administrative leave and codifying the rules into Ordinance as recommended by the Personnel Dept including but not limited to when employees should or should not be placed on paid leave or unpaid leave. The current process appears lacking objective standards. Taxpayers should also be protected to ensure people who should not be out on paid administrative leave are placed on unpaid administrative leave.

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

Motion was made and seconded to suspend the necessary rules to take up items 29 and 32 as a package.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, NINETY SEVEN THOUSAND SIX HUNDRED FORTY AND 20/100 Dollars (\$97,640.20) as follows:

FROM:

8811-10400	CAPITAL STABILIZATION	\$97,640.20
	TOTAL: \$97,640.20	

TO:

12102-55860	PERSONNEL EQUIPMENT	\$97,640.20
	TOTAL: \$97,640.20	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, March 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, SEVEN THOUSAND FIVE HUNDRED NINETY AND 00/100 Dollars (\$7,590) as follows:

FROM:

15101-51109	SANITARIAN I	\$7,590
	TOTAL:	\$7,590

TO:

15101-51103	SANITARIAN II	\$5,060
15101-51107	SANITARIAN III	2,530
	TOTAL:	\$7,590

To the City Council:

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

Joshua A Garcia, Mayor

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

Motion was made and seconded to suspend the necessary rules to take up items 30 and 31 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, March 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.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2023, FOURTEEN THOUSAND NINE HUNDRED TWENTY FIVE AND 29/100 Dollars (\$14,925.29) as follows:

FROM:

12101-51105	SERGEANT	\$5,177.33
12101-51107	PATROLMEN	9,747.96
	TOTAL:	\$14,925.29
TO:		
12101-51180	INJURED ON DUTY	\$14,925.29
	TOTAL:	\$14,925.29

To the City Council:

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

Joshua A Garcia, Mayor

UNDER DISCUSSION:

Councilor McGiverin stated that these were transfers of salary funds to account for public safety employees continuing to be paid while out due to being injured on duty. He added that it is put into a different line item to assure the funds get spent appropriately when people are not actively performing.

Councilor McGiverin stated that the Fire Department covered 1 employee and the Police Department covered 6 employees.

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

MURPHY-ROMBOLETTI -- Ordered, that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 94 Newton Street (Assessors Map 011, Block 03, Parcel 010) as surplus property available for disposition. The property was acquired via a corrective judgement in a tax lien case in 2007. It is approximately 4,620 square feet in size, zoned Downtown Business and has an assessed value of \$22,900.

Councilor Bartley asked that a communication be provided on the outstanding taxes for the property.

---> Received and referred to the Development and Governmental Relations Committee.

MURPHY-ROMBOLETTI -- Ordered, that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare Newton Street Parcel 011-03-009 (Assessors Map 011, Block 03, Parcel 009) as surplus property available for disposition. The property was granted to the City in 1969 by the Holyoke Community Development Corporation. It is approximately 9,680 square feet in size, zoned Downtown Business and has an assessed value of \$25,900.

---> Received and referred to the Development and Governmental Relations Committee.

PUELLO -- That a handicap sign be placed in front of 400 Maple St. for Elliot Sierra, Placard #2290051.

---> Received and referred to the Ordinance Committee. Copy to Disabilities Commission.

PUELLO -- That the following entry be added to the City Ordinances Sec. 86-325. - Schedule IV: Stop streets, this will be directed to the Ordinance Committee to be heard.

Street Stopped/ Vernon St

Direction of Travel/ Southerly
Intersection/ Main St

Councilor Bartley asked if this is where a stop light was.

Councilor Puello stated that it was.

Councilor Bartley stated that he understood the Alarm Division was interested in putting in a raised crosswalk at this location. He suggested coordinating with them.

Councilor Puello stated that City Engineer, Kris Baker, was working on this. He noted that he and Councilor Bartley had co-filed an order for raised crosswalks.

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

PUELLO, Rivera_I -- That the side walk at 62 Clemente street please be repaired. Multiple requests.

Councilor Rivera_I asked to be added to the order.

---> Received and Adopted. Copy to DPW.

RIVERA_J, Maldonado Velez -- At the request of the Lyman Terrace, the Resident Association requested that Front Street be made into a one-way street.

Councilor Maldonado Velez asked to be added to the order.

---> Received and referred to the BPW. Copy to Ordinance.

RIVERA_J -- A sign stating slow down Autistic child or a slow down sign be put on East Dwight Street close to 166 East Dwight Street.

Councilor Bartley made a motion to amend the order to state autistic persons instead of child for consistency.

---> Received and Adopted. Copy to DPW.

LATE FILED ORDERS AND COMMUNICATIONS

(3:15:55)

TALLMAN, MCGEE -- Ordered, that an ordinance be created to allow wind turbines for residential use. See attached model type rules.

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

MCGEE -- Ordered, that an ordinance be established to address the 2/3 majority vote of the body for votes. Legal please provide the language necessary for review.

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

Adjourned at 10:24 PM

Brenna Murphy McKee

City Clerk