

REGULAR MEETING OF THE CITY COUNCIL**April 18, 2023**

The meeting was called to order by President McGee at 7:11 PM

The Clerk called the roll. Absent members: 0 Present Members in person 12 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, Rivera_I, Rivera_J, Tallman). Present Members on Zoom 1 (Vacon).

The Pledge of Allegiance was recited.

The name of Councilor Murphy-Romboletti was pulled to head the roll call voting.

Motion was made and seconded to take a roll call vote that for the purposes of this meeting would be applicable to all motion to receive, refer items to committee, remove items from the table, package items together, or suspend the rules, unless there is an objection.

LAID ON THE TABLE

The Committee on Ordinance to whom was referred an order that following the adoption of a resolution in support of the district, that the Ordinance Committee work with the mayor and the appropriate city and state departments to adopt an ordinance creating a Puerto Rican Cultural District within the City of Holyoke.

Councilor Bartley asked for an update on the process of this item.

President McGee expressed his understanding that they were waiting, and it would be taken up at the next meeting.

---> Laid on the table.

PUBLIC COMMENT

Steve Superba, 17 Glen Street, stated that on August 9, 2021, two weeks into Chief Pratt's tenure as chief, there was an article in the Daily Hampshire Gazette discussing an excessive force civil lawsuit against the city of Holyoke. He added that the article was specifically about Holyoke's pursuit of summary judgment on several elements of the case, including failure to train its employees. He added that the judge denied the summary judgment, writing in his decision, "a reasonable jury could further conclude that the city was aware that its training on vehicle pursuits and the use of force was inadequate, but nonetheless exhibited deliberate indifference to the unconstitutional effects of those inadequacies." He then emphasized that the consultants from MRI reported that they found a lack of priority placed on implementation of any training and a deficiency in taser training in particular. He added that tasers were directly implicated in the lawsuit and that Police Department personnel are not recertified annually. He also added that the lone instructor's certification had also lapsed, and that the city was in violation of its own as well as state policy. He then suggested that Chief Pratt had done nothing and had the responsibility to mitigate liability to the city. He further added that the report found the Police Department to be a substantial risk of litigation to the city.

Ashley Stackow, 446 Maple Street, Apt 2R, stated that she was a tenant union leader with the Tenant Union of Western Mass. She then explained that there had been 15 code violations required to be addressed within 30 days or less by the slumlord, Alex C, who had continued buying more property without fixing his current ones and had been renting apartments for free to artists who were painting murals that led to increases in property values and rents. She suggested that it was not okay for him to invest in additional properties without first addressing multiple issues he had in their homes. She also expressed concern about gentrification of neighborhoods, adding that property developers needed to worry about the inside of properties before beautifying the outside.

Nancy Capron, 72 Congress Avenue, Apt 1L, stated her intent to speak on the conditions of the building at 446 Maple Street, owned by Alex Cwiakala. She then stated that he had 6 pages of code violations and was a bad actor, adding that these were not mistakes of a novice landlord as he had previously described himself to her. She suggested that these were criminal violations and that his investment plan was buying properties that were about to gentrify and allow people to live in squalor while displacing them and then improving the units or upselling them as condos, all leading to substantial rises in costs. She then suggested that renters needed first right of refusal, rent control, and an Office of Tenant Protections in the city. She then stated that she agreed with Councilor Jourdain about the CPA regulations, as well as with Councilor Puello who wanted stipulations on funds given to OneHolyoke and other developers that would include deed restrictions.

John Rivera, 125 Cabot Street, Apt 4, stated that Holyoke was facing the dire issue of development of the city without tenant protections. He then noted that as many in the room were homeowners, they needed to look out for the most marginalized individuals, poor people living as residents in Wards 1, 2, and a couple other wards. He added that there was a duty to protect them, with regulations on rent. He suggested there needed to be collaboration with the state rep and state senator. He emphasized that people were being displaced at high rates, with developers coming into the city and destroying the community. He added that they were beautifying the outsides of properties without addressing the conditions on the inside.

Victor Machado, 40 Suffolk Street, recalled seeing people on the street holding signs addressing tenants' rights. He then suggested that this was the most important issue at the time. He further suggested that as the City Council is the makers of law and makers of history, they needed to make Holyoke great again. He added that landlords were raising their rents and that people were facing economic problems. He added that the city needed to not just focus on structures but on tenants' rights.

Carmen Ocasio, 586 South Summer Street, stated that she and her daughter had been painting an electrical panel at High and Appleton Streets dedicated to police officers, adding that graffiti had been painted over it. She then asked that those who were responsible stop doing it. She emphasized that her daughter spent her own money to paint it and had not received any money from grants or anyone else. She then expressed concern that people were targeting art specifically dedicated to the Holyoke Police Department.

Yolanda Ocasio, 586 South Summer Street, stated that she was the artist painting electrical panels, and did it because she loved doing it. She then stated that they would find out who was doing the graffiti and that she would continue painting it over again. She added that she would find whoever did the graffiti and they would have a little chat. She then suggested that they could collaborate and do real artwork in the city.

Erin Brunelle, 44 Norwood Terrace, noted that she was an at-large School Committee member. She then spoke in favor of building a new middle school. She emphasized that the School Building Committee had been meeting for around a year and a half to come up with a strong and economical plan that would fulfill the need

of middle school students in the city. She then expressed a hope that the discussion would take place at the following week's Finance Committee meeting.

Lori Belanger, 16 Roland Street, spoke on the mayor's veto of the CPA ballot question. She noted that there was interest in placing it on the ballot the following year when there would be larger voter turnout. She then stated that she found it troubling that the mayor's veto letter suggested leveraging the greatest voter turnout. She suggested that this path was, in essence, voter obstruction by taking it off the current year's ballot and adding it to the 2024 ballot. She then questioned if the mayor could legally put it on the following year's ballot, and if there was a guarantee it would go on that ballot if the makeup of the City Council changed. She then emphasized that as the mayor was the manager of day-to-day operations and the City Council was the legislative body, she did not believe either should be taking away the voters' rights for this election. She added that it was a local question for a local election.

COMMUNICATIONS

(18:50)

From Mayor Joshua A. Garcia letter of Veto for the CPA ballot question to be placed on the November 2023 local election.

Councilor Jourdain stated that that he did not believe the mayor had the authority to veto this. He then noted that the matter passed the City Council with a 7-6 vote. He then stated that in M.G.L. Chapter 44B, sections 3-7 as well as 16 both said that it was the legislative body that shall approve ballot questions without any reference or requirement of approval from the mayor. He added that the CPA statute stated that the surcharge could be revoked in the same manner that it initially went onto the ballot. He noted that the issue had come up with past ballot questions and it had been long pointed out that the mayor had no veto power over the placement of ballot questions. He recalled that the Law Department had provided opinion in the past when nonbinding ballot questions had come up, specifically quoting one such opinion from Atty Kara Cunha in 2014, "the mayor's signature is not required because Chapter 53, Section 18a required approval of the mayor whereso required by the charter." He added that our charter does not require approval of the mayor for something to become effective. He also recalled that former mayor, Alex Morse, acknowledged in an email that he had no veto power over ballot questions. He also noted that the mayor's approval was required in the adoption of Special Acts, adding that mayoral approval has been expressed stated in the Massachusetts Constitutions and in state legislation when it was required. He also noted that in a ruling in a 1987 case between the Boston City Council and their mayor, it was stated that "a statutory expression of one thing is an implied exclusion of other things omitted in the statute." He added that the CPA statewide organization had said that this could only be adopted by a municipality through a ballot election by the legislative body. He then suggested that the Council take note of the veto, but then reiterated that the mayor did not have the authority. He added that the City Clerk shall place it on the ballot upon approval of the legislative body.

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

Councilor Bartley asked if Councilor Jourdain's points had been considered, if the issue had been looked into, and if the Law Department had consulted with the mayor relative to the veto.

Atty Bissonnette stated that the Law Department had first seen those points in an email that morning, and that they had not had a chance to fully absorb all of the salient points. He added that while they had done some research on those arguments, they were not prepared to issue an opinion but would take those points under advisement. He suggested that they could have a written legal opinion ready for the next meeting.

Councilor Bartley recalled that a gentleman named Stu Saginor from the Community Preservation Coalition attended a Council meeting and was the guru on all of this. He suggested that the Law Department speak to Mr. Saginor. He then expressed agreement with the points made by Councilor Jourdain but believed it would be fair to table the matter to hear from the Law Department, with a request that they return an opinion by the 2nd meeting in May. He emphasized that this needed to be addressed prior to budget discussions and should not linger past the summer and into the fall.

Councilor McGiverin emphasized that the city had a special act charter, not plan A or B, adding that Holyoke had one of the oldest charters in the commonwealth. He then asked Atty Bissonnette if the CPA law itself was a special act, noting it required the city's voters to vote on it, those who would be paying the funds. He then suggested that if it was a special act, the mayor did have a chance to weigh in. He added that if it was not a special act, he believed Councilor Jourdain was correct. He then asked if there was a clock ticking on to act on the mayor's veto if the veto was allowed. He noted that it could not be withdrawn so if the Council did not take a vote to override it, it would become law.

Atty Bissonnette stated that the mayor has 10 days to return an order and that it was now up to the Council whether or not to accept the veto. He then clarified that there was currently not a clock ticking on the veto as much as there was a clock ticking on the election.

Councilor McGiverin asked if that meant it was okay to give the Law Department time to get an answer back on the questions.

Atty Bissonnette stated that it was.

Councilor Vacon stated that when the Council was initially debating taking up the CPA, they were informed that there were 2 paths, the City Council could vote to put it on the ballot or citizens could petition to have it on the ballot. She added that at the time, the Law Department stated that whichever action was taken, any changes to CPA would have to happen in the same manner. She then emphasized that the City Council initially voted for it and the mayor's opinion on it did not factor in because it was understood that it was a matter for the City Council to vote to place it on the ballot. She then suggested that voters should have a say over any money they were paying to city government. She then expressed a hope that the legal review could come back to the next Council meeting.

Councilor Anderson-Burgos asked for the mayor's veto letter to be read into the record.

President McGee read from the mayor's letter:

Dear Honorable City Councilors,

I strongly believe there is unanimous support between all Councilor including myself to allow voters to decide whether to reduce the CPA tax from 1.5% to 1.0%, as recommended by the Finance Committee. At the last City Council meeting, the matter ended with a split vote -- the measure passed by just one vote. From what I observed, there is a disagreement on which election to present the question to voters. I heard arguments from Councilors that certain elections have better voter turnout than others. It was the opinion of some Council members that

this coming November's local election, which only City Councilors will be on the ballot, would be less of a draw than state election years. As reflected in the attached graph put together by the City Clerk, this assumption is not entirely accurate. However, the graph does show a greater turnout of voters during state election years that also include presidential elections. Since we have a presidential election coming up in 2024, I veto the measure and encourage the City Council to send this back to committee for further discussion and agree to place the question on the ballot for the 2024 state/presidential elections.

Regardless of how people feel about the CPA, I share the opinion with the Council that it's important we let the voters decide. The data shows that a state/presidential election has the strongest turnout, and the results will give the more accurate reflection of what the community wants. I hope you will agree to support the path that will leverage the greatest voter turnout.

Councilor Anderson-Burgos expressed his understanding that the letter was not to discourage this from going to a vote but that it should wait until the following year.

Councilor Bartley asked how long the Law Department would need for review.

Atty Bissonnette stated that it could be provided at the next meeting.

Councilor Bartley made a motion to refer the veto and Councilor Jourdain's legal points to the Law Department. Councilor Tallman seconded the motion.

Councilor Vacon pointed out that the current City Council did not have any authority to bind the next City Council to any action for a future ballot.

Councilor McGiverin asked that the motion to refer to the Law Department include his question on if the CPA was a special act.

Councilor Jourdain stated that the statute prescribing the exact procedure should answer that question.
---> Laid on the table.

Motion was made and seconded to suspend the necessary rules to take up item 3 and Late File A as a package.

From Joshua Garcia, Mayor, School Building Committee Chair, Anthony Soto, Superintendent and SBC Member Erin Brunelle, School Committee member and SBC Vice Chair letter re: Request to Approve financing for the Middle School Building project.

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

MCGIVERIN — that the City appropriate the amount of eight-five million, five hundred four thousand, five hundred ninety-two (\$85,504,592) Dollars for the purpose of paying costs for the construction of the new Peck Middle School, 1916 Northampton Street, Holyoke, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant

approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon the City being awarded a grant from the MSBA for the Project; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 18, 2023.

Joshua A Garcia, Mayor

Councilor Bartley stated that it would have been nice if a financial order of this size, \$85,504,592, had been sent in a timely fashion to Clerk's office to get it onto the printed agenda for the public to digest.

Councilor Jourdain expressed agreement with that point. He emphasized that this wasn't a last minute item that suddenly came up.

Councilor McGiverin stated that they had been expecting item 3 for some time, noting that the School Building Committee had kept the Council apprised of their work. He then stated that he had been working to ensure everyone involved could be available for a Finance meeting, adding that he intended to have their presentation heard and to open the discussion on affordability on April 26th. He then emphasized that they would need to know what project was, what the Building Committee had done, and what their proposal was. He noted that they had a deadline with the MSBA (Massachusetts School Building Authority) at the end of May. He then explained that when the bond language was sent to the Auditor the previous, there were additional items to be tweaked and it wasn't able to be completed by the time of the early agenda deadline. He added that he suggested it be filed late.

Councilor Bartley pointed out that if there is a vote on the bond, the public should understand that they would not have a chance to weigh in. He noted that it would be a vote of the City Council unless they chose to defer it to the public. He then suggested that \$85.5 million was a record for a late file.

Councilor McGiverin emphasized that the full cost had to be put into the bond but that would not be the amount that the city would eventually end up borrowing. He added that other revenue sources besides borrowing could reduce that cost. He also added that the MSBA would reimburse 55% of that amount. He suggested that the formula was not fair to the community. He reiterated that the full cost of the project had to be put into the bond language by law.

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

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Ass't. to City Council Minutes of April 4, 2023.

---> Received and Adopted.

FY24 CPA Budget Proposal

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

FIR89 FY22 Firefighter equipment City of Holyoke Grant Completion form.

---> Received.

PETITIONS

(48:20)

Motion was made and seconded to suspend the necessary rules to take up items 7 through 14 as a package.

Petition of David Greenberg for a renewal of a Pawnbroker license at 448 Appleton St.

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

Petition of Brad Matthews Jewelers for a renewal of a Second hand License at 2225 Northampton St.

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

Petition of David Greenberg for a renewal of a Second hand license at 448 Appleton St.

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

Petition of Game Stop #4391 for a renewal of a Second Hand License at 50 Holyoke St.

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

Petition of EcoAtm for a renewal of a Second Hand License at 2261 Northampton St.

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

Petition of EcoAtm for a renewal of a Second Hand License at 250 Westfield Rd.

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

Petition of EcoAtm for a renewal of a Second hand license at 50 Holyoke St.

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

Petition of Frank Ferrini for a renewal of a Second Hand License at 375 Whitney Ave.

President McGee stated that all licensees were up to date on their taxes.

Councilor Jourdain stated that any original conditions should be maintained on the renewals.

Councilor McGiverin stated that any second hand licensee dealing in exchanged items needed to keep a list for the Police Department to review in case someone tried to pawn off stolen items.

Councilor Bartley pointed out that this requirement was adopted as an ordinance by the City Council in 2014.

Councilor Jourdain recalled that in the discussion of that ordinance, they also spoke to the question about interest rates that they were charging the public. He emphasized that they were governed by the Division of Banks and that there was a 36% maximum on the loans being charged. He then questioned who was enforcing that and if there were signage informing those doing business with them. He recalled the pushback from some businesses, proclaiming that would go out of business if they could not charge more than 36%.
---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

PRESIDENTS REPORTS

(53:45)

President McGee stated that there would be a celebrity bartender event on April 21st, including Councilor Murphy-Romboletti, Mayor Garcia, and Superintendent Anthony Soto. He then stated it would begin at 8 p.m. at Fiesta Café.

He then stated that he was working with the mayor to get the Council chambers redone, including the walls, lighting, sound system, and the desks. He noted that the only historic item in the room was the railing. He then explained that the walls with the murals would be stripped down, pictures would be taken beforehand, and they would be redone. He added that there would be options on how the desks would be arranged. He then explained that an RFP would go out with regards to design.

Councilor Bartley stated that there would be new sidewalks installed near the 391 interchange, emphasizing that he had been talking about that need for 10 years. He noted that there were efforts to do it but the financing had not been there.

REPORTS OF COMMITTEES

(57:05)

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

The Committee on Joint Committee of City Council and School to whom was referred an order that the city council invite the superintendent Soto, Mayor Garcia, President Royal (HCC) to chat about the possibility of collaborating to offer the trade certifications to adult residents of Holyoke at Dean Tech.

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated that although they were making significant investments to upgrade, the current shops and funding did not allow for providing adult education.

Councilor Rivera_I stated that he was motivated to file the order because he believed it would be a great opportunity to build up the local workforce. He recalled wondering why adult night classes were not offered so that they could get certifications. He added that it appeared the superintendent was on board but they could not allocate funding towards it because it had to be dedicated to their student body. He then expressed a hope that there could be a collaboration between HCC and the mayor to see if it were possible. He noted many of his high school classmates started the certification process as students but were never able to finish. He noted that he filed an order that would be later on the agenda to look at the feasibility.

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

The Committee on Joint Committee of City Council and School to whom was referred an order that the city provide an update on any antiracism and diversity training already in place for employees, and update on how it can be improved. Refer to Personnel, Public Safety, and Joint SC and CC Committee

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated that there was an equity task force meeting bimonthly that was focused on inclusion. He added that all teachers and staff went through training to promote access and inclusion for all students and staff.

Councilor Maldonado Velez stated that there was an equity task force in the school department that was meeting monthly. He added that one of their commitments was equity and anti-racism. He emphasized that the work of anti-racism was an going effort. He also noted that there was a contract with a company called Equity Imperative that was helping address a lot of the work that needed to be done. He noted that one area they were lacking was translation into Spanish.

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

The Committee on Joint Committee of City Council and School to whom was referred an order that the honorable city council invite the representatives of Holyoke Public Schools Special Education Department to address IEP process and procedure as well as who they are working with to help ensure families understand information being presented. Constituents are concerned that they may not be receiving adequate counsel when making important decisions in such meetings. Being that a considerable portion of parents identify English as a second language, it is important families understand the information that is being presented them.

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated that there were 3 ways to get an IEP referral: getting referral from early intervention providers such as doctors or pediatricians; getting referral through a school child study team; or a referral from a parent of guardian.

Rivera _J stated that the intention behind the order was from families and constituents reaching out to him regarding to their own IEP processes. He emphasized that things were often lost in translation, sometimes leading to parents agreeing to things they did not fully understand. He added that the intent was partly to explore the issue as well as getting the discussion on record so that families could refer back to it. He then suggested that while it seemed like the schools were doing what they said, he was hearing about difficulties with the process from families in the city. He then emphasized that 37% of the student body needed IEP services, and it was not an easy system to navigate. He suggested that he may file another order to give parents an opportunity to share their concerns.

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

The Committee on Joint Committee of City Council and School to whom was referred an order That the receiver of schools please explore the costs and feasibility of revamping current drivers Ed classes, so that upon completion students receive a drivers license/permit from DMV.

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated driver's ed classes were not currently available at the schools. He added that they had a resource officer who started an after-school program for students, providing a permit prep program at no cost to the city. He then explained that there would be significant cost for the city to offer driver's ed classes in schools, due to insurance, vehicles, and hiring an instructor.

Councilor Puello commended the family that had suggested filing this order. He noted they had been a little disappointed that something wasn't be provided but the funding issue was understandable.

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

The Committee on Joint Committee of City Council and School to whom was referred an order That the School Receiver Anthony Soto please provide the City Council with the specific plan and goals the City of Holyoke Public Schools needs to achieve in order to regain local control. Please provide a checklist. Please also provide which items on the plan were accomplished and which remain undone. Need this action plan back to us asap.

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated that there currently was no checklist to get out of receivership, adding that the Commissioner and the Board of Education had to make that decision. He added that the best actions to take to get out of receivership included having a strategic plan that would involve goals and priorities identified in the plan. He then explained that they needed to work more on academics, attendance, and the graduation and dropout rates. He noted that this topic had been discussed at a previous meeting, and there had not been much of a change in the time since.

Councilor Jourdain emphasized that this was a major undertaking that the vast majority of Holyoke's citizens wanted. He then stated that there needed to be accountability in bringing the strategic plan to life. He also suggested that after 8 years of receivership, there should not need to be any more meetings but that there needed to be an explanation on what the city needed to do, what were the benchmarks, and how was the city being measured against them. He suggested that the state was not making it clear what needed to be done. He added that the people of the city were owed an answer on how to get local control back. He further suggested that the state did not want the city to get out of receivership because they would have to hold themselves accountable to the metrics. He suggested that it had gotten worse since receivership was implemented. He then expressed a hope that the new governor would put a fresh set of eyes and a new perspective on the issue.

Councilor McGiverin stated that good schools were those that were locally controlled. He also noted that it would also mean local control of the budget. He then suggested that there needed to be an independent audit of the school budget when local control returns. He commended the first receive, Dr. Zrike, for providing a lot of information about the school budget, noting that Anthony Soto was the Chief Financial Officer at the time. He also commended Mr. Soto for having a handle on the role. He also noted that the receivership took line item control of the school budget from the School Committee. He also recalled being told that the state would not spend any extra funding to help turn the school around, emphasizing that this is not what happened. He also suggested that receivership had destroyed some of the good things the city had in the public schools. He further suggested that the state understood that receivership had not worked anywhere.

Councilor Vacon stated that a lot of time and attention had been spend on process over the last 8 years. She then suggested that more focus needed to be placed on measurable outcomes, such as the fundamentals of reading, writing, and arithmetic. She added that the leadership needed to be rated on that kind of outcome measurement. She suggested that the situation be turned around by stating that if the state does not recognize meaningful improvements within the next couple years, the resources being put into administration be brought in locally so that the local community can bring their knowledge to the table. She suggested that the city could do better locally than what was happening under receivership.

Councilor Rivera_I stated that while he wanted local control back, he emphasized that the schools with the best performing local control were those investing a high percentage of their budget to schools. He suggested that city lost local control long ago with reliance on state and federal funding to manage the schools. He

recalled that the best days for Holyoke schools were when they were all locally funded. He suggested that the establishment of the Department of Elementary and Secondary Education changed everything, including the whole dynamic of how funding was managed.

Councilor McGiverin stated that the current way Chapter 70 funding was done was not the original way it was written. He added that state aid went into communities based on income and was allowed to be spend on a variety of things such as police, fire, DPW, streets, infrastructure, and education. He added that before Prop 2 1/2, the superintendent and the School Committee wrote the budget. He further stated that Chapter 70 was recently rewritten to reflect a true formula for how income based aid should be. He then suggested that property taxes were not the right way to generate income for services. He also suggested that the city could pay for what it needed if it could generate revenue from sales taxes, but the state did not want to hear that. He further suggested that the state was holding the city hostage, expecting the city pay for services, and then telling the city it wasn't doing a good job.

Councilor Jourdain stated that local control was tied to the founding of the country, noting that the founders insisted there would be local control of schools. He then suggested that Holyoke schools and the city were in the current financial condition because the state encouraged large concentrations of the poor to go into gateway cities for too many years through a lack of enforcement of affordable housing statutes in all communities of Massachusetts. He added that a lot of other communities would not allow poor people to move in. He added that the state then did not want to support the towns with the largest need. He noted that there appeared to finally be a recognition that the formulas needed to provide funding for improvements to schools, emphasizing that the city had been radically underfunded for years. He then suggested that more affluent communities could afford more because they did not have concerns such as a 37% special education rate and did not want to deal with issues Holyoke had, such as poverty and crime, and other troubles. He emphasized that Holyoke receives everyone and was for helping everyone, but not every community was thinking like that. He then suggested that the state was not doing the city any favors by providing more funding but because this was where funds needed to be sent after they allowed things to deteriorate for years. He then suggested that while the state should have a role to play in suggesting how funds they provide are used, they should not have the right to take the city's authority away. He reiterated that the city had needs requiring more of the city's budget that more affluent communities did not have. He added that the city will never generate enough local aid to meet capital needs and unfunded liabilities. He further added that the state had an obligation to provide more to help communities like Holyoke that have always been welcoming of everyone. He suggested that communities like Longmeadow will never have apartment blocks like Holyoke and will never face issues like 37% special education needs.

Councilor Givner suggested that another reason lost control of schools was tied to how the city looked at education. She also suggested that if kids all went to public schools and the city did not spend money on charter schools and private schools, the city would get more funding in the school system. She further suggested that if all families had skin in the game, it would make a big difference and people would care more.

Councilor Rivera_I clarified that he was in favor of taking back local control. He added that his previous point was emphasizing that Holyoke was designed to house poverty from the beginning. He noted that the Flats had houses the poorest people in the city historically and was still housing the poorest people in the city. He added that the AMI in the Flats was currently around \$14,000. He then stated that the schools in Holyoke were good before the state took over and the community was thriving. He added that a lot of people were making money in Holyoke but living in and spending it in other communities. He suggested that the city should reallocate some of its tax dollars into education in order to get the rewards the city was looking for, recognizing that it would be dramatic and drastic.

Councilor Tallman emphasized the value of bringing this forward and the importance of looking at the situation. He suggested that it was going to take time, but we didn't want to look back in 5-6 years and still be in the same situation. He also emphasized that Holyoke was a community of believers that drew people in who needed services. He then stated that the local community, including local leaders and parents, should have a say in running the schools, but the city needed to understand how to get there and how long it was going to take.

Councilor Givner noted how educational the Joint Committee meeting was. She then commended Mr. Soto for attending those meetings, noting that he did not have to.

Councilor Anderson-Burgos emphasized that Holyoke was designed as a model city, was the first industrialized city and the first mapped grid in the United States, adding that it was richest city per capita. He then explained that investors saw that it worked and left, leaving the city behind and leaving people looking for work. He then emphasized that people in the city have been passionate about the city, and that everyone wanted local control of the schools. He added that everyone needed to be willing to fight for the students of the community. He then observed that the city was paying a lot to officers because there was a lot of crime, while grades in schools continued to go down. He then suggested that it felt like a car trying to move but stuck in the mud. He then suggested that Springfield may have been able to get out of receivership.

Councilor Murphy-Romboletti clarified that no school district in Massachusetts has ever gotten out of receivership.

Councilor Anderson-Burgos stated that if this was the issue, all of the communities in receivership needed to fight together. He then suggested that in trying to help kids having a hard time, the city needed to focus on the services they needed. He emphasized that the children in the city have seen and experienced a lot in their lives, and then have to try to focus in school. He then suggested that everyone should march to the state house and demand that the city regain local control of schools.

Councilor Maldonado Velez emphasized that the focus on services was the biggest situation when focusing on regaining local control, adding that the city needed to make sure that other aspects of the lives of students were being taken care of so that we don't end up in the same place. He added that this meant addressing access to housing with safe and health conditions, access to jobs for parents, access to food, and access to safe parks, as examples. He then noted that the city had been fortunate in having receivers who had chosen to attend meetings but that it did not have to be the case.

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

The Committee on Joint Committee of City Council and School to whom was referred an order That the school Receiver Mr. Anthony Soto and his team be requested to explore the steps, costs and federal reimbursements associated with re-establishing the Air Force Junior Reserve Officer Training Corps or similar sister service program in the public schools. It is additionally requested that interest be measured to determine student body support for such a program.

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated that in asking about support for a JROTC program, 504 students at the Holyoke High School North Campus were surveyed, with 54% of them saying definitely no, 4.7% said definitely yes, 23% leaning no, and 17% leaning yes. He then stated that at the Dean Campus, 123 students were surveyed, with 73% saying definitely no, 27% definitely yes. He then explained that the process of starting a program requiring the school applying, adding that one of the qualifications was showing student interest in the program.

Councilor Puello emphasized that the statistics showed 21% with interest at Holyoke High and 27% at Dean, a fifth and a fourth of the student body respectively. He suggested that it should be explored more at a later date. He recalled that there had also been a survey regarding other classes and programming potentially being offered.

Councilor Jourdain stated that he was impressed with 27% of students expressing interest with an ROTC program. He emphasized that the U.S. military had been struggling with recruitment goal, noting that it wasn't near 27% of the population joining the military. He recalled the schools used to have a thriving program with the Air Force. He added that this should be provided as an opportunity for lifelong commitment to citizenship. He noted that he did not serve in the military but often volunteered for military causes. He then expressed how impressed he was with the devotion to country, patriotism, self-sacrifice, care for others, and the laying down of one's life for friends.

Councilor Tallman stated that he was pleased with those numbers. He suggested that everyone should be encouraged to give a couple years to the military after turning 18. He recalled that he joined the military at 17 and wasn't sure at the time if he would get through it, but it turned out to be the best thing he ever did. He emphasized that this kind of mentorship for kids would be beneficial to schools and individuals.

Councilor Rivera_I recalled that they required a certain amount of students showing interest for them to be able to start up the program. He added that he believed it would be a good thing for interested kids to have. ---> Report of Committee received and recommendation Adopted.

The Committee on Joint Committee of City Council and School to whom was referred an order that the Superintendent provide feedback on how the department is handling reports of teachers using the "N word" in front of students. Refer to Joint CC and SC Committee

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

Committee Members:

Juan Anderson-Burgos
Jenny Councilor Rivera_J
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Anderson-Burgos stated that in any scenario when staff has used this kind of language, they get placed on administrative leave until the incidents are investigated, which included interviews of students present. He added that everything gets documented. He then explained that based on finding, they had the right to take action which can include termination.

Councilor Maldonado Velez explained that the order came from an incident that took place in April of 2022, where 2 teachers at Dean used this language within a span of 10 days. He stated that these incidents led to the teachers keeping their jobs but attending a restorative circle with the students. He then noted that Mr. Soto could terminate if there was no effort at self-reflection or no understanding of the issue. He added that in these situations, the students did not want the teachers to be fired but wanted an understanding of why it was an issue. He added that one student later ended up not feeling safe and transferring out. He then commended the students for speaking up. He then suggested that anonymous boxes be placed in the school for students who may not be comfortable or safe addressing things openly.

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

President McGee stated that there would be an event that Friday 5-8 p.m. to celebrate the Heart of Holyoke project at 413 Main Street, with a mural unveiling. He added that there would be a late file to give proclamations to the artists.

He also stated that councilors should be careful not to hit reply all when responding to emails to avoid issuing with open meeting law. He also stated that with orders filed on certain topics, if people are invited to talk about them, discussion outside the scope of the order should be avoided for compliance with open meeting law.

(2:00:35)

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

The Committee on Finance to whom was referred an order Settlement Agreement By and Between The City of Holyoke and the International Brotherhood of Police Officers Local #388.

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

Committee Members:

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

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

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED TWENTY FIVE THOUSAND AND 00/100 Dollars (\$125,000)

as follows:

FROM:

12101-51510 SICK BUYBACK \$125,000

TOTAL: \$125,000

TO:

12101-51107 PATROLMEN \$125,000

TOTAL: \$125,000

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the MOU included corrections to scrivener's notes and typos, as well as adding Juneteenth to the holidays to catch up with state law. He then stated that the gist of the contract was providing a salary increase going back to July 1st, 2022, a 3% increased for the coming fiscal year, as well as a 2.5% increase for the following fiscal year in July 2024. He added that a new step was added to the base salaries, with the new step 6 being 1.5% above the current step 5, a salary of \$66,525. He noted it would also have the 2.5% increase in July 2024. He then explained that the \$125,000 transfer request would provide the funding for the increases. He added that the surplus in the sick buyback line was due to a few expected retirements that had not happened in the current 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 in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY23 REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION (REDO) PROJECT - "The ARtery Project", \$28,500, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that this would be round 2 of the ARtery project. He noted that phase 1 provided

startup funding for what had become a premier destination on High Street. He then explained that the Artery was a popup shop type gallery for local artists to display their art and sell their wares. He suggested that it was becoming so successful that it may become self-sustaining in the near future. He then explained that this grant would help pay costs for the upcoming year. He then noted that the Artery was almost directly across the street from City Hall.

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

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED TWENTY FIVE THOUSAND AND 00/100 Dollars (\$125,000) as follows:

FROM:

12101-51117 E-911 DISPATCHERS \$125,000

TOTAL: \$125,000

TO:

12101-51300 OVERTIME \$125,000

TOTAL: \$125,000

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that this had been an annual vote stemming from a grant that had been coming in. He emphasized that it was a reimbursable grant, requiring that the city spend the money through budgeting for the dispatchers' salary. He then explained that the transfer would cover the final installment of overtime needs for the Police Department. He noted that overtime needs were up slightly from the previous year.

Councilor Rivera_I asked if this was money that the city would be getting back from the state but had not received yet.

Councilor McGiverin clarified that this was the money that was budgeted last year. He added that now that the city had received the reimbursement from the grant, that funding had become surplus available for transfer.

Councilor Rivera_I asked to clarify that they got the \$125,000 that was budgeted, the city got it back, and now there was another \$125,000 being put in.

Councilor McGiverin stated that the grant money for the salaries was spent, and now the department did not need the money they were required to budget, allowing it to be left there or spent somewhere else.

Councilor Rivera_I asked if that meant that since they were reimbursed, they were now reinvesting the \$125,000.

Councilor McGiverin stated that was correct. He then explained that the salaries had to be paid out of that line item and now it could be used elsewhere because it became a surplus.

Councilor Rivera_I asked if the funding goes back to the full budget anytime a match grant like this is received by any department, or did it go back to the department it was allotted to.

President McGee clarified that 10 positions for E-911 dispatch were budgeted for. He added that if the city did not get the grant, there would be no additional money coming in, but now that it did come in, it could be used elsewhere.

Councilor Rivera_I suggested that after it comes in, every year the city is able to use the same \$125,000.

President McGee stated that if it did not come back, the city could not use it. He reiterated that the city has to budget for all of the positions in case the grant doesn't come in.

Councilor Rivera_I suggested that this meant that when the grant comes in, the city already had the funding to budget for the position for the next fiscal year because of the reimbursement.

President McGee stated that it would go back into the general fund if it was left over and did not get spent.

Councilor McGiverin stated that the city did not get the \$125,000 up front but has to inform the state that it has been spent, and then ask for the reimbursement. He then explained that the department does not get the reimbursement right away but that they have to ask for it or it would go back into the general fund for the following year.

Councilor Rivera_I emphasized that they had to ask the Council to spend it in a different way because it was allocated for the way it was already spent for.

Councilor McGiverin stated that was correct.

Councilor Rivera_I suggested that it should be reallocated for the same needs in the next fiscal year so that it didn't need to get added to the budget.

Councilor McGiverin noted that when free cash is calculated at the end of the year, DLS (Division of Local Services) often requires free cash to be spent on deficits instead of allowing the city to reallocate it.
---> 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 (Jourdain).
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, SIXTY ONE THOUSAND THREE HUNDRED FORTY FIVE AND 00/100 Dollars (\$61,345) as follows:

FROM:
12201-51500 VACATION BUYBACK \$61,345
TOTAL: \$61,345
TO:
12201-51300 OVERTIME \$60,000
12201-51302 HAZMAT OVERTIME 1,345
TOTAL: \$61,345

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 surplus was due to 2 retirements not occurring the Fire Department that had been anticipated. He then explained that the overtime would get them through the end of the year. He noted that the Hazmat Overtime was by contract. He added that while the department was getting close to a full complement, the overtime was needed due to 7 of the newer firefighters were just about to graduate the academy and 2 more were going into it.

---> 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 THREE THOUSAND AND 00/100 Dollars (\$33,000) as follows:

FROM:
12101-51204 PT POLICE PRINCIPLE CLERKS \$18,000
12101-51322 ELECTIONS 2,652
12101-51323 SNOW REMOVAL 7,348
12101-51915 EDUCATION PLAN 5,000
TOTAL: \$33,000
TO:
12101-51109 RESERVES \$10,000
12101-51110 POLICE PRINCIPAL CLERKS 6,775
12101-51123 BOOKKEEPER 1,225
12101-51321 SPECIAL EVENTS 10,000
12101-51900 TRAINING 2,000
12101-51920 INCENTIVE 3,000
TOTAL: \$33,000

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

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that this was an end of year move in the Police Department to balance some line items. He then explained that there had not been as many part time clerks needed because they had more full time positions filled. He added that the other surpluses were planned needed that didn't get used as much as expected. He then stated that the accounts receiving the transfers would be going into deficit and the Auditor determined it would be good to balance them now instead of DLS looking at the deficits during the audit.

---> 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 16G, 16H, and 16I as a package.

The Committee on Finance to whom was referred an order that the Police Chief, Auditor, and Treasurer come before the Finance Committee to review the process of newly hired ~~RollKall Technologies LLC~~ Off Duty Blue and try to find a process to find a procedure to pay down the current deficit in the off duty fee account.

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 this was about police officers being paid for outside duties. He then explained that when officers work private outside duties, the city paid the salaries and then would get the money from the vendors hiring them. He further explained that the city hired an outside company, previously RollKall Technologies who had since been replaced by Off Duty Blue, to manage the account and the vendors who have to pay the city. He added that they also managed a 10% administrative fee, with 5% going to the LLC and 5% going to the city to go to the general fund. He emphasized that since the hiring of the outside management company, the city was at only around a \$200 deficit, highlighting that the vendors were paying what they owed. He then noted that a \$160,000 deficit did remain going back to 2009, but that close to \$120,000 had been collected with the city's portion of the administrative fee. He added that an appropriation would be required to alleviate the deficit with the mayor agreeing that he would work to get it off the books by appropriating the needed funds beginning the following year. He further noted that some of the deficit came from vendors that were no longer in business, such as the Kahunaville location that used to be at the mall. He

then apologized for the long report, quipping that Councilor Anderson-Burgos had given many long reports that evening.

Councilor Tallman expressed confidence that this issue was moving in the right direction, especially in working with Off Duty Blue. He then emphasized that there would be funding coming in every year to alleviate the deficit, noting that each year with a deficit came out of the free cash calculation. He then stated that his intent with filing the order to get it cleared up, whether through putting it in a special account of a revolving account. He then noted it would be going directly into the general fund.

Councilor Vacon stated that she was pleased the deficit was being cleared up and that there would no longer be vendors with bad debts with the city.

Councilor Jourdain stated that one of the related pieces to the issue of off-duty assignments was a question of capturing the true cost when the rates get assigned out. He noted that it had been negotiated that the workers themselves set the rates. He then expressed concern that while the rate to the workers was being paid, there were other related expenses such as liabilities that the city was not being compensated for. He further explained that there was a question around what would happen if one of the workers was injured while on private duty detail. He then shared an update from John Dowd, the city's insurance agent, which explained that the city was self-insured for workers comp and general liability, and the city would be responsible for these costs. He added that while officers were covered by the city's workers comp account when assigned to detail by the city, injuries occurring while working for a 3rd party, the city had a legal right to be reimbursed for the medical bills and lost wages. He added that an officers causing their own injuries would lead to the city being liable for those cost, noting that this had not been factored into the administrative cost and should be considered when setting the rates. He further noted that the city was also on the hook if an officer caused property damage or injury to another person through their own negligence. He suggested that a contract needed to be established between these 3rd parties and the city to cover these kinds of liabilities.

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

The Committee on Finance to whom was referred an order That Representative Duffy and Senator Velis (or their representatives) be invited to City Council to discuss specific legislative bills they will file on our behalf to increase our local aid and various funding formulas affecting the city. They are requested to provide us a summary list of all state financial formulas affecting Holyoke, how our current aid is calculated (i.e. strictly by population size, number of students, miles of public roads, etc) so we can understand fully what is really driving our current local aid and what we need to change to get more aid. The current local aid model is unsustainable and Massachusetts needs to help Holyoke far more than it is currently. Councilors will also provide them with a number of suggestions for specific changes when we discuss.

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

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the order has been sent to both the Finance Committee and DGR, and there had been a recent discussion in DGR on the order and it did not make sense to duplicate it.
---> Report of Committee received and recommendation Adopted.

The Committee on Finance to whom was referred an order that no new road details shifts be scheduled or provided for any company or department that has an outstanding balance due to the PD/City of 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 this order was filed by Councilor Vacon as a suggestion that contractors who renege on paying police officers for duties, the city should not contract with them anymore.
---> Report of Committee received and recommendation Adopted.

President McGee stated that there were no reports from the Public Safety Committee, Public Service Committee, or the Development and Governmental Relations Committee.

(2:34:15)

The Committee on Charter and Rules to whom was referred an order From Lisa A. Ball, City Solicitor, legal opinion regarding Council access to Legal Opinions

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

Committee Members:

Jose Maldonado-Velez
Tessa Murphy-Romboletti
Todd A. McGee

UNDER DISCUSSION:

Councilor Maldonado Velez stated that the opinion resulted from a request by Councilor Jourdain to get clarification on access to legal opinions. He then explained that legal opinions can come from a request of the mayor, from the City Council as a body, or from a city agency or department head upon approval from the mayor. He also stated that with an assistant city solicitor assigned to the Council, there is also access to verbal opinions or advice during meetings. He noted that while Atty Bissonnette was the assigned solicitor, there had been a change in 2022 to the ordinances, making the City Solicitor the person making the assignment rather than the Council deciding. He noted an order would be filed to change that back. He also emphasized

that legal opinions were just opinions and the Council still have the final vote on certain matters.
---> Report of Committee received and recommendation Adopted.

ORDERS AND TRANSFERS

(2:36:40)

GIVNER — In the interest of public safety, that a Brush fire avoidance and response plan be provided to city councilors and be publicized on the city website.

---> Received and Adopted. Copy to Fire Department, Administrative Assistant.

GIVNER — In the interest of public safety, that a traffic safety pledge be created, in good faith, and that this pledge be taken by all city employees and officials. All city employees and officials should be expected to model righteous behavior by adhering to speed limits and following all traffic laws, ESPECIALLY when using CITY VEHICLES. How can we expect our community to respect its laws if city employees are blatantly disregarding them.

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

JOURDAIN — Ordered, that the law dept. provide the City Council with legal opinion and related documentation ensuring that the CPA committee and City of Holyoke are not violating anti-aid amendment (Mass. Const. Amend. Article 46, § 2, as amended by Article 103) by providing various CPA dollars to private parties including but not limited copies of all historic preservation restrictions placed on all property deeds, copies of public access agreements for all recipients, copies of mandatory re-payment requirements if property is sold, and related. Please confirm compliance with the state law for all recipients including by for-profit entities and inform us if recipients are advised that such safeguards are required. The City Council will want to review to all paperwork to ensure all legal safeguards are in place to ensure compliance with the law.

Councilor Jourdain noted that Atty Degnan had done some good research on this and may already have a head start.

---> Received and Adopted. Copy to Law Department, Finance Committee.

JOURDAIN, MCGEE — ORDERED:

To amend section 2-156.1 to return the approval the assistant city solicitor for the city council by the President of the city council to the language:

(1) City council. An assistant city solicitor shall attend all regular and special city council meetings and subcommittee meetings as necessary. The assistant shall work with the city council regarding legal questions posed to the law department by the council or by individual council members. The appointment of the assistant city solicitor for the city council shall also be approved by the president of the city council.

To further amend to return this language to section 2-153 of our ordinance:

In special cases the mayor, or city council through a majority vote, may authorize or require the department to secure the advice or services of such additional counselors as they may deem best. No money shall be paid by the for legal services, except as expressly authorized by this chapter. The mayor shall fund any authorization approved by the city council under this section.

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

JOURDAIN, MCGEE — Ordered, that the City Council retain independent legal counsel to work with the City Council and legal department to review its rules and powers under the Charter, state law, city ordinances and its rules.

Councilor Jourdain stated that there had been a good start to discussing this topic at a recent Charter and Rules meeting.

Councilor Bartley asked if this would require a financial appropriation.

President McGee suggested that it could be discussed in Charter and Rules and that the Law Department could advise on if there would be a need for a financial transfer.

---> Received and referred to the Charter and Rules Committee. Copy to Law Dept

Motion was made and seconded to suspend the necessary rules to take up items 27, 28, and late file B as a package.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE THOUSAND AND 00/100 Dollars (\$1,000) as follows:

FROM:

15102-54200 SUPPLIES \$1,000

TOTAL: \$1,000

TO:

15101-51300 OVERTIME \$1,000

TOTAL: \$1,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 18, 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, THIRTY THOUSAND AND 00/100 Dollars (\$30,000) as follows:

FROM:

14251-51104 HEAVY MOTOR EQUIPMENT OPERATOR \$30,000

TOTAL: \$30,000

TO:

14252-54221 SUPPLIES- TRAFFIC LINES \$30,000

TOTAL: \$30,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 18, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2023, EIGHTY TWO THOUSAND EIGHT HUNDRED AND 00/100 Dollars (\$82,800) as follows:

FROM:

12101-51510 SICK BUYBACK \$35,000
12101-51500 VACATION BUYBACK 12,800
12101-51505 TIME OWED 35,000

TOTAL: \$82,800

TO:

12102-54220 SUPPLIES-OTHER \$1,000
12102-52100 ENERGY 35,000
12102-57301 LEGAL DEFENSE 3,000
12102-53210 MEDICAL 8,800
12102-57100 IN STATE TRAVEL 2,000
12102-52410 R&M MOTOR VEHICLE 16,000
12102-54830 MOTOR VEHICLE SUPPLIES 17,000

TOTAL: \$82,800

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 18, 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, NINETEEN THOUSAND THREE HUNDRED FIFTY FIVE AND 33/100 Dollars (\$19,355.33) as follows:

FROM:

12101-51104 SERGEANT \$19,355.33
12101-51107 12,154.14

TOTAL: \$19,355.33

TO:

12101-51180 INJURED ON DUTY \$19,355.33

TOTAL: \$19,355.33

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, April 18, 2023.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

President McGee stated that the transfer covered 8 employees.

Councilor McGiverin stated that this was an accounting move to show when public safety employees were off duty and receiving their salary to account for the lack of available personnel.

Councilor Jourdain asked to clarify the account title for 51107.

Councilor McGiverin stated that was for patrolmen.

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

MCGEE — ordered that the position of Chief Administrative and Financial Officer be created and added to Schedule A

Councilor McGiverin stated that he did agree with the intent but emphasized that this proposal would also have an impact on the charter in addition to creating the position by ordinance. He added that with the way things were currently set up, there was a checks and balance situation with an elected treasurer and an auditor appointed by the Council.

Councilor Bartley suggested that the Law Department advise on if there would need to be a home rule petition for a charter change.

Councilor Jourdain noted that the mayor did have the power to veto it.

Councilor Vacon asked if there needed to be a ballot question. She recalled that the Council previously crafted one to put before the voters regarding consolidation of a couple of positions.

---> Received and referred to the Ordinance Committee. Copy to Law Department, Charter and Rules Committee.

PUELLO, RIVERA_I — That a “don’t block the box” be painted in front of 403 Main Street to help prevent peaking in front of and blocking of fire hydrant.

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

RIVERA_I — Order that representatives of Cataldo Ambulance Service Company be asked to come into public safety and share any information or data they have collected in relation to overdoses within the city of Holyoke.

Councilor Vacon noted that as the Police Department had provided those statistics in the past, she suggested the request also be sent to them.

Councilor Rivera_I asked to clarify if that would be a request for data.

President McGee confirmed that was accurate.

---> Received and referred to the Public Safety Committee. Copy to Holyoke Police Department.

RIVERA_I, Jourdain, McGiverin — Order that Mayor work in collaboration with the School Department, School Committee and the City Council to explore ways to expand on the educational opportunities provided at Dean Tech (Holyoke High School South Campus), by offering adult learners (particularly Holyoke) the chance to get certified in the trades offered at the school.

Councilor Jourdain asked to be added to the order. He then stated that this was a great order, emphasizing that programs for adult learners were something a lot of vocational schools were doing in the evenings. He added that the opportunity for residents to pick up a trade could be a game changer.

Councilor McGiverin asked to be added to the order.

---> Received and Adopted. Copied to the Mayor.

RIVERA_I, Tallman — Order that the Mayor organize an advisory committee that will work in collaboration with Public Health Department and Public Safety Committee that will work on coordinating re-entry services for those re-entering society, specifically the city of Holyoke.

Councilor Rivera_I stated that he would like a discussion with the mayor and the Health Department in Public Safety on creating an ad hoc committee to help. He added that the idea was to discuss how funds would be used that were coming in from settlements and cannabis impact fees to address substance abuse issues. He then emphasized that people often suffer from more than just one issue, with a combination of substance abuse with mental health issues or homelessness for example. He added that they are almost always found when they are re-entering society from prisons, shelters, or mental health facilities. He then suggested a partnership with the Sheriff's Department who was already running a re-entry program in order to get help designing a program locally.

Councilor Tallman asked to be added to the order. He emphasized that importance of getting people help when they re-enter society no matter where they were coming from.

Councilor McGiverin noted that the Sheriff was already renting a portion of the Annex Building next door to house several services provided through the state. He added that the AISS was an after-incarceration services program on State Street in Springfield.

Councilor Rivera_I noted that the program was no longer called after-incarceration services. He recalled that while he hadn't used the services during his process of re-entry, he founds that of the services across the country helping people return to society, AISS programs were some of the best, often looked to as a model for other states. He suggested that Holyoke could build off of what was already available.

*Admin's note: AISS now stands for All Inclusive Support Services.

Councilor McGiverin emphasized the value of establishing a satellite location in Holyoke so locals did not need to travel to Springfield.

---> Received and Adopted. Copy to the Mayor, Board of Health, Public Safety Committee

VACON — That Lynn Ann Drive and the remaining portion of Richard Eger Drive be accepted as city streets in order to be eligible for Chapter 90 funding. These streets are part of a neighborhood where all other streets have been accepted.

Councilor Vacon stated that she would coordinate with the City Engineer to get the required petitions.
---> Received and Adopted. Copy to City Engineer, Board of Public Works.

VACON, Jourdain, Bartley — that we seek assistance from the Pioneer Valley Planning Commission to evaluate and address the longstanding truck traffic problems on Homestead Avenue.

Background information:

In Massachusetts, setting up a truck exclusion zone requires the permission of the Massachusetts Department of Public Works (MDPW).

This in turn requires a study that documents truck traffic levels and justifies excluding trucks from the streets affected. The Pioneer Valley Planning Commission (PVC) can help local governments evaluate truck traffic problems and develop strategies for dealing with them. If truck exclusion appears to be a reasonable solution, the PVC can assist local officials in performing the required study.

Truck exclusion zones can be authorized only if a suitable alternate route is available for truck traffic.

The link to the full article from PVC:

https://www.pvpc.org/sites/default/files/manage_truck_traff.pdf

Councilor Jourdain asked to be added to the order. He noted he received a request from a constituent regarding this topic.

Councilor Bartley asked to be added to the order. He noted that a crosswalk on Homestead in front of HCC was finally coming to fruition after requesting it for years.

---> Received and Adopted. Copy to Mayor, Public Safety Committee.

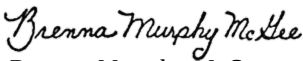
LATE FILED ORDERS AND COMMUNICATIONS

MCGEE — Ordered, that the City Council present proclamations to Raysa Rodriguez, Sharon Gonzalez, Valeria Mendez, and Patricia Rivera from Colectivo Morivivi for their mural work as part of the El Corazon/ Heart of Holyoke project.

Motion was made and seconded to take final action.

---> Received and Adopted.

Adjourned at 10:06 PM


Brenna Murphy McGee
City Clerk