### REGULAR MEETING OF THE CITY COUNCIL

# **August 1, 2023**

The meeting was called to order by McGee at 7:07 PM

The Clerk called the roll. Absent members: 2 (Givner, Rivera\_J) Present Members in person 11 (Anderson-Burgos, Bartley, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, Rivera\_I, Tallman, Vacon).

The Pledge of Allegiance was recited.

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

President McGee stated that Councilor Bartley and Councilor Maldonado Velez would be joining shortly. He added that Rivera\_J was at work, and that Councilor Rivera\_I and Givner were traveling.

The name of Councilor Rivera\_I was pulled to head the roll call voting.

# **LAID ON THE TABLE**

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

---> Laid on the table.

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

The undersigned seek a meeting of the City council and have the question to vote for a CPA rate of 1% or 1.5% placed on the November 2023 ballot as voted by a majority of the City council on April 4, 2023. This is the first opportunity we have to vote on the tax surcharge since was approved 5 years ago. We object to any delay in our ability to vote on this tax surcharge, whether we support a reduction or support the current rate.

Councilor Vacon stated that the petition should be moved for a meeting of the citizens as it had been properly certified and was required under the charter.

President McGee stated that a public meeting of the City Council would take place in the Finance Committee.

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

# **PUBLIC COMMENT**

(2:55)

Patricia Devine, 58 Magnolia Avenue, emphasized that her statement would not be intended as a criticism and apologized if it was to appear that way. She then stated that during the Ordinance Committee meeting of June 27, 2023, they were taking up an order that including, in part, the following language:

"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."

She then stated that during the meeting, the committee two paragraphs of the entire order separately. She then explained that the vote on the first paragraph was adopted with a 3-2 vote, adding that this was item 29C on this evening's agenda. She further explained that a motion to accept the second paragraph failed on a 2-3 vote. She suggested that one this vote was taken, discussion should have ended. She added that no motion to reconsider was taken but the item was then tabled. She suggested that the second paragraph should have been on this evening's agenda with an opportunity for the minority to give their report in order to avoid the appearance of an open meeting law violation.

# **COMMUNICATIONS**

(5:10)

From Mayor Joshua A. Garcia, Executive Order re: Sec. 18-35 Regulation of Blighted and vacant Buildings.

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

From Mayor Joshua A. Garcia, letter appointing Ms. Hayley M. Dunn, 1099 Northampton St. to serve as the Democratic Member for the Board of Registrar of Voters for the City of Holyoke: Ms. Dunn will replace Mr. Ray Drewnowski and will serve the remainder of his term, said term will expire on March 31, 2024.

Councilor Tallman asked if this would need to go to Public Service.

President McGee stated that it was up to the Council. He noted that she served in this role before and was returning to it due to Mr. Drewnowski stepping down.

Councilor Tallman suggested just accepting it as long as the Council was okay with that.

Councilor Jourdain stated that as she was nominated by the Democratic City Committee, it should be supported as the mayor was supposed to select one recommended by that committee. He added that everyone knew Ms. Dunn well.

---> Received and Appointment confirmed.

From Mayor Joshua A, Garcia letter Appointing Mr. R. Andrew Parker, 170 Mt. View Dr. to serve as a member on the Library Board of Directors for the City of Holyoke: Mr. Parker will replace Ms. Julia Santiago and will serve the remainder of her term; said term will expire on February 2025.

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

From Mayor Joshua A. Garcia letter appointing Greg Virgilio, David "DJ" O'Connor, Linda Pratt, Nayroby Rosa-Soriano, Framk Dailey. Matt Mainville, Meagan Magrath, Axel Fontanez, Markeysha Dawn Davis & Camilia Garcia as members on the Recycling Advisory Committee for the City of Holyoke: They will serve a three year term; Said term will expire on August 1, 2026.

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

From Mayor Joshua A. Garcia, emails providing feedback from various department heads in regards to financial policies manual.

Councilor Vacon stated that a related order was filed to be send to Ordinance.

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

Motion was made and seconded to suspend the necessary rules to take up items 47 and Late File B as a package.

JOURDAIN -- "That Cook and Company be invited to a future finance subcommittee meeting to review their recent health insurance analysis for the city."

Councilor Jourdain suggested that all of the related orders should go to Ordinance to keep them together. He also offered thanks to Mayor Garcia and the state's Devision of Local Services for their work putting the financial policies package together. He also thanked department heads for providing great feedback. He emphasized the importance of having the policies and procedures implemented by ordinance that would help the city's financial improvement for the future.

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

JOURDAIN — Ordered, that the City Council review and adopt the Mayor's proposal for the city's financial policies by ordinance."

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

From Mayor Joshua A. Garcia, notice to hold hearing on Comcast License renewal on September 14, 2023.

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

City of Holyoke Financial Policies Manual from Division of Local Services MA Department of Revenue.

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

Motion was made and seconded to suspend the necessary rules to take up items 10 and 11 as a package.

From Lisa Ball, City Solicitor legal Opinion from Mark R. Reich, Esq. regarding City council voting requirements.

---> Received. Copy to Charter and Rules.

From Lisa Ball, City Solicitor, Legal Opinion from KP Law, Mark R. Reich Esq. regarding Community Preservation Act Surcharge Reduction.

---> Received. Copy to Charter and Rules.

Motion was made and seconded to lay item 12 on the table to be taken up with item 34C later in the meeting.

From City Solicitor letter re: Police Commission.

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

From Brenna Murphy McGee, MMC listing of money cuts from FY2024 Budget.

---> Received.

From City Clerk Brenna Murphy McGee, communication regarding ballot question deadlines.

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

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Ass't. to City Council minutes of Special Meeting and regular meeting of May 16, Regular meeting of June 6, June 20, 2023.

---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 17 through 19 as a package.

 $\label{lem:completion} \textit{Grant Completion Form - Commonwealth of Massachusetts DCR Masstrails Grant}.$ 

---> Received.

Grant Completion Form, From Wistariahurst Museum Repainting/Restoration.

---> Received.

Grant Completion Form - FY 23 REDO grant, The ARTery Project - Economic Development Council of Western Mass

---> Received.

From Upper Echelon Cultivation LLC & Red Barn Growers LLC located at 1 Cabot St. Community Outreach Meeting.

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

Motion was made and seconded to suspend the necessary rules to take up items 21 through 24 as a package.

From HEDIC Minutes of March 23 & May 25, 2023.

---> Received.

From Board of Fire Commission minutes of May 18, 2023.

---> Received.

From Holyoke Historical Commission minutes of April 10, 2023.

---> Received.

From Holyoke Redevelopment Authority minutes of May 17 & June 21, 2023. ---> Received.

Motion was made and seconded to suspend the necessary rules to take up items 25 and 33B as a package.

From Andre Gamble, pictures addressing parking requirement for special permit at 39-41 Portland Street. ---> Received.

The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application of Andre Gamble for a special permit for a third floor dwelling (7.2.9) at 39-41 Portland St.

have considered the same and Recommended that the special be granted with the following condition: That the applicant meet with the Building Department's requirement that there be two additional parking spaces available.

Committee Members:

Tessa Murphy-Romboletti David K. Bartley Joseph McGiverin Jenny Rivera\_J Linda L. Vacon

#### UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that the Gamble family were longtime Holyoke residents. She then emphasized that this was a special permit required by the City Council. She noted that Mr. Gamble got the committee everything that was needed in time for the meeting. She then explained that this was an owner occupied home, and that the permit was to create a third floor dwelling. She also stated that the plan appeared to meet the questions and requirements, noting that it was currently a two unit dwelling. She also noted that the provided pictures appeared to meet the parking requirements, which was the one remaining need when the committee voted to grant the special permit.

Councilor Bartley stated that much was accomplished during the meeting. He then observed that the petitioner was guided well by the city's government in terms of getting the right ordinance. He then noted that Mr. Gamble was investing in his home and in his neighborhood. He also noted that there were no voices neither pro nor against during the public hearing.

President McGee stated that he had known the Gamble family since he was a kid. He then thanked the family for investing.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent (Givner, Rivera\_I, Rivera\_J).

### **PETITIONS**

(23:00)

Petition of Euphorium LLC for a new special permit for a Marijuana Manufacturing Establishment at 15 Main St

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

Petition for Joint or Identical Pole Location Verizon New England Inc and Holyoke Gas & Electric Department:

Request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

JARVIS AVENUE: Place one (1) jointly owned mid-span pole numbered T.5 1/2/E.30 1/2 o the east side of Jarvis Avenue at a point approximately eight hundred seventy five (875) feet southwesterly from the centerline of Easthampton Rd.

Reason: This request has been initiated by the Holyoke G & E and is intended to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Councilor Tallman noted that someone was in the audience for this item.

Don from Verizon stated that he believed the public hearing was this evening.

President McGee clarified that the petition first had to be received and then the City Council would set up the public hearing for the next meeting. He noted it would be September 5th.

---> Laid on the table.

Petition of Marisol Figueroa for a new special permit for a nail salon at 222 West Franklin St. ---> Received and referred to the Development and Governmental Relations Committee.

# **PRESIDENTS REPORTS**

(24:40)

President McGee stated that the mayor would be serving lunch for charity at LugNutz Café the following day.

He also stated that the City Council pictures would be taken prior to the October 3rd meeting at 6 p.m. He noted that the pictures would include the usual frame as well as a group photo for the 150th commemorative book.

He stated that there were no interpreters for the meeting due to a personal emergency but that the meeting would be interpreted later for the public.

He then recognized Councilor McGiverin for his 44 years of service to the city as a member of the City Council.

Councilor McGiverin stated that he was not yet prepared to address everything, noting there were still 5 months left in the term. He then thanked President McGee for his leadership, expressing his belief that he had done a tremendous job as president. He noted the other presidents he served with, including Councilor Jourdain who had done a great job and understood finances as well as any councilor. He added that he briefly served with Tommy Monahan in 1980 at the end of his tenure. He also stated that his mentor and one of his favorite city councilors had been Mike Mannix. He also quipped that some other guy - referring to himself - served as president for 26 years. He then thanked every elected official he had

served with. He noted that Brenna Murphy McGee was the third City Clerk he had served with, along with Jimmy Shea and Susan Egan. He also stated that every City Treasurer he had served with had done a fantastic job. He emphasized that while many think of city government as the elected officials, he gave the most tribute to the department heads and city employees. He added that while elected officials were the voice and had many policy and management responsibilities, the city employees had provided important service to the city residents over many years.

The room erupted in applause in honor of Councilor McGiverin.

Councilor Jourdain emphasized the big loss to the institution with Councilor McGiverin leaving, along with President McGee and Councilor Tallman, noting that they added up to around 90-100 years of experience. He then thanked them, emphasizing how important they were collectively. He then stated that Councilor McGiverin was on another level, with records that would likely never be repeated, including 26 years as Council president. He also acknowledged that this represented Councilor McGiverin's service and commitment to the city.

Councilor Tallman stated that Councilor McGiverin had been quite an asset to the city over the years, emphasizing the hundreds of councilors and alderman he had likely mentored over the years since 1980. He added that he looked to Councilor McGiverin for advice during his early years anytime he needed to talk. He then echoed the sentiment that the city's workers were the lifeblood of the community. He also emphasized that there was likely no other councilor that attended as many committee meetings as Councilor McGiverin, sometimes as many as 4 times a week. He also expressed his pride in being a fellow Holyoke Catholic alumni.

President McGee stated that it hadn't really hit him until an article came out a week earlier. He emphasized that it wasn't just about the service to the Council, but also what the entire Councilor McGiverin family had given to the city. He added that Councilor McGiverin also provided a lot of history, adding that an issue could come up and he would take us back to the history on how we got from where things were to where it had gotten to so that councilors could understand things better before voting.

Councilor McGiverin emphasized that Ronnie Collamore should not be forgotten for his number of years of service, noting that he had served over 40 years. He then stated that he would not be able to do the work without the support of his family.

# **REPORTS OF COMMITTEES**

(35:25)

The Committee on Ordinance to whom was referred an order Per constituent request, please remove the handicap sign at 16-18 Linden as the previous owner has passed.

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

Committee Members:

Linda L. Vacon Jose Maldonado-Velez

Kocayne Givner Kevin A Jourdain Israel Rivera I

### UNDER DISCUSSION:

Councilor Vacon stated that it was no longer needed at the location.

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

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

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

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays-Yeas 10--Nays 0--Absent 3 (Givner, Rivera\_I, Rivera\_J) . Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to take up item 12 and 34C as a package.

From City Solicitors Ballot Question wording.

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

The Committee on Charter and Rules to whom was referred an order That the City of Holyoke, through its Honorable City Council and Honorable Mayor, hereby petitions the Massachusetts General Court to enact legislation "Establishing an Appointed Treasurer for the City of Holyoke" in the form set forth below; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

"An Act Establishing an Appointed Treasurer for the City of Holyoke" – This act proposes to change the City Treasurer from an elected position to an appointed one; the appointment will be made by the Mayor, with approval of the City Council, for a term not to exceed five (5) years and qualifications for the position may be established by ordinance. If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer will be appointed to the position following the expiration of that term in January 2026 or sooner if the office is vacated.

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

Committee Members:

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

#### UNDER DISCUSSION:

Councilor Maldonado Velez stated that this topic had been brought up before to be put as a ballot question in front of the voters. He then noted that the difference from previous orders was that this would have the City Council making the appointment rather than the mayor.

Councilor Murphy-Romboletti clarified that the mayor would nominate with approval by the City Council.

Councilor Maldonado Velez stated that the conversation included discussion of hiring a CAFO (Chief Administrative Financial Officer), including having a better idea of what that role would look like. He suggested that this could be voted on in order to put the question on the ballot and the city could create the CAFO position and work with the mayor to develop that department. He added that Atty Bissonnette advised that the Council could do that and that the Treasurer position could still exits. He noted that the question came up as to whether the question could be put on the ballot for the next year given the argument about voter turnout that had come up with the CPA ballot question. He then explained that as this would be a municipal charter change, it had to come during a municipal election. He noted that the committee voted 2-1 in favor.

Councilor Vacon suggested that the ballot question language had just been provided that day.

Admin Asst Councilor Anderson-Burgos clarified that the home rule petition language had just provided that day while the ballot language had been sent the previous Friday with the packet from the Clerk.

Councilor Vacon stated that the language referred to it taking effect in 2026. She then questioned why the city would wait if the voters approved it. She noted that the term was 4 years and not 2.

President McGee stated that if the Treasurer was elected the current year, they would have 2 years remaining through the end of 2025.

Councilor Vacon asked if that was to complete the term.

President McGee confirmed that was correct.

Councilor Vacon stated that she found it interesting and ironic that this could be pushed for the ballot in the current year while another question approved for the ballot in April was still tabled because of debate about doing it the next year. She then reiterated her argument that the other question [about the CPA surcharge reduction] had already been properly voted for to go on the ballot, adding that she found it hypocritical to move on this question without moving on the other one.

Councilor Murphy-Romboletti stated that while she did not believe the coming fall was the ideal election time to place this question on the ballot, she emphasized that the state required it to go on a municipal ballot. She suggested that comparing it to the CPA question was like comparing apples to oranges. She also stated that this change had been recommended to the city by the state for many years.

Councilor Maldonado Velez stated that he had struggled with this, noting he asked about putting this question on the next year's election ballot. He added that if it was put on this year, it would have to be 2 years from now. He also emphasized that if even it was passed tonight, there were additional steps it would need to take including going through the state representative and state senator to get a home rule petition passed through the state.

Councilor McGiverin stated that while he favored changing the Treasurer from elected to appointed in the long run, he did not favor looking at it as one position when the entire finance team starting with the mayor was designed to be a built in checks and balance to the finances of the city. He emphasized that the mayor was the only person that could initiate an appropriation according to the charter and state law. He then stated that the Treasurer had a lot of authority over the revenue that came into the city, and it

could have a tremendous negative impact on the city if the job was not done right. He then emphasized that the Treasurer was responsible for reconciling the revenues, ensuring payroll was done right, and ensuring that money was being spent appropriately. He added that they also had more authority than almost anyone but the mayor to oversee the city's investments. He noted that it had been seen in the past what can go wrong when the mayor appoints the wrong person. He reiterated that he could eventually support this, but only if there was a larger conversation about what the future of the city's financial team would look like, including if there would be a Chief Financial Officer. He then stated that he could not yet support it until there was more discussion to address the big picture.

Councilor Jourdain stated that while he agreed with getting to the point of having an appointed Treasurer, there were too many pieces on the table yet to be decided. Noting the ongoing discussion about creating a CAFO position, he questioned if that was just a fancy name for a city manager. He then noted many open questions such as how the duties would be separated, how were the roles interconnected, and who appoints who. He then suggested that while a lot of the things the mayor was saying were spot on, there were questions on how departments interrelate and a lot of decisions that had not been made. He also noted that other cities had merged their treasurer and tax collector offices. He then suggested that while he wouldn't dive too deep into the timing, it should be noted that the requirement for this to go on a municipal election is the legislature telling you that municipal elections matter and are important by putting the weight of major charter issues on those ballots. He suggested that this should be tabled in order to have the other discussions. He then suggested that if this work could be done this year, the city could ask the state to change the rules in order for the city to take it up the next year.

Councilor Murphy-Romboletti stated that while it would have been nice to discuss this earlier, it was frustrating to have the city continue to keep kicking the can down the road. She suggested that this was a first step that the city should be taking. She then reiterated that this should not be compared to the CPA question because that was not a charter change and could appear on any ballot. She then stated that if this was voted on this evening, she would be voting for it as it was long overdue.

Councilor Vacon asked as a matter of process if the state had to approve a petition before this question could go on the ballot.

President McGee stated that they would.

Councilor Vacon asked if the petition had been filed with the state. She also asked if it was different than when the city asked for a temporary change for who could fill the role of acting mayor.

President McGee stated that approving this order would be petitioning the state legislature to put it on the ballot.

Councilor Vacon stated that she would be in favor of the treasurer not being elected but it needed to be done hand in hand with some of the other structural changes being proposed. She then noted that the state mandates charter changes be done on a local ballot because it was a local issue. She then suggested that there was nothing more local than the CPA surtax.

Councilor Jourdain clarified that when the city asked for the change to address the acting mayor, the determination was made that it did not require a vote of the public because it wasn't a charter change. He added that certain things require a vote of the public, such as changing terms of office or changing a position from being elected to appointed.

Councilor Maldonado Velez suggested that everyone was on the same page in that the position should be appointed. He then emphasized that if this were to pass, there would be 3 years to figure out what it would look like because it would not take effect until 2026. He then noted that when the CPA question was originally passed, it was an election with 11,000 voters while the coming election would have much less voter turnout. He then emphasized that no matter how the vote on this order turned out, the treasurer position would eventually become an appointed position within the next 5-6 years.

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

Councilor Jourdain pointed out that while having an elected or appointed treasurer seemed clear, it was not yet known how the other roles would work out. He added that it was not yet clear how long the term would be.

Councilor Anderson-Burgos stated that while everyone was making valuable points, the focus needed to be on looking at having an appointed treasurer. He emphasized that the department had been chaos going back many years. He suggested that Rory Casey, the current treasurer, and the mayor were discovering the layers and layers of issues that had been hiding for a long time. He

Motion was made and seconded to suspend the necessary rules to allow Councilor Vacon to speak for a third time.

Councilor Vacon asked if the item was tabled or sent back to committee for further discussion, would there still be potential time to get it on the ballot.

President McGee stated that there would be. He explained that he voted no in committee because he felt as Councilor McGiverin and Councilor Jourdain did. He noted that he was one of the first advocates for changing the treasurer department, but this question was putting the cart before the horse and did not address the overall problem. He suggested that rather than tabling, it needed to go back to committee to really vet everything that had been discussed.

Councilor Anderson-Burgos made a motion to lay on the table. Motion failed for lack of a second.

Councilor Vacon made a motion to refer back to committee. Councilor Jourdain seconded the motion. ---> Report of Committee received and referred to Charter and Rules Committee.

Motion was made and seconded to suspend the necessary rules to take up item 33A out of order.

The Committee on Development and Governmental Relations to whom was referred an order License Agreement between the City of Holyoke and Edward A. Owen with a business at 120 Front St.

have considered the same and Recommended that the license be granted.

Committee Members:

Tessa Murphy-Romboletti

David K. Bartley Joseph McGiverin Jenny Rivera\_J Linda L. Vacon

#### UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that this was a renewal of the license that would allow Mr. Owen to install a new porch with steps, as well as a handicap accessible ramp. She then explained that the work had been completed, the steps and ramp were being used, and it had improved the aesthetics of the building. She noted that the topic of a permanent easement came up but that would need to be discussed between the Law Department and the mayor.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Givner, Rivera J).

Motion was made and seconded to suspend the necessary rules to take up items 55 and 56 as a package.

Councilor McGiverin noted the Police Chief on Zoom to discuss these items.

MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FFY20 PROJECT SAFE NEIGHBORHOODS (PSN), \$87,392, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 1, 2023.

#### **UNDER DISCUSSION:**

Councilor McGiverin stated that the grant came from the Executive Office of Public Safety. He noted that Holyoke was one of the few cities in Western Massachusetts to qualify for this grant. He noted that another one of these grants was coming out of committee later in the evening. He then explained that the city was notified that there were extra funds from the 2020 fiscal year that Holyoke was qualified to use, adding that it was only to be used for the purchase of equipment for the Police Department. He emphasized that there was a time constraint requiring the funds to be used by September 15th, adding that it would also have to go through Procurement as well as ensuring other steps in the process were covered to spend it by that date. He then deferred to Chief Pratt for additional specifics.

Motion was made and seconded to suspend the necessary rules to allow Chief Pratt to address the Council.

Chief Pratt stated that they planned to purchase computers, camera equipment, monitors, and medical bags. He added that the big purchase would be a Cellbrite system to analyze cell phone data. He then explained that this would allow them to analyze that data locally rather than having to send phones out, which would allow them to return phones quicker.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 1 (Rivera\_I)--Absent 2 (Givner, Rivera\_J).

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE HUNDRED TWENTY ONE THOUSAND EIGHT HUNDRED SEVENTY NINE AND 00/100 Dollars (\$121,879) as follows:

FROM:

12101-51510 SICK LEAVE BUYBACK \$121,879

TOTAL: \$121,879

TO:

12101-51103 CAPTAIN \$121,879

TOTAL: \$121,879

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 1, 2023.

### UNDER DISCUSSION:

Councilor McGiverin stated that the mayor explained that the need to pass this right away was related to a scrivener's error in the budget. He noted that during the budget hearings, there was a lengthy discussion about having 4 captains, adding that the mayor was adamant that his plan was to have 3 captains. He then noted that there were only 2 active people filling those positions due to one being on leave as well as a retirement that had just taken place. He further explained that the chief could add one into a provisional captain's role to keep the rotation going. He reiterated that the long term goal was to get to 3 captains. He added that both the chief and the mayor were asking that these funds be kept in the budget for the rest of the fiscal year. He noted that that was the intent during the budget discussions, the final vote did not reflect it.

Councilor Jourdain asked why this was not going to the Finance Committee but was an emergency.

Councilor McGiverin stated that it was a correction of what he believed was already voted on when the Council voted on the budget. He noted that one was on administrative leave and still being paid and another, Captain Moriarty, had retired, leaving only 2 available. He further explained that they wanted to get another into the position of provisional captain in order to have 3 working, emphasizing their importance in getting police work done, especially during toucher investigations.

Councilor Jourdain stated that he still did not understand the urgency. He suggested that this required more than a quick, 2 minute conversation.

President McGee clarified that this had already been discussed for budget purposes but was not allocated correctly in the budget.

Chief Pratt stated that was correct. He explained that it was discussed in the budget hearing and then voted on at a later meeting. He suggested that sending it to Finance would be talking about what was already talked about. He then emphasized that he was down to 2 captains at the time. He further explained that this was just a correction the mayor was supposed to make, noting that a correction for the patrol line item got done but this one for captains got missed.

Councilor Jourdain stated that the topic of anyone suspended and out on paid leave was never discussed during the budget hearings. He then asked how it worked when a person was out on leave for years, if it

gets backfilled, is it a cause of overtime, for instance. He expressed a need to understand this better. He questioned if a lieutenant could act out of grade until after the next Finance meeting. He also questioned why it was over \$120,000 instead of covering a month as the emergency portion of it. He also questioned what the budget error was. He also questioned how everyone was in agreement on 3 captains when he had been hearing for years that terrible things would happen if they didn't have 4.

Councilor Rivera\_I explained that his vote against the previous order and his likely no vote on this order was due to their not being enough information on them. He expressed frustration about just voting things through without much time to look things over.

---> Received and referred to the Finance Committee on a show of hands vote.

The Committee on Ordinance to whom was referred an order That Ordinance Section 12-4 Flags of the City of Holyoke be amended to include the new regulations for flying the POW flag.

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

Committee Members:

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

### UNDER DISCUSSION:

Councilor Vacon stated that the item should be tabled because there were a couple changes to the legal language made in committee that weren't in the attached draft.

---> Report of Committee received and laid on the table.

The Committee on Ordinance to whom was referred an order 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.

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

Committee Members:

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

### **UNDER DISCUSSION:**

Councilor Vacon asked that the legal form be read into the record to clarify a difference from the language of the order and an additional line that was added at the end.

President McGee read the language of the legal form:

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 by the city solicitor to the city council shall also be approved by the president of the city council. An alternate assistant city solicitor may attend said city council meetings in lieu of the appointed assistant city solicitor.

Councilor Vacon emphasized that the last sentence was different from what was discussed in committee.

Report of Committee received and the Ordinance passed its first reading. The Ordinance passed its second reading.

Councilor Bartley asked at what point the president would be making the appointment of the assistant city solicitor.

President McGee stated that it would be at the beginning of the year.

Councilor Bartley noted that the Council elects the president at the first meeting in January after everyone is sworn in. He then asked if the City Council President would then work with the Law Department to name someone at point thereafter before the first Council meeting.

President McGee stated that it wasn't a true process in the past. He suggested that in the future, the City Solicitor would go to the president and inform them of who they plan to appoint, and then the president would say that's fine. He added that if they couldn't make it to certain meetings, another could attend in their place.

Councilor Bartley asked why that process wasn't spelled out in the language. He suggested that leaving things open-ended leads to things not getting done. He then suggested amending the language to specify a date certain by which the assistant city solicitor would be named, specifically by the first full City Council meeting of the new term. He then questioned if that was enough time.

President McGee suggested that may not be enough time.

Councilor Bartley suggested that it could be the first full meeting in February. He then made a motion that the additional language should read "the City Council President shall appoint said assistant solicitor no later than the first regular City Council meeting in February of the new term." Councilor Vacon seconded the motion.

President McGee noted that in the past when amendments had been made on the floor, the amendment would be passed and then the other would be tabled so the Law Department can come back with the new legal form.

Legal form amendment passed.

---> Laid on the table.

Councilor Jourdain asked that a moment of silence in honor of Ted Pluta, husband of former mayor, Elaine Pluta. He noted that he had been the first and only First Man of Holyoke. He noted that Mr. Pluta had a great personality and sense of humor and was loved by many people. He offered condolences to Elaine and their family.

A moment of silence was observed for Ted Pluta.

Councilor McGiverin noted that Mr. Pluta was known as the first 16th alderman and wore the badge proudly.

(1:33:25)

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 "FFY19 PROJECT SAFE NEIGHBORHOODS (PSN), \$20,069, 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 grant would pay for handheld laser pointers that can detect and identify illegal. substances.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Givner, Rivera\_I, Rivera\_J). 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 "FY 2024 STATE 911 DEPARTMENT EMERGENCY MEDICAL DISPATCH, \$24,500, 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 grant would be used for dispatchers. He also noted that the city was being used as a go-between for the city's ambulance service, Cataldo. He then explained that the Cataldo worked with the city departments for coordination 911 calls were received, noting that state law required dispatchers to stay on a call until the first responders arrive. He added that the state provided funds for this purpose, adding that the grant had to go through the city to then get to Cataldo as a private company.

Councilor Puello stated that he did not feel comfortable voting for this. He noted that a study was taking place to determine how the city can provide the service directly. He then stated that the way it was currently contracted, this was giving an extra Cataldo \$24,500. He questioned if it was even legal, and if the city could get any benefit from that. He emphasized that these were taxpayer dollars coming from the state on top of the city paying Cataldo for their service.

Councilor McGiverin agreed that these types of grants were taxpayer dollars whether they came from the state or the federal government. He noted that this state law had been an unfunded mandate for many years, adding that the state came to recognize that. He then stated that he believed it was worth approving this grant because the constituents of the city will benefit from it.

Councilor Bartley emphasized that there was an ordinance requiring city departments to report back on how they used their grants. He suggested that Cataldo should also be subject to that ordinance. He then questioned why that point was not made clear in the language of grant agreements. He suggested including that in grants going forward.

President McGee noted that the paperwork for the grant included language on the requirement to follow the management process. He suggested that the chief could add a sentence to that.

Councilor Bartley stated that it should clarify the specific chapter and verse in the ordinance.

President McGee suggested that the management process could be understand as including the ordinance but that could be addressed in future letters.

Councilor Bartley asked if that was something that could be amended on this order.

Councilor McGiverin stated that as grants were a form of appropriation, the language could not be amended now. He stated that the Auditor could be asked to spell out the ordinance language for future grants. He noted that with the SHANNON grant, he understood that the Boys and Girls Club had been providing a report through the Police Department.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 9--Nays 1 (Puello)--Absent 3 (Givner, Rivera\_I, Rivera\_J). 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 "FY2024 SUPPORT & INCENTIVE GRANT, \$306,443, 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 the bulk of this grant would be used for dispatchers as the same grant had done in the past. He noted the funding in the budget had to be spent before the city would be reimbursed from the grant. He added that a new addition to the grant would include \$60,000 being used to contract BHN and CHD to provide support services for substance abuse and mental health, particularly related to the opioid crisis.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays-Yeas 10--Nays 0--Absent 3 (Givner, Rivera\_I, Rivera\_J).

Approved by the Mayor.

Motion was made and seconded to suspend the necessary rules to take up items 30D and 61 as a package.

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY FFY2022 EMPG, \$20,150, 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

---> Report of Committee received and returned to the Auditor.

MCGIVERIN -- that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "(REVISED PER FINANCE COMMITTEE) MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY FFY2022 EMPG, \$20,150, IN KIND MATCH \$20,000" 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.

#### UNDER DISCUSSION:

Councilor McGiverin stated that the grant discussed and acted on in committee stated there was no match. He then stated that Jeff Trask, Emergency Management Director, explained that the grant required in in-kind match. He emphasized that in-kind matches had to be documented by the city auditors, as well as proven to the state that it was fulfilled. He noted that item 61 was replacing 30D to specific the in-kind match. He then explained that they would be purchasing an underwater drone as well an airborne drone to be used by the Emergency Management and Fire Department departments in crisis situations. He noted the water drone was high resolution. He added that the batteries were rechargeable as they were being used.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0-- Absent 3 (Givner, Rivera I, Rivera J).

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 "PVPC FY24 CT RIVER CLEANUP FUNDING, \$210,000, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

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

Committee Members:

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

### UNDER DISCUSSION:

Councilor McGiverin stated that this was the city's portion of the annual Pioneer valley cleanup grant. He noted it came from the federal government through the PVPC, apportioned to Holyoke, Chicopee, and Springfield. He noted that Holyoke was getting the bulk share for the second year in a row because the city was just about at the phase of project readiness for CSO projects to address the mandating of cleaning up the Connecticut River. He then explained that this round of funding would cover the final design phase of the River Terrace project.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Givner, Rivera\_I, Rivera\_J). Approved by the Mayor.

Motion for Motion was made and seconded to suspend the necessary rules to take up items 30F through 30I as a package.

The Committee on Finance to whom was referred an order That the Auditor and if needed relevant dept heads and Mayor please review the Free Cash certification with the Finance Committee and City Council.

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 emphasized that this was the latest in the fiscal year that he had seen free cash certified. He then stated that a main reason it was so late was due to the city being late in reconciling of the revenue by the Treasurer's office. He noted that much of the discussion focused on addressing issues in that office, especially with \$300,000 having been spent in the past year on outside help. We added that results and specifics needed to be provided to understand their work.

Councilor Vacon stated that the most upsetting thing was the auditor explaining that it appeared it would be the same issue going forward at the rate things were going. She emphasized the need to know what the city got for the already \$300,000 paid to the consultant. She added that the department needed people who were qualified to do the job, adding that the consultants needed to be held accountable. She then expressed frustration over working with the consultant for a year and still being in the same position.

Councilor Jourdain noted that the funding would dry up at the end of August. He then emphasized the patience of the auditor in dealing with the issues. He then suggested following some basic principles such as not spending without authorizations, or nobody being allowed to spend money to pay insurance premiums without first the mayor, auditor, and treasurer approving. He noted that there had been no authorization for these appropriations since September of 2022. He questioned how somebody could be transferring those funds out without authorization, emphasizing that it was illegal. He also pointed out that free cash was reduced due to cash variances, with \$167,000 that was thought to be in the bank but was not. He questioned if it was a clerical error or if it was lost. He also stated that another \$500,000 was taken from free cash because the city did not properly estimate the retirement, dental, trust, and FICA. He then emphasized that the city was also living beyond its means with a structural deficit of almost \$2 million a year. He noted that the city was using \$2 million a year for 4 years from ARPA funds to cover the city's structural deficit. He noted that by contrast, Chicopee put \$10 million of their ARPA funds into savings and nothing to cover structural deficits. He then questioned what the consultant, Munifin, was doing to address these issues, emphasizing that they had continued while the city was paying them to help clean up the department.

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

The Committee on Finance to whom was referred an order that the Finance Committee discuss the funding of interpretation of subcommittee meetings.

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 they discussed the number of hours and cost of interpretation provided in 2022 for full City Council meetings, noting that they were paying \$150 an hour for two interpreters who alternate every 20 minutes and provide almost instantaneous interpretation in Spanish for Holyoke residents. He then stated that the funding comes from franchise fee paid by Comcast subscribers in the city and paid to an account managed by Holyoke Media. He also noted that a small portion goes to the School Department for their media uses. He then suggested that the decision to begin interpreting subcommittee meetings was now a decision of the mayor's office.

Councilor Jourdain stated that while he supported interpreting subcommittee meetings, there needed to be a better approach than what was being done. He suggested that it was financially irresponsible to spend \$150 an hour on these services, especially to an out of town firm. He then recommended having the Purchase seek out someone locally who could be paid \$30-\$50 an hour to provide these services. He questioned if courtroom level translation was needed. He suggested that the service needed to be provided but the city needed to think creatively about how to bring it down to a more manageable amount. He also suggested looking into a subtitle system. He reiterated the idea of trying to find two Holyokers to provide the service for \$30-\$50 an hour, and then soliciting feedback from residents to see if it works for them.

Councilor Anderson-Burgos emphasized that until recently, City Council meetings never had a translator, preventing many Latinos in the city from knowing what was happening and understanding how they were being represented. He suggested that as the city was over 50% Latino, \$150 an hour was a fair price. He emphasized that Transfluenci was providing a professional service for the city. He added that he heard thanks from many Latinos in the community for providing the service and keeping them informed. He added that a price could not be put on how important that was.

Councilor Maldonado Velez emphasized that it was an important service but agreed that there should be a study done on how it was working. He noted that in watching himself after meetings were done, he found the Spanish translation of meetings hard to follow, particularly understanding who is speaking and when they're speaking. He then explained that with the pricing, it was a niche category for interpretation. He suggested that \$150 was around the industry standard. He also suggested looking into having two-way interpretation so that English speakers can understand what someone speaking Spanish is saying.

Councilor Jourdain emphasized that he was in favor of the service and wanted to get feedback on how the service was working for people. He recognized that \$150 may ultimately be the best for the city.

Councilor McGiverin noted that this service had been discussed for many years and that how costly it was had always been a main concern. He then emphasized the importance of having it professionally done to assure there were no editorial interpretation or comments. He recalled that when this was being discussed, one of the big points was making sure the service allowed all people to understand what was happening in chambers while avoiding political interpretation or editorial comments.

President McGee offered a reminder when this came through, the City Council did go out to bid for the service and that 3 responded but 2 of them backed out. He added that cost was what it was because there were not many providing that service.

Councilor Tallman stated that while it was important to look at the cost, he emphasized that it was a specialized skill.

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

The Committee on Finance to whom was referred an order that the road improvements be made on Homestead Ave from Cherry Street to Lower Westfield Rd, including repairing sinking/broken sewers etc. Please see citizens petition from residents. Refer to Mayor and Finance Committee to determine funding source as DPW and Veolia indicate there is no money available for the repairs.

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 location was on the preliminary list for resurfacing in 2024.

Councilor Vacon noted that she had been assured that Veolia was expecting to work on some of the structures that had been problematic at the other end of Homestead.

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

The Committee on Finance to whom was referred an order The DPW replaced the sidewalk on Queen St. between Coit and King St. This was recently reviewed with the DPW Superintendent and W-3 councilor.

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 Engineer applied for a grant to allow the city to pay for improvements and perform a citywide assessment of sidewalks and ADA ramps.

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

(2:21:10)

President McGee suggested that the Public Safety items be tabled as Councilor Rivera\_I, as the chair, was not available to give the reports.

The Committee on Public Safety to whom was referred an order that Ordered that DPW and Parks & Rec look into making Rohan Park a kids and dog park. As it stands only half of the park is being utilized.

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

Committee Members:

Israel Rivera\_I Kocayne Givner Todd A. McGee

---> Report of Committee received and laid on the table.

The Committee on Public Safety to whom was referred an order that That the DPW Superintendent provide the City Council with an update on the tree list. Update should include how trees are prioritized and the obstacles the DPW faces in addressing them. This is a constituent request.

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

Committee Members:

Israel Rivera\_I Kocayne Givner Todd A. McGee

---> Report of Committee received and laid on the table.

The Committee on Public Safety to whom was referred an order That the Police Chief provide the City Council with a performance report on how Shot Spotter is performing and what we are learning about gun activity in the city so far. Please email the City Council all reports available asap for our review so we can be prepared for this discussion.

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

Committee Members:

Israel Rivera\_I Kocayne Givner Todd A. McGee ---> Report of Committee received and laid on the table.

The Committee on Public Safety to whom was referred an order that With Community support, order that the City Forrester present his department's obligations and an action plan for addressing constituent concerns. Ongoing issues include dangerous dead and overgrown trees growing on or over city property. Understanding our Forrester's action plans will help us understand how best to support the department's efforts. This will also help with understanding if an ordinance update or change is needed.

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

Committee Members:

Israel Rivera\_I Kocayne Givner Todd A. McGee

---> Report of Committee received and laid on the table.

The Committee on Public Safety to whom was referred an order that Ordered that the public safety committee meet with representatives from the Opioid Substance Abuse task force, the health director, and Judge William Hadley, to discuss the need for a short-term residential transition program to assist individuals returning from a treatment program. The goal of this would be to improve the chances of long-term success for these individuals. The resident capacity would probably be around 20 beds.

have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

Israel Rivera\_I Kocayne Givner Todd A. McGee

---> Report of Committee received and laid on the table.

The Committee on Public Safety to whom was referred an order that Ordered that the mayor and the health director appear before that public safety committee to provide an update on the potential for the city to establish a homeless shelter, potentially at the War Memorial Building.

have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

Israel Rivera\_I Kocayne Givner Todd A. McGee ---> Report of Committee received and laid on the table.

(2:21:25)

The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter appointing Mr. Michael Sullivan, 43 Park Slope as a member of the Holyoke Economic Development and Industrial Corporation (HEDIC) effective July 1, 2023: This seat on the Board of Directors represents the At-Large sector. Mr. Sullivan will replace Tessa Murphy-Romboletti who is not seeking reappointment. This is a three-year term which will expire on June 30, 2026.

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

Committee Members:

Peter Tallman
David K. Bartley
Will Puello

### **UNDER DISCUSSION:**

Councilor Tallman stated that Mr. Sullivan served as a city councilor for 3 terms, was a business owner, and involved in some development projects in the city. He added that Mr. Sullivan would be a great addition to the board.

Councilor McGiverin stated that this would be a fantastic choice by Mayor Garcia. He noted that while Mr. Sullivan had been critical of some decisions made by HEDIC, he was very knowledgeable and would represent the business area well.

President McGee stated that this was a great choice. He noted that Mr. Sullivan represented the Council on the CPA and CDBG. He added that he was very knowledge on the business side of things.

---> Report of Committee received and appointment confirmed.

The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter reappointing Ms. Theresa Cooper-Gordon, 52 Parker St. to serve as a Commissioner of the Holyoke Housing Authority for the City of Holyoke: Ms. Cooper-Gordon will serve a five year term; said term will expire on April 1, 2028.

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

Committee Members:

Peter Tallman
David K. Bartley
Will Puello

### **UNDER DISCUSSION:**

Councilor Tallman stated that Ms. Cooper-Gordon had served on the board for 10 years, included serving

as their chairman. He then stated that she was very up front with her votes while on the board, was a dedicated servant and had served the community well.

Councilor Jourdain stated that he found her to be extremely conscientious and cared much about doing well in this position. He added that she seemed very civically minded.

Councilor McGiverin stated that this was a good choice for a difficult position. He added that she had performed well over the last 10 years, emphasizing that she had to balance representing the tenants and the management of the Housing Authority while linking it with the needs of the city.

Councilor Anderson-Burgos stated he knew Ms. Cooper-Gordon well. He then stated that she was a hard worker, straightforward, and will tell you the truth about what she thinks whether you like it or not.

---> Report of Committee received and appointment confirmed.

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

The Committee on Public Service to whom was referred an order that the Mayor and City Council review and approve the relocation of a department or departments to the unused space of the tax collector/personnel office. These spaces are forward facing offices/spaces that allow better constituent access/service. (Note: One consideration would be to move the planning department into these spaces which would allow constituents/business easier access to the process.)

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

Committee Members:

Peter Tallman David K. Bartley Will Puello

### **UNDER DISCUSSION:**

Councilor Tallman stated that the room was undergoing mold mitigation, adding that the mayor would update the Council on when that finishes and then provide a proposal on what to do next with the office. ---> Report of Committee received and recommendation Adopted.

The Committee on Public Service to whom was referred an order that the City Council pass a resolution in support of the GREEN Act.

have considered the same and Recommended that the order be given a leave to withdraw without prejudice.

Committee Members:

Peter Tallman David K. Bartley Will Puello

### **UNDER DISCUSSION:**

Councilor Tallman stated that the matter had expired.

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

(2:28:45)

The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application of Juan Rodriguez of at 62 Pearl St. for a non conforming structure (4.7.3)

Recommended that the special permit be referred back to the City Clerk at the request of the applicant.

Committee Members:

Tessa Murphy-Romboletti David K. Bartley Joseph McGiverin Jenny Rivera\_J Linda L. Vacon

### UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that this was another incident where the City Council should not have gotten the application. She then explained that when the proponent initially applied to the Building Department, it was explained that it was for a nonconforming use for an existing property, but it turned out it was a newly constructed property. She then stated that the applicant would have to work with the Building Department and likely need to go through the Board of Appeals.

---> Refer back to City Clerk.

The Committee on Development and Governmental Relations to whom was referred an order That the Honorable City Council, in accordance with M.G.L. ch. 30B and the City ordinance for property disposition, vote that the City of Holyoke accept the proposal and sell 267 Elm Street for \$15,000.00 to GEM Holdings, LLC. The property is described in the City Assessor Records as Map 004, Block 03, Parcel 004, consisting of approximately 5,662 square feet of vacant land. The property is zoned as Downtown Residential (DR) and has an assessed value of \$34,500.00.

have considered the same and Recommended that the order 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 property was put out to bid and that only one bidder submitted a response. She added that the Purchasing Department explained this would give the city the

opportunity to negotiate the price of \$15,000. She noted that GEM Holdings and Eric Taub had done a similar property on Beech Street.

Councilor Bartley stated that Mr. Taub created a new LLC to procure this property, noting that he had done this at least 2-3 times where he had found available lots in the city and then build a duplex on what had been vacant lots. He suggested that Mr. Taub would likely come back looking for relief from some setbacks or other city restrictions. He further suggested that the Council would likely be supportive as it had in the past. He then emphasized that this illustrated the importance of developers being more proactive in identifying lots and working with the government to get lots made available and sold, but that they needed to display some sensitivity to abutters. He recalled that the last time Mr. Taub came in for relief, he had not worked with abutters to get them on board. He also emphasized that while he wanted to be in support of development, he could not guarantee his support if an abutter came in with concerns about a new development being 6 feet from their window.

Councilor Tallman recalled some of those concerns during that last time Mr. Taub came in. He also emphasized the importance of thinking about the people that already live in those areas.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Givner, Rivera\_I, Rivera\_J).

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

The Committee on Development and Governmental Relations to whom was referred an order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 118 Newton Street (Assessors Map 011, Block 03, Parcel 008) as surplus property available for disposition. The property was acquired via a judgment in tax lien foreclosure in 2023. It is approximately 4,270 square feet in size, zoned Downtown Residential (DR) and has an assessed value of \$34,300.

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

Committee Members:

Tessa Murphy-Romboletti David K. Bartley Joseph McGiverin Jenny Rivera\_J Linda L. Vacon

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Givner, Rivera J).

The Committee on Development and Governmental Relations to whom was referred an order that the Honorable City Council, in accordance with M.G.L. Ch. 30B and the Holyoke Code of Ordinances procurement ordinance, declare 138 Cabot Street (Assessors Map 010, Block 01, Parcel 009) as surplus property available for disposition. The property was acquired via a judgment in tax lien foreclosure in 2023. It is approximately 2.761 square feet in size, zoned General Industry (IG) and has an assessed value of \$17,400.

have considered the same and Recommended that the order 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 this was the first step in the process for the city to get these properties off of the city and back onto the tax rolls. She then noted that the first one was between a city-owned lot and an apartment. She added that the intent was to package 3 city-owned lots together and put them out to RFP. She then stated that the second one had potential for new housing. She noted an abutter reached out with interest.

Councilor Bartley pointed out that the second one was in the IG zone, the area where a cannabis facility could be located without the need for a zone change. He also emphasized the importance of getting the properties off the city's balance sheets into taxpaying hands. He then explained that this step of declaring as surplus required a two-thirds majority while selling the properties required only a simple majority.

Councilor Jourdain asked if it would be possible to include the amount of money owed in back taxes on these properties, noting that these were acquired for nonpayment of taxes. He further emphasized the importance of knowing what the city was giving up in unpaid taxes.

President McGee stated that the administrative assistant informed him that this request was being worked on.

Councilor Bartley emphasized that this information was being asked for every single time.

Councilor Jourdain stated that taxpayers should know if a developer was offering \$2,000 for a property that had \$100,000 in back taxes owed.

Councilor Bartley emphasized that this is exactly what often happened. He noted that the Purchasing Director, Jaime Morrow, shared a recent situation where a gentleman came in offering \$1,000 for a beautiful property. He suggested that such people are "hackfish" playing a game. He commended Ms. Morrow for standing her ground and not accepting it.

Councilor McGiverin emphasized that once properties are taken by the city through the tax title process, the city gets none of the owed back taxes. He then stated that once the city signs these properties to new owners, which usually includes reverter clauses, the properties are being put back on the tax rolls.

Councilor Jourdain noted that a recent Supreme Court case ruled on tax title takings made clear that if a city takes a property for taxes and then sells the property for more than the taxes owed, the amount over has to be paid back to the previous owner. He also stated that some people were engaging in predatory practices where they would go from city to city purchasing properties for the exact amount owed in taxes,

and then resell the properties for much more and pocket the difference. He stated that the Supreme Court rules that cannot happen anymore. He suggested that the city keep track to avoid ending up in either of these scenarios. He also noted that the city's issue was letting tax issues go on for several years, adding that the typical issues was a landlord owning an apartment block, usually through an LLC, lets it go vacant and then takes off, often leading to the city being on the hook for the cost of demolition. He suggested that city needed to be more interventionist earlier into these issues developing.

Councilor McGiverin emphasized that these things were major problems in cities around the country. He then expressed a hope that they would finally take a stand on closing LLC loopholes, often leading to situations where land courts will be ready to turn over a property to the city only to have a new LLC formed at the last minute.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Givner, Rivera\_I, Rivera\_J).

The Committee on Development and Governmental Relations to whom was referred an order that the City Council invite representatives of the newly established High Street Business Association to discuss their efforts, challenges, priorities and ways the city can support their future initiatives.

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

Committee Members:

Tessa Murphy-Romboletti David K. Bartley Joseph McGiverin Jenny Rivera\_J Linda L. Vacon

### UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that this was a new association established in the past 7-8 months. She noted that Jordan Hart, Executive Director of the Holyoke Chamber of Commerce, as well as Vadim Tulchinsky spoke on behalf of the organization. She added that the rest of the association was also there, along with Mayor Garcia, Police Chief Pratt, and DPW Director, Carl Rossi. She then explained that they expressed concerns about public safety, as well as beautification and trash issues throughout that street. She added that the mayor, police chief, and DPW director discussed getting more trash receptacles and developing a business improvement district.

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

The Committee on Development and Governmental Relations to whom was referred an order From the Law Department, Update on Properties.

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

Committee Members:

Tessa Murphy-Romboletti David K. Bartley Joseph McGiverin

Jenny Rivera\_J Linda L. Vacon

### **UNDER DISCUSSION:**

Councilor Murphy-Romboletti stated that the Law Department discussed information on properties that were in receivership or on track to get there. She observed the benefit of seeing so many active pieces to the process. She noted that many of the properties were in residential neighborhoods surrounded by houses that were not vacant, which can impact those neighborhoods.

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

(2:54:35)

Motion was made and seconded to suspend the necessary rules to take up items 34A, 34B, 34D, and 34G as a package.

The Committee on Charter and Rules to whom was referred an order that all employment related ordinance issues be sent to the Public Service Committee instead of Ordinance Committee

have considered the same and Recommended that the order be adopted, but striking out "instead of Ordinance Committee."

Committee Members:

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

### UNDER DISCUSSION:

Councilor Maldonado Velez stated that the intent was having any employment focused orders sent to the Public Service Committee. He noted that the words "instead of Ordinance Committee" were being struck from the change in this and the next order due to a rule requiring all ordinances to go through that committee. He then stated that the plan is that these orders would go to Public Service or Public Safety respectively for discussion but then would go to Ordinance if they required an ordinance change.

Councilor Bartley stated that employment related issues was a broad term but might be fine if Ordinance was really being weighed down by those issues.

Councilor Jourdain suggested that rule change language be provided when they are proposed for adoption. He added that it needed to be the same level of precision as when ordinances are being adopted because changes are often not necessarily the exact wording of the orders. He noted that on these orders, the compromise made in committee was that the initial fact gathering would take place in these other committees and then sent over to Ordinance if they required ordinance changes. He noted the intent was vetting out orders that did not need to take up the time of the Ordinance Committee if they could be resolved in another way. He suggested having the final wording ready for review ahead of the next Council meeting.

President McGee stated that he was correct on intent. He then suggested they could be tabled and get the language drafted.

Councilor Vacon stated that she had the same interpretation of the intent.

Councilor Maldonado Velez stated that he agreed with tabling to put together the language for next time. ---> Report of Committee received and laid on the table.

The Committee on Charter and Rules to whom was referred an order that all roads and sign issues (including ordinances) be sent to the Public Safety Committee instead of Ordinance Committee.

have considered the same and Recommended that the order be adopted, but striking out "instead of Ordinance Committee."

Committee Members:

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

#### UNDER DISCUSSION:

Councilor Maldonado Velez stated that the intent was having any road safety orders sent to the Public Safety Committee.

Councilor Vacon suggested that items such as handicapped parking spaces, it would delay the approval and placement of a placard for those to go to Public Safety first before going to Ordinance. She also suggested that Public Safety was much more backed up on traffic orders than Ordinance was.

Councilor Bartley strongly advised against adopting this change as it would just add another layer of unwarranted bureaucracy. He stated that the committee runs things well, adding that these things need to be put into legal form.

Councilor Bartley made a motion to give the order a leave to withdraw. Councilor Vacon seconded the motion. Motion failed on a show of hands vote.

---> Report of Committee received and laid on the table.

The Committee on Charter and Rules to whom was referred an order that the Public Service Committee be renamed the Public Service and Human Resources Committee.

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

Committee Members:

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

### **UNDER DISCUSSION:**

Councilor Maldonado Velez stated that this was just changing the name since employment matters would be going to this committee.

Councilor Bartley stated that he had no issue with this order and liked the name change.

Councilor Jourdain stated that he did not have a problem with supporting this as it was just a name change.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Givner, Rivera J).

The Committee on Charter and Rules to whom was referred an order that we create a Cannabis Committee to strictly deal with Marijuana special permits and ordinance changes related to cannabis.

have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

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

### **UNDER DISCUSSION:**

Councilor Maldonado Velez stated that all of these orders were discussed together as part of a larger focus of making the committee more effective. He noted this was one of the first orders he put early the previous year and had since thought more about how to make the existing committee more intentional.

Councilor Bartley noted that he had not supported this from the start and was glad to see it withdrawn. He then took issue with the insinuation from a reporter with Springfield newspaper's saying that the marijuana industry was not coming to Holyoke. He suggested that the author was ill-informed. He added that the industry would continue to persist in the city, going through ebbs and flows like any industry. He emphasized that Holyoke was way ahead of other cities and remained so. He also emphasized that the local ordinance was developed over many meetings, over dozens of hours to get the legislation right. He added that the City Council should be proud of how welcoming it has been to the industry. He also emphasized that dormant buildings in the IG zone that were never going to get developed had been turned into million dollar properties thanks to what the Council did with developing the ordinance for the industry. He questioned where the credit was from the editorial board of the Republican. He added that this work expanded the tax base.

Councilor McGiverin commended Councilor Maldonado Velez for the work he had done on reorganizing the City Council rules and rethinking how the committees work. He then stated that he did not believe the intent of this order was wrong, it was an issue of numbers in trying to create another committee. He recalled that there were 23 committees in 1980, nothing that he chaired 2 that never met because nothing was ever referred to those committees. He added that there were only so many days in a week that committees can meet. He then emphasized the importance of having a city solicitor present in Ordinance Committee meetings, noting that almost everything coming out of that committee will need to have legal language prepared.

Councilor Maldonado Velez suggested that these orders were meant as guidance for the Council, noting that motions are made to send to committee with every order that comes before the Council. He also suggested that in cases such as with handicap parking orders, the body can choose to send those directly to the Ordinance Committee. He also clarified that the first 3 orders were filed by President McGee and he deserved the credit for suggesting those ideas. He noted that Charter and Rules had done a lot of work over the last year and a half discussing what the committees are. He recalled that when he was first assigned as chair of that committee, he was told that the committee was where orders were sent to die.

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

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

The Committee on Charter and Rules to whom was referred an order 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.

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 this order had to do with the public. He explained that another community in Massachusetts had a public comment period where someone was speaking and referenced one of the councilors, essentially calling them a Hitler, leading to the meeting being shut down and a rule that the public should not speak in that way. He further explained that the Supreme Judicial Court ruled that the public had a right to speak as freely as possible during a public comment section. He then emphasized that he had spoken previously about how City Council rules only applied to the members of the Council that agree to the rules, not the public who had not decided to get elected and were expected to adhere to the rules. He noted that the Council President did still have the authority to maintain decorum, adding that certain lines could not be crossed such as hate speech and inciting violence.

Councilor McGiverin noted that some public hearings require the Council to hear from the public, but when it comes to public comment at the beginning of meetings, he emphasized that it was not required but offered as a privilege. He suggested that it was not asking too much to ask for decorum during public comment.

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

The Committee on Charter and Rules to whom was referred an order modify rule 6D to add. The use of profanity is prohibited and a member will no longer be permitted to speak on the question under debate when a member uses profane language.

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

### Committee Members:

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

#### UNDER DISCUSSION:

Councilor Maldonado Velez stated that there was discussion of the need for more awareness of how language can be used, noting that profanity can mean different things to different people. He then emphasized that the important thing was having respect for each other as councilors, for people in the community, and for employees. He stated that profanity may occasionally come through not as a way to be disrespectful of anyone but to emphasize what someone is saying. He also stated that this order was specifically directed toward the Council. He stated that they concluded the rule did not need to be added but that councilors should try to be respectful of each other and avoid calling each other names. He added that this did not mean they were encouraging a free-for-all with F-bombs all the time.

Councilor Vacon stated that someone making their point in a debate using profanity was being disrespectful whether they were speaking directly to another councilor or just using words for emphasis. She suggested that using profanity was not to make an argument but to win a battle, not to make a point but to pound something. She suggested that an interpretation of the rules could allow the president to maintain decorum by reining in someone using profanity.

Councilor Murphy-Romboletti suggested that the intent of this order was borderline unconstitutional. She stated that while some councilors may find profanity disrespectful, others may not. She suggested that the people of Holyoke should decide whether or not they want to vote for councilors who use profanity in meetings.

Councilor Anderson-Burgos stated that while he chooses not to use profanity, he had heard profanity from other councilors prior to this term and nobody batted an eye or said anything until this term. He questioned why it is okay at some times but not at other times. He suggested that those councilors being called out recently had not used language anywhere near what he had heard in the past.

Councilor Maldonado Velez emphasized that language develops and changes, noting that words that were not allowed in the past were now being used regularly during evening shows on any random weekday. He suggested that it was more disrespectful to try to silence someone than for someone to use profanity. He added that he had heard many disrespectful moments in the past year without any profanity used. He agreed with Councilor Anderson-Burgos, expressing certainty that profanity had been used in the past.

Councilor Vacon stated that she had been on Council a long time and did not believe there had been an ongoing issue in the past with people using profanity. She also suggested that it was a false flag to portray this as a First Amendment issue. She noted that the City Council adopts its own rules and can adopt a rule on decorum. She added that people do not sign up to watch a City Council meeting and have to worry about what their family will hear. She suggested that the President could use the current rules to maintain decorum if they chose to do so. She questioned the defense of profanity as just the way certain people talk where they come from. She added that everyone talks differently depending on the setting they are in, and being at work was different from being with your friends.

Councilor McGiverin noted that free speech was a fundamental part of constitutional rights and should be respected. He added that the people of Holyoke rely on councilors to be their voice. He suggested that most of the people were a part of the silent majority who may never meet with or speak to their councilors but want to understand that councilors vote in their best interests. He suggested that rules were not needed to have and practice decorum. He reiterated the point from Councilor Maldonado Velez that it was not about language but about respecting each other.

Councilor Vacon made a motion that the order be given a leave to withdraw rather than denied. Councilor Puello seconded the motion.

---> Report of Committee received and given a leave to withdraw.

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

### ORDERS AND TRANSFERS

(3:30:30)

BARTLEY -- The City Forester determine if tree near 61 Lawler can be salvaged and/or trimmed and/or removed. The DPW replace or repair the sidewalk in front of this address as the tree's uplifted the pavement. Please send communication to city council by its 1st meeting in September 2023 with any updates.

---> Received and Adopted. Referred to the Forester.

BARTLEY -- The City Engineer and/or VEOLIA suggest improvements to the sidewalk and catch basin near 5 Martin St. (at the corner of Westfield Rd and Martin). Owner's contractor noted the sidewalk is too high and the design causes water to pool on parking lot; the catch basin is above-grade is not catching storm water. Owner very willing to confer with City Engineer on this matter. Refer to Public Safety Committee for a review hearing.

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

BARTLEY -- HPD and MA DOT work to promote a pedestrian safety plan for the employees contracted to work at the Soldiers' Home. MA DOT expects to have up to 300 employees working on site for the next three years. The employees are scheduled to park at Lot Q at H.C.C. during that time. Refer to HPD, MA DOT District 2 and the Development and Governmental Relations Committee for a follow-up.

Councilor Bartley stated that this was the crew that would be crossing Homestead Avenue to park in Lot Q at HCC. He emphasized that up to 300 employees would be parking during renovations at the Veterans Home, formerly the Soldiers Home. He noted there was no sidewalk on the west side of Homestead Avenue and half-baked crosswalk at the main gate. He also suggested that State Rep Duffy and State Senator Velis should also be fully apprised of this situation. He expressed concern that people will be crossing the street at busy times with trucks barreling down the road.

---> Received and referred to the Development and Governmental Relations Committee. Copy to HPD, MassDOT, State Rep, State Senator.

BARTLEY -- The Mayor provide an update on funding the crosswalk at the HCC main gate. The design is in place. MA DOT states it has no role. The Alarm Division says it has the equipment (solar-powered pedestrian signals) in stock. Refer to Mayor. Copy to HFD Alarm Div. Please provide a communication for the 1st city council meeting in September 2023.

---> Received and Adopted. Copy to Mayor, Alarm Division.

BARTLEY -- The Mayor provide an update on funding pedestrian safety signals at Hitchcock and Martin Sts. The City Engineer provide an update on any necessary plans. Refer to Finance and copy to HFD Alarm Div.

---> Received and referred to the Finance Committee. Copy to Alarm Division.

BARTLEY -- The City of Holyoke adopt an ordinance where "no truck" signs and other informational signage can be legally posted to help the motoring public. The impetus of the proposed ordinance is to alert truckers not to enter into thickly settled neighborhoods which is currently happening in Elmwood Heights due to GPS directions. The purpose of the ordinance is not to violate any federal or state traffic laws or standards but to simply inform truck drivers not to turn down the posted street. There may well be other informational needs. Just for background: The city management currently not allow such signage. ---> Received and referred to the Ordinance Committee.

GIVNER -- That the handicap sign be removed from 282 Pine St. for Frank Collado as the sign user has passed.

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

GIVNER -- With community support, order that the City of Holyoke establish, in the Schedule A, a Homeless and Housing Liaison position.

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

GIVNER -- With community support, order that city council meetings be regulated to 2.5 hours or 150 minutes. AND that a majority vote be required to continue meetings beyond 150 minutes, adding an additional 15 minutes no more than twice, capping meetings at 180 minutes. This with the intention of encouraging a broader participation of Holyoke's public through meeting efficiency and limited repetition of comments. The most common critique by Holyoke residents regarding City Council meetings is that they are too long, continue too late, and are dominated by lengthy repetitive commentary.

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

GIVNER -- With community support, order that a 30min public comment period be added to City Council meetings, in an effort to give the public a true platform in person, written, and/or remote as long as a remote option for council meetings exists. Consideration should be given to having meetings begin earlier in an effort to accommodate Holyoke residents and inspire participation.

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

GIVNER -- With community support, order that No truck signs be placed at beginning, end, and along Beacon street as needed to avoid tractor trailers from using this neighborhood as a pass through for deliveries. Residents complain of noise and difficulty navigating on Beacon St. while tractor trailers are attempting to pass through.

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

MCGEE -- Order that a light be installed over the new playground at Kennedy field/park. Currently, there is a light on the older playground but not the newly installed one.

---> Received and Adopted. Copy to Parks and Rec, DPW.

MCGEE, JOURDAIN -- Order that city council rule 7b be amended to add to the end: that 10 minutes of response time will be allowed for councilors to address and answer questions or comments, no councilor shall have more than 2 minutes of response time.

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

MCGEE -- Order that the Edward Kennedy's monument plaque be redone/invest in a new upright granite monument along with a listing of his heroic acts and participation in the 82nd Airborne's biggest operation, including Market Garden where he was gravely wounded.

---> Received and referred to the Public Service Committee. Copy to War Memorial Commission.

MCGEE -- Order the DPW repaint the blue line/crosswalk in front of police station.

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

MCGEE, Jourdain -- Order that the DPW replace the no parking signs that are down near Slainte on Jarvis.

Councilor Jourdain asked to be added to the order.

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

MCGEE -- Order that DPW repair the play area and swing set area at Kenney field. Also, that wood chips be redone in both areas.

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

Motion was made and seconded to suspend the necessary rules to take up items 54 and 62 as a package.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2024, FORTY EIGHT THOUSAND FORTY FIVE AND 00/100 Dollars (\$48,045) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$48,045

TOTAL: \$48,045

TO:

14302-52410 REFUSE-R&M VEHICLES \$48,045

TOTAL: \$48,045

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 1, 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 2024, NINETEEN THOUSAND FOUR HUNDRED FIFTY AND 00/100 Dollars (\$19,450) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$19,450

TOTAL: \$19,450

TO:

14102-53010 PROFESSIONAL ENGINEERING SERVICES

\$19,450

TOTAL: \$19,450

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 1, 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 57 through 60 as a package.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY FIVE THOUSAND FIVE HUNDRED ELEVEN AND 58/100 Dollars (\$25,511.58) as follows: FROM:

12101-51105 SERGEANT \$11,542.48 12101-51107 PATROLMEN 13.969.10

TOTAL: \$25,511.58

TO:

12101-51180 INJURED ON DUTY \$25,511.58

TOTAL: \$25,511.58

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 1, 2023.

Joshua A Garcia, Mayor

---> Received and laid on the table.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2024, NINE THOUSAND NINE HUNDRED FIFTY TWO AND 4/100 Dollars (\$9,952.04) as follows:

FROM:

12101-51105 SERGEANT \$3,497.74 12101-51107 PATROLMEN 6,454.30

TOTAL: \$9,952.04

TO:

12101-51180 INJURED ON DUTY \$9,952.04

TOTAL: \$9,952.04

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, August 1, 2023.

Joshua A Garcia, Mayor ---> Received and laid on the table.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2024, TWO THOUSAND TWO HUNDRED NINETY THREE AND 90/100 Dollars (\$2,293.90) as follows: FROM:

12201-51105 FIREFIGHTER (PAY PERIOD #1)

\$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, August 1, 2023.

Joshua A Garcia, Mayor ---> Received and laid on the table.

MCGIVERIN -- that there be and is hereby appropriated by transfer in the fiscal year 2024, TWO THOUSAND TWO HUNDRED NINETY THREE AND 90/100 Dollars (\$2,293.90) as follows: FROM:

12201-51105 FIREFIGHTER (PAY PERIOD #2) \$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, August 1, 2023.

Joshua A Garcia, Mayor

President McGee stated that he was informed by the administrative assistant there were no longer the 9 councilors in attendance that would be required for adoption of these 4 financial orders.

---> Received and laid on the table.

MCGIVERIN, RIVERA\_J -- The DPW install a crosswalk for the city parking lot on N. Canal St. across from GTI.

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

Motion was made and seconded to suspend the necessary rules to take up items 64 through 70 as a package.

MURPHY-ROMBOLETTI -- that the City Council approves the Resolution for the Certified Project Application and Tax Increment Financing (TIF) Agreement with Sublime Systems LLC for the purpose of the company's acquisition, development and investments at properties on Water Street. The properties are identified as Water St. Parcel 002A, 14, 16, 18, 20, 22-24 and 26 Water St., (Board of Assessors Map 044, Block 01, Parcel 00A, Map 042, Block 01, Parcel 004, Map 044, Block 01, Parcel 002, Map 051, Block 01, Parcels 005, 010, 004, 003 and 009).

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

MURPHY-ROMBOLETTI -- that the City Council approves the Amendment to the Special Tax Assessment (STA) Agreement with Aegis Energy Services, Inc., Aegenco, Inc. and Jackson Canal, LLC, for the development that occurred at 55 Jackson Street and 84 Sargeant Street (now known as 59 Jackson Street). The STA was originally approved by the City Council on January 19, 2016.
---> Received and referred to the Development and Governmental Relations Committee.

MURPHY-ROMBOLETTI -- that the City Council hereby decertifies the Certified Project and the Tax Increment Financing (TIF) Agreement with Canal Row, LLC and request decertification of the Certified Project by the Massachusetts Economic Assistance Coordinating Council. The Certified Project and TIF Agreement were originally approved by the City Council on October 5, 2021 for the planned commercial development on land bound by Race and Main Streets (Assessors Map 030, Block 06, Parcels 001, 002, 004, 005, 006, 013 and 014).

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

MURPHY-ROMBOLETTI -- that the City Council hereby decertifies the Certified Project and the Tax Increment Financing (TIF) Agreement with AACO Realty Corporation and request decertification of the Certified Project by the Massachusetts Economic Assistance Coordinating Council. The Certified Project and TIF Agreement were originally approved by the City Council on November 7, 2016 for the planned redevelopment project known as The Canal Gallery at 380 Dwight Street (Assessors Map 021, Block 01, Parcels 003).

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

MURPHY-ROMBOLETTI -- that the City Council approves the Resolution for the Certified Project Application and Special Tax Assessment (STA) Agreement with Valley Malt LLC for the purpose of the company's acquisition and expansion of 4 North Bridge St. Holyoke, MA 01040 (Assessors Map 042, Block 01, Parcel 005).

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

MURPHY-ROMBOLETTI -- The Honorable City Council, in accordance with the Holyoke Redevelopment Authority's urban renewal plan as amended entitled, "Connect. Construct. Create. – A Plan for the Revitalization of Center City Holyoke" which was originally approved by the Holyoke City Council on December 4, 2012, and by the Massachusetts Department of Housing and Community Development on February 5, 2013, vote to approve the transfer of the properties listed below to the Holyoke

Redevelopment Authority for consideration of \$1.00. (see attached chart)

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

MURPHY-ROMBOLETTI -- The Honorable City Council, extend the order approved by the City Council on August 2, 2016 and reapproved on October 16, 2018, which authorized the transfer of the properties (listed below) to the Holyoke Redevelopment Authority for consideration of \$1.00. The authorization would not be applicable to the property at 160 Middle Water Street as this property was sold. The original transfer authorization and subsequent extensions are in accordance with the Holyoke Redevelopment Authority's urban renewal plan as amended entitled, "Connect. Construct. Create. – A Plan for the Revitalization of Center City Holyoke" which was originally approved by the Holyoke City Council on December 4, 2012, and by the Massachusetts Department of Housing and Community Development on February 5, 2013, vote to reauthorize the transfer of the properties listed below to the Holyoke Redevelopment Authority for consideration of \$1.00. (see attached chart)

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

PUELLO -- That a handicap sign be placed in front of 36A Resnic Blvd. for Margareit Colon, Placard #PL2290916.

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

PUELLO -- That a handicap sign be placed in front of 565 So. Canal St. for Miguel Maysonet, Placard # PL 1400890.

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

PUELLO -- That Nueva Esperanza please be invited to present their plans to the public for their 150,000 dollar ARPA award and "El Mercado" space renovation/tracking.

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

PUELLO, RIVERA\_I -- That the DPW please draft a plan or update on current actions taken on the Emerald Ash Borer tree infestation emergency affecting South Holyoke's Green Ash trees. ---> Received and referred to the Public Safety Committee.

---> Neceived and referred to the Fublic Safety Committee.

RIVERA\_J -- That a handicap sign be placed in front of 19 Worcester Place for Mya Williams, PL 5160992. Exp: April 12. 2024.

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

RIVERA\_I -- that the city of Holyoke form a working group focused on developing solutions to mitigate rampant ongoing issues of vagrancy on High st. It has been recently brought to my attention that a bus shelter will be removed due to some of these ongoing issues. How many more bus shelters will get removed?

--->Received and Adopted. Referred to the Mayor. Copy to Public Safety.

RIVERA\_I -- that representatives of the Holyoke mall come into public safety and talk about what they are doing to address safety concerns of residents regarding the back upper parking deck. Residents have been complaining of feeling the deck shake, and as of recent noticing a gap between cement panels that seems to be growing.

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

RIVERA\_I -- Order that the parks and rec and the mayors prioritize repairs/improvements to the following splash pads in the next round of cdbg, or CPA funding cycles.

Carlos Vega park

Community Field

Pulaski Park

Springdale park

---> Received and Adopted. Refer to Mayor, Parks and Recreation.

79. RIVERA\_I, Jourdain -- that parks and rec explore what it would cost to add a picnic area adjacent to pouliot pool.

Councilor Jourdain asked to be added to the order.

--->Received and Adopted. Refer to Parks and Recreation. Response by September 5th.

RIVERA\_I, Jourdain -- that parks and rec explore costs of adding more shade providers to protect visitors from the sun at pouliot pool. Currently many families huddle under the few ones that are provided.

Councilor Jourdain asked to be added to the order.

---> Received and Adopted. Refer to Parks and Recreation. Response by September 5th.

RIVERA\_I -- that reps of Holyoke Housing come in and provide and update to residents at Toeofert apartments regarding a letter residents received about the possible removal or remodel of the parks in the area.

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

RIVERA\_I -- that the city of Holyoke partner with a local university or college to research where city tax dollars are spent within the city compared to where federal funding is spent within the city. This would provide the city with a better understanding of where constituent tax dollars are being allocated compared to where federal funding is allocated.

--> Received. Refer to mayor.

RIVERA\_I -- that parks and rec seek funding to install a fish net at Myriam Miranda basketball to deter basketballs falling into the neighbor's yard, as promised to the neighbor during the community engagement process undertaken to remodel the court.

---> Received and Adopted. Copy to Parks and Rec, DPW.

RIVERA\_I -- that the grass lot on the corner of Lyman and No. summer be mowed. For the last several years my self and constituents have had to call to make sure this parcel is mowed.

Councilor Bartley asked who owned the lot.

President McGee stated that they would go and look at it and determine that.

Councilor Jourdain stated that the city would either mow it or give someone a ticket to mow their private property.

---> Received and Adopted. Copy to Board of Health.

RIVERA\_I -- that the city's law department along with public health come in and elaborate on the status of the property in the corner of Lyman and No. Summer.

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

RIVERA\_I -- that the mayor and DPW devise a system that would incentivize volunteers that register to clean up Holyoke. Incentives could be in the form of stipends, tax deductions, etc... similar to the senior citizen tax work off program.

--->Received. Copy to mayor.

TALLMAN -- That the DPW paint Crosswalks at the corner of Howard and Hampden Sts. Because of high traffic volume, it is difficult for residents to cross Hampden St at this area.

Councilor Tallman stated that this was a constituent request, noting it was a highly traveled area. ---> Received and Adopted. Copy to DPW.

TALLMAN -- That the DPW/Engineer consider putting stop signs at Joanne/Bemis, Drake/Bemis, Mt. Tom/Bemis and West Meadowview/Bemis.

Councilor Tallman suggested that if stop signs were not possible, they should at least paint a white line encouraging people to stop.

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

TALLMAN -- The Police Department put out Radar Trailer at the corner of Drake and Bemis Rds. Many vehicles are going more than 25mph and there are several children and dogs in this area.

Councilor Tallman stated that he heard a small sign had just been placed back on a pole at the location and was working, but adding the trailer with flashing lights may make a bigger difference.

Councilor Bartley noted that a sign at Smiths Ferry was having a big effect. --->Received and Adopted. Copy to HPD.

TALLMAN -- The Personnel Department consider a 1 hour diversity training before a future city council meeting.

President McGee stated that he would follow up with Personnel on setting up a time for this. --->Received and Adopted. Copy to Personnel.

VACON, BARTLEY, PUELLO -- that the City Council adopts a resolution seeking our State Delegation to support the reinstatement of no electronic tolls from Westfield to West Springfield to create an incentive for tractor trailer drivers to travel on the Mass Pike and to alleviate the increasingly heavy tractor trailer traffic on Homestead Avenue in Holyoke.

Councilor Vacon thanked Councilor Bartley for informing the state rep that this order was being filed. She expressed a hope that it could alleviate some of the truck traffic on Homestead Avenue.

--->Received and Adopted. Copy to Development and Governmental Relations Committee.

ANDERSON-BURGOS -- Ordered, that Linden Street at the intersection with Beech Street be repaved and then left and right turn lanes and arrows be painted. Drivers making a left often stop at the light in the right lane when this is a one way street.

Councilor Tallman expressed confusion about the order, noting that Linden and Beech ran parallel.

Councilor Anderson-Burgos clarified that Linden and Beech met at the end of Linden in front of the high school.

Councilor Bartley noted that the road was a disaster.

Councilor Anderson-Burgos noted that the end of the road is one way but cars making a left onto Beech will often stop at the light on the right side so the suggestion was painting line marking a left and right turn lane.

Councilor Bartley suggested that it should at least be paved.

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

ANDERSON-BURGOS -- Ordered, that when the use a building is changing requiring permits from city departments but not City Council approval, a communication be sent to the City Council informing of the change. This can help councilors keep constituents informed so that concerns can be addressed. Refer to Ord. Copy to Legal

Councilor Bartley asked for an explanation of the order.

Councilor Anderson-Burgos stated that he would explain it in committee.

Councilor Jourdain stated that he understood what the order was driving at. He added that it was a good order. He then stated that the intent was to address situations where there were changes that did not require City Council approval, adding that the Council should at least be told about it. He emphasized that other departments were granting things that impacted neighborhoods, but the Council doesn't hear anything until things start popping up in neighborhoods. He noted there was a recent speak out at the Senior Center on one of these situations. He stated there should be rule disclosing changes to the City Council.

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

## LATE FILED ORDERS AND COMMUNICATIONS

(3:54:50)

MCGEE — that the treasurer and Mass Munifin come before the finance committee to update on the overall progress of the department and the scope of service work being done.

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

MCGIVERIN, Anderson-BurgoVacon — That the DPW paint a crosswalk at the corner of Jarvis Ave. and West Cherry St, crossing over Jarvis Ave.

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

Councilor McGiverin stated that Councilor Anderson-Burgos and Councilor Vacon had asked to sign onto the order. He then stated that the request came from the School Department, adding that Jackie Glasheen had two families who would have children going to Sullivan School in the coming year and were requesting a crosswalk as West Cherry meets Jarvis. He noted there were 23 homes going down George Frost Drive and that the families had no way of getting across Jarvis. He then emphasized that the issue was that guardrails were installed to protect homes around that curve because of vehicles speeding. He added that state law required handicap accessible ramps on each side where the crosswalk would go but the guardrail would make that difficult to do. He suggested that there may be room but it would require working with the Engineer and the DPW.

Councilor Vacon stated that she filed an earlier order for the Engineer to look at the area but had not stipulated a location because the area was tricky. She added that another problem was that the area was among the top roads that needed speed calming. She emphasized that people were almost getting hit in nearby crosswalks. She suggested that they may want to have a school bus picking up the kids in that neighborhood.

Councilor Jourdain expressed concern about a crosswalk being at a curve, noting that many drivers did not pay attention whipping around the corner. He suggested that if there was a crosswalk added, a lot of signage would need to go with it to get drivers to pay attention. He also suggested that an opening could be placed in the guardrail for placement of a crosswalk.

Councilor McGiverin stated that there would be an issue as there was a sidewalk only on the east side of Jarvis and there was not a lot of room on the inside of the guardrail on the other side, requiring anyone using it to walk in the breakdown lane to get to it. He recalled speaking to the Police Chief about the serious traffic issues throughout the city regarding serious violations of fundamental rules of the road. He emphasized that there needed to be a traffic squad, adding that Chief Pratt was finally at a point of being able to think about that again with the number of new officers coming out of the academy.

Councilor Vacon suggested also having the Joint Committee with the School Committee look at the order in order to consider alternative transportation solution.

---> Received and Adopted. Refer to Engineer. Copy to Joint Committee of City Council and School Committee.

From Atty Kathleen Degnan, Asst City Solicitor, home rule petition for appointed treasurer.

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

Brenna Murphy McLee

Adjourned at 11:12 PM