

**REGULAR MEETING OF THE CITY COUNCIL****May 16, 2023**

The meeting was called to order by Acting President McGiverin at 7:13 PM

The Clerk called the roll. Absent members: 1 (McGee) Present Members in person 12 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGiverin, Murphy-Romboletti, Puella, Rivera\_I, Rivera\_J, Tallman, Vacon).

The Pledge of Allegiance was recited.

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

Motion was made and seconded to suspend the necessary rules to allow Acting President McGiverin, as the senior member, to serve as president for the evening.

Acting President McGiverin stated that President McGee would not be in attendance due to a family commitment.

**LAI D ON THE TABLE**

Motion was made and seconded to suspend the necessary rules to remove item 1 from the table and take up with item 16E as a package.

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

Acting President McGiverin stated that the item was tabled with a request for a legal opinion which later came at the May 2nd meeting. He then stated that the opinion was referred to the Finance Committee for discussion while the veto letter remained tabled. He then explained that the mayor's veto letter proposed placing the ballot question for reduction of the CPA surcharge on a future election. He then stated that the legal opinion provided an explanation on why the mayor was allowed to veto the question. He noted that during the committee discussion, good points were made on both sides of the arguments that were worthy of listening to. He further stated that the Council could vote to sustain or override the veto, or vote to ignore it.

Councilor Vacon stated that she filed the original order for the ballot question placed before the voters so that they could decide on the tax burden. She then explained that she filed the order as she did due to advice that any changes needed to occur in the same fashion as the initial approval. She then stated that while she understood both sides of the argument, she was advocating for the right of the citizens to vote on their pocketbook. She then stated that she had heard concerns from a lot of people around the city about the burdens they were bearing due to increasing costs. She then suggested that a plain reading of the words of the CPA law did not give the mayor a role in placing the question on the ballot. She then asked that the question be sent to the City Clerk for placement on the ballot.

Councilor Jourdain stated that there were two questions to be addressed. He then stated that the first was whether the question should be on the ballot. He emphasized that the Council voted 7-6 in favor of doing so. He then stated that he believed the citizens should have a right to vote. He recalled taking some heat 5-6 years ago when he voted to place it on the ballot, believing at that time that it was the right thing to do. He also suggested that the argument in favor of the veto was not persuasive. He noted that the argument suggested placing on the ballot during a presential election rather than a city election with the theory that more people would be voting. He emphasized that a question was placed on the 2019 city election ballot asking the citizens to decide whether or not to fund two middle schools. He added that if citizens were qualified to vote for councilors, they should be qualified to vote on the CPA tax. He then expressed disagreement with the Law Department, noting that Chapter 44B, Section 3 of state law was clear where it stated that "notwithstanding the provisions of Chapter 59 or any other General Law or special law to the contrary, the legislative body may vote to accept Sections 3-7." He added that Section 16 stated that in the exact way it was adopted is how you shall revoke it. He then emphasized that the City Charter was adopted as a special law and was what gave the mayor veto power. He then suggested that the language "notwithstanding" meant that the state law was to be followed and had nothing to do with language in the charter. He further emphasized that the City Council, as the legislative body, adopted it and it shall be placed on the ballot. He also noted that there were numerous other examples where it was made clear that the legislative body and the mayor had a role. He then questioned the opinion that suggested it was a matter of state law together with the charter. He also noted that there had been previous opinions from the Law Department explaining that the mayor did not have a right to veto in certain circumstances.

Councilor Rivera\_I suggested that if the intent was to have the voters have their say, there was an issue with the question only be framed as reducing it or keeping it the same. He suggested it would be fairer if people also had an option to add to it. He added that this did not provide a voice to those who wanted to increase it.

Councilor Jourdain suggested that item 1 just be received.

Acting President McGiverin noted that item 1 had already been received. He then suggested that as item 1 was the mayor's veto, the veto would stand if it was just received.

Councilor Jourdain stated that he did not believe the Council should vote on the veto one way or the other and that recognizing it would not be appropriate. He reiterated that the mayor did not have authority to veto it. He then stated that the City Clerk should follow state law and place the question on the ballot. He then stated that while he respected the interest in having additional questions placed on the ballot, the committee found that to be too potentially confusing to the voters. He then reiterated that there was nothing to vote on regarding the veto.

Councilor Vacon asked to clarify that when the Council voted to place the question on the ballot, if was sent to the City Clerk.

Acting President McGiverin confirmed that was correct.

Councilor Vacon asked if that meant the Clerk had it.

Acting President McGiverin stated that after meetings, the City Clerk gives anything adopted to the mayor to sign or veto. He noted the recording of the original vote was attached to the mayor's veto now with the Council.

Councilor Vacon asked if that meant it had to go back to the Clerk.

Acting President McGiverin stated that the Council had to act on the veto first.

Councilor Jourdain asked if they could just receive it and refer it back to the Clerk.

Acting President McGiverin stated that he was unsure.

Councilor Jourdain questioned why not.

Councilor Givner questioned the argument that the mayor did not have the right to veto. She then made a motion in support sustaining the veto and suggested renegotiating the wording of the question by sending it back to committee.

Councilor Rivera\_I seconded the motion.

Councilor Vacon noted that in the mayor's veto letter, he did not veto the contents of the question but the timing of the question appearing on the ballot. She stated that it would be getting off point to return to debating the language of the question.

Acting President McGiverin clarified that while the reason given was for timing, the question was vetoed.

Councilor Vacon emphasized that arguments were being made about the fairness of the language but that was not the point.

Acting President McGiverin emphasized that if the veto was sustained, the veto would stand that and a new question would require a new order being filed.

Councilor Vacon made a motion lay on the table. Motion failed for lack of a second.

Councilor Jourdain stated that while the Clerk's office likely was not making an opinion in presenting the question to the mayor with the rest of the items from that meeting, this was a matter of state law. He then suggested having independent counsel look into it. He also suggested that it would be in bad form to vote on the veto because it was illegal. He then stated that by just receiving it, if the veto is appropriate, those who were in favor of it have won because not acting on it would have the effect of sustaining it. He further suggested that the City Clerk would need to research the matter to determine if the mayor could veto the question. He suggested that voting to sustain the veto if the veto was not valid could violate the civil rights of the citizens of Holyoke.

Councilor Givner asked that Atty Bissonnette be allowed to weigh in on this discussion. She questioned the insinuation that everything the city's lawyers were doing to represent the city was wrong while everything some say in the meeting was right.

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

Councilor Jourdain stated that anyone interested in having that conversation could have participated in the discussion in the Finance Committee meeting. He added that anything said at this meeting would be a repeat of what was said at that meeting. He expressed his intent to vote against allowing Atty Bissonnette to speak.

Councilor Anderson-Burgos noted that the motion to suspend the rules had already been made. He further stated that some may not have been able to attend the Finance Committee meeting who should be able to hear the advice from Atty Bissonnette.

Councilor Rivera\_I stated that he understood Councilor Jourdain's point of tabling in order to avoid potentially breaking the law because it would have the effect of sustaining the veto if it turned out to be legal. He then questioned not allowing Atty Bissonnette to speak, emphasizing that not all councilors are practicing attorneys and don't have the expertise. He then stated that he would agree to seeking an opinion from an independent counsel but did believe that would be a waste of money.

Councilor Givner noted that it had often been said in Council meetings that some things may be repeated for the benefit of the public who may have missed the previous discussion of a matter at a committee meeting.

Councilor Maldonado Velez stated that he was on the line between voting on the veto or tabling in order to get more information. He added that ultimately, he did not agree with the ballot question going through.

Motion was made and seconded to lay item 1 on the table. Motion failed on a raised hands vote.

Acting President McGiverin noted that the next motion up for vote was to suspend the rules to allow Atty Bissonnette to speak. He then emphasized that discussion on the matter in committee lasted over an hour. He suggested that while procedural questions would be appropriate, he discouraged a full discussion of the topic.

Motion to suspend the rules passed on a voice vote.

Acting President McGiverin clarified that the question was if the original question to place the question on the ballot came back to the Council with the mayor's veto.

Atty Bissonnette stated that was correct.

Acting President McGiverin stated that the options before the Council were to override the veto, vote to sustain. He then asked if doing nothing would mean that the question stayed with the Council.

Atty Bissonnette stated that it would be tabled until final action to sustain or override was taken.

Acting President McGiverin asked if the Secretary of State had replied to inquiries from the City Clerk.

Atty Bissonnette stated that both the City Clerk and City Solicitor had reached out to the Elections Division of the Secretary of State. [Due to technical issues, portions of his statement were not intelligible.] He then explained that while the mayor provided reasons as the basis for his veto, he did not amend the question. He then expressed concern about the statement that a prior Law Department indicated that the mayor had no role in vetoing ballot questions. He emphasized that the question was specifically about the needle exchange, which had been an advisory, nonbinding question which was specifically excluded by state law. He also noted that in 2016 when the original CPA question was adopted, the ballot question had gone to the mayor, he signed it, and it was given to the City Clerk for placement on the ballot. He then suggested caution in referencing state law to infer anything contrary due to an omission or silence in legislation with regard to the mayor's role. He added that silence is what requires the city to refer back to the charter and to the 2 state laws upon which the charter is based.

Councilor Vacon asked if the disagreement on the plain reading of the law meant that going through the courts was the only remedy for a majority of the City Council.

Atty Bissonnette stated it depended on how majority was defined. [This was followed by technical difficulties.]

Councilor Vacon repeated her question.

Atty Bissonnette stated that it was.

Councilor Jourdain stated that nothing should be read into the decision by the City Clerk in 2016 to include the question in the stack of items she presented to Mayor Morse. He also emphasized that when multiple statutes specifically give the mayor authority to veto and this specifically does not have that language, there was relevant guidance from the Supreme Judicial Court in a case between the Boston City Council and mayor, in which they state, "a statutory expression of one thing is an implied exclusion of other things omitted from the statute."

Atty Bissonnette stated that it does not say that.

Acting President McGiverin noted that the motion to table failed and that the motion to suspend to speak with Atty Bissonnette was handled.

Councilor Vacon made a motion to lay on the table. Councilor Rivera\_I seconded the motion.

Councilor Anderson-Burgos noted that there had been another motion before that.

Acting President McGiverin emphasized that motions get handled in reverse, adding that a motion to table interrupts everything else. He then clarified that the next motion was to sustain the veto.

Councilor Jourdain stated that they should first determine if there was enough votes to take a vote on the override. He reiterated his support for either receiving it or tabling it to seek outside legal counsel.

Councilor Maldonado Velez asked if tabling it would mean there was not yet a ballot question moving forward.

Councilor Vacon stated that was correct.

Acting President McGiverin stated that the number one matter to take care of was the mayor's veto letter. He added that the original order to place the question on the ballot was attached to the veto.

Councilor Maldonado Velez asked to clarify if there was a deadline to act on the veto before it expired.

Atty Bissonnette stated there was not.

Councilor Jourdain emphasized that while there was no deadline on the veto but there was a statutory deadline on placing questions on the ballot as stated in Chapter 44B.

Councilor Maldonado Velez clarified that his question was if there was a deadline to act on a veto.

Councilor Jourdain stated there was not.

Acting President McGiverin stated that the motion up for a vote was a motion to sustain the veto.

Councilor Jourdain stated that a motion to take that vote should be taken first.

Acting President McGiverin stated that Councilor Givner's motion was to sustain the veto. He added that it was the same vote.

Councilor Jourdain expressed disagreement, suggesting that there needed to first be a vote to take a vote on the override.

Councilor Givner emphasized that she made a motion to sustain the veto.

Councilor Jourdain stated that her vote was on the override and he did not believe that was a legitimate vote.

Acting President McGiverin stated that it would be a valid point with the exception that the Law Department and likely at least half of the City Council disagreed with it.

Councilor Jourdain stated that the Law Department had provided many opinions that the City Council had sometimes agreed with but sometimes disagreed with. He then suggested that there be a motion to decide whether or not to take an override vote.

Councilor Rivera\_I stated that he would likely not vote to sustain but believed that the motion by a fellow councilor should be respected.

Councilor Maldonado Velez stated that he was in support for sustaining the veto but believed that more information should come in to confirm the legality of it. He then made a motion to lay it on the table.

Councilor Jourdain seconded the motion. Motion passed on a show of hands vote.

---> Laid on the table.

The Committee on Finance to whom was referred From Michael Bissonnette, Assistant City Solicitor, legal opinion regarding Mayors power to veto ballot question

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

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

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

From Mayor Joshua A. Garcia letter of VETO regarding the following order: that the City Council retain independent legal counsel to work with the City Council and legal department to review its rules and powers under the Charter, state law, city ordinances and its rules.

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

Motion was made and seconded to remove item 3 from the table.

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

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

### **PUBLIC COMMENT**

(54:20)

Patricia Devine, 58 Magnolia Avenue, questioned what people were afraid of in sustaining the veto and allow the CPA ballot question to be placed on the following year's ballot. She further questioned what the rush was in getting it on the ballot in the current year. She then suggested that some councilors were motivated to make it an election issue by being able to claim they were lowering taxes. She also

suggested that it should be taken up in 2024 when it would be a much bigger election. She then suggested that it was disingenuous the way Councilor Jourdain spoke about the City Clerk.

Acting President McGiverin stated that the specific names of city councilors could not be called out during public comment.

P. Devine reiterated that it was disingenuous to speak about the City Clerk just putting everything in a pile to give to the mayor. She suggested that it was not true.

Spencer Fox Peterson, 51 Portland Street, expressed support for creating an office of tenant protections. He added that it was vital to take care of the working class members of the community to ensure they have quality living arrangements. He further suggested that it was good for those who own property because taking better care of properties led to property values rising. He then offered support for Steve Superba's comment from the My 2nd meeting regarding concerns with Chief Pratt, specifically about police accountability. He also expressed concern with little movement to address police malfeasance, noting that an officer was impersonating an officer in another town. He suggested that this was a part of a longstanding trend in the department. He questioned the concern about a 1% tax while the Police Department continued to cost the city money.

Stephen Rosenbush, 1155 Northampton Street, stated that there was urgency in getting the CPA referendum on the ballot, emphasizing that many homeowners were becoming tempted to walk away. He added that his property taxes were among the highest in the city and that the CPA tax was not insignificant. He suggested that if the tax was not on properties but on top of the excise tax for vehicles, the vote would likely be different. He suggested that the mayor was proposing to delay the placing the question on the ballot in order to ensure that those who pay little in taxes would not be affected. He reiterated that a surcharge on the excise tax would be a different matter. He questioned if he would still be in the city in two years.

Councilor Vacon, noting that she was specifically referenced in one of the public comments, stated that she filed the order to place the CPA question on the ballot when she did because the first time it could be done legally since the approval of the CPA tax.

## **COMMUNICATIONS**

(1:00:45)

From Kathleen E. Degnan, Assistant City Solicitor, letter re: Community Preservation Funds relation to Anti-Aid Amendment.

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

License Agreement between the City of Holyoke and Edward A. Owen with a business at 120 Front St.

Councilor Bartley made a motion to refer to DGR. He then stated that while there were exhibits referenced, they were not attached to the communication. He also noted that the licensee was present.

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



Councilor Bartley stated that the license was straightforward other than the missing exhibits. He then asked if this was a repeat of the prior license agreement and was it ready to be approved.

Atty Bissonnette stated that it was an extension to allow him to complete the project.

Councilor Bartley withdrew his previous motion and suggested that the license be approved that evening.

Acting President McGiverin stated that he did not know what was being voted on.

Councilor Bartley stated that it was a license agreement.

Acting President McGiverin stated that he had a lot of questions.

Councilor Bartley stated that it was previously approved a few years earlier, adding that it was approval to build a disability ramp across city property to access his property at 120 Front Street. He noted that Mr. Owen had been in committee several times. He then explained that the city has a real property interest in this matter and that the City Council has to vote on the license.

Acting President McGiverin noted that in addition to the missing attachments, the agreement did not have the signature of the department, the mayor, or Mr. Owen.

Councilor Bartley withdrew his previous motion and suggested that it be referred to DGR.

Councilor Jourdain asked if there was any progress in updating municode. He noted that the ordinance adopted that required the City Council's approval for licenses had not yet been published in the ordinances. He added that the ordinance was not cited in the agreement.

Councilor Bartley asked that the 2 exhibits be provided for the committee.

Acting President McGiverin added that a copy of the signed agreement should be provided.

Councilor Bartley stated that he did not believe they could sign it until the City Council approved it.

Acting President McGiverin stated that licenses have to be negotiated and signed, and the Council was only signing off on them.

Councilor Bartley stated that the agreement was negotiated but that the City Council had to approve that first.

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

Motion was made and seconded to suspend the necessary rules to take up item 36 out of order.

MCGEE — Order that the city council approve the CPA request for Wistariahurst Museum project.

Councilor Rivera\_I stated that there should have been a similar order on the agenda for a project at Scott Tower. He asked if they could both be taken up at the same time or figure out how to take up the other one.

Acting President McGiverin stated that the order was filed by President McGee at the request of Wistariahurst Director, Megan Seiler, regarding emergency funds that were approved by the CPA Committee. He then noted that an attached document also showed a second emergency fund vote for Scott Tower which would have to be done as a late file since it was not properly before the Council. He noted that councilors had received calls about the Wistariahurst funds. He then explained that it was a request to approve \$135,000 to address severe structural rot damage uncovered when they were painting the porch facing Pine Street. He added that the condition had been hidden by the paint and wistaria vines for years. He also stated that the contractor estimated the porch would likely collapse within a year, increasing the costs exponentially and becoming a much larger safety issue.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0-- Absent 1 (McGee)--Abstain 1 (Givner). Councilor Givner did not vote on or participate in the discussion. She noted that she had a conflict due to being on the board.

Acting President McGiverin stated that the request for Scott Tower was for \$44,000 and that a late file would need to be submitted in order to take it up and discuss it further.

From Fire Chief Kadlewicz, Holyoke Fire Department Brush Fire Prevention Plan.  
---> Received and referred to the Public Safety Committee.

From Alicia M. Zoeller, Administrator, Office of Comm. Development, 2023 ARPA Allocation Spreadsheet.

Acting President McGiverin stated that the Citizens Advisory Committee, mayor, and Community Development office had received many communications lobbying for over 80 projects that had applied for funds. He emphasized that the City Council did not have a vote to approve but would make recommendations to the mayor.

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

5yr Contract for the School Department Transportation with VanPool and Durham  
---> Received and referred to the Finance Committee.

From Holyoke Historical Commission minutes of January 9, February 13 and March 13, 2023.  
---> Received.

From Brennan Consulting, re: MEPA Review Requirements Analysis William R. Peck MS, Holyoke, MA Project No. 23335  
---> Received and referred to the Finance Committee.

## **PETITIONS**

(1:14:50)

Motion was made and seconded to suspend the necessary rules to take up items 11 and 12 as a package.

Petition for a renewal of a Junk Dealer License for William F. Sullivan & Co. Inc. at 107 Appleton St.  
---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2  
(Maldonado Velez, McGee).

Petition for a renewal of a Junk Dealers License for William F. Sullivan & Co. Inc. at 1 Jed Days Landing.

Councilor Bartley asked to confirm that the fees and taxes had been paid.

Councilor Jourdain added that any original conditions should be carried over.  
---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2  
(Maldonado Velez, McGee).

Petition of Juan Rodriguez of 62 Pearl St. for a non conforming structure (4.7.3).  
---> Received and referred to the Development and Governmental Relations Committee.

Petition of Red Barn Growers LLC for a new special permit for a Marijuana manufacturing establishment at 1 Cabot St.  
---> Received and referred to the Ordinance Committee.

### **PRESIDENT'S REPORT**

(1:17:45)

Acting President McGiverin stated that the father of Admin Asst Anderson-Burgos passed away the previous week. He offered condolences to Mr. Anderson-Burgos on behalf of the Council. He added that this was also the father-in-law of Councilor Juan Anderson-Burgos.

Councilor Anderson-Burgos offered thanks to everyone in the city and in the chambers for reaching out to he and his husband. He then stated that Robin Anderson was the most caring, understanding, loving, and accepting human he had ever met. He added that there was nothing he could not talk about with him and that Mr. Anderson gave the best advice. He also stated that while not his biological father, he felt a part of him went with Mr. Anderson's passing. He also emphasized that losing a parent was painful to experience, as he had lost his own mother a few years earlier. He reiterated his thanks to everyone for their love and kindness.

A moment of silence was observed for Mr. Robin Anderson.

### **REPORTS OF COMMITTEES**

(1:20:30)

Acting President McGiverin stated that he would ask Councilor Tallman to step in as chair for the Finance Committee reports so that he himself could give the reports.

The Committee on Finance to whom was referred FY24 CPA Budget Proposal

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 something received from the CPA each year. He then explained that the proposed appropriation was not the final figure as the state's contribution was an estimation until they finalize their numbers. He then stated that the estimated total at that time was \$709,889, including \$591,574 for the surcharge and the state's conservative match estimate of \$118,315. He then explained that funds are split up between purposes, with at least 10% going to open spaces, at least 10% going to historic resource reserves, and at least 10% going to community housing. He added that a lot is reserved for housing projects that had not yet been approved. He added that an additional 5% is used for administrative expenses, which was used for paying the salary for someone they'd hired and for supplies. He added that all projects come before the Council for final approval.

Councilor Vacon asked what the balances were in their accounts.

Councilor McGiverin stated that the balance in the reserve was \$461,428. He added that there was \$350,000 from over the years.

Councilor Jourdain clarified that they were allowed a carryover in their different accounts that was from anything unexpended and were available to be expended in subsequent fiscal years.

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

Approved by the Mayor.

Councilor Jourdain noted that their budget reserve had \$355,000 in carryover but that \$135,000 had just been approved for the emergency appropriation. He added that the housing reserve has \$180,000 rollover balance.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED FORTY ONE AND 56/100 Dollars (\$117,541.56) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$117,541.56

TOTAL: \$117,541.56

TO:

16503-58002 CAPITAL OUTLAY-MOTOR VEHICLES \$117,541.56

TOTAL: \$117,541.56

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 mayor and the Council established the capital stabilization account a year earlier and that some good choices had been made in how to use it for capital outlay needs of departments. He then explained that this transfer was for the DPW to replace old vehicles, specifically 2 easy dump vehicles that they would use for various work throughout the day.

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

The Committee on Finance to whom was referred that there be and is hereby appropriated by transfer in the fiscal year 2023, FORTY SEVEN THOUSAND AND 00/100 Dollars (\$47,000) as follows:

FROM:

16501-51106 PAY-HEAVY MOTOR EQUIP. OPERATOR \$47,000

TOTAL: \$47,000

TO:

16502-52518 R&M POOLS \$7,000

16502-52500 R&M FIELDS 30,000

16502-52410 R&M VEHICLES 10,000

TOTAL: \$47,000

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

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the surplus was due to heavy motor equipment operator positions not being filled. He noted that even after the transfer, there would still be enough in the budget if any of the positions were filled before the end of the fiscal year. He then explained that the transfers were to cover increased costs of chemicals for pools, to replace and update lighting at Mackenzie Field, as well as replacing the dump body on one of the department's vehicles.

Councilor Bartley asked when the Council would be receiving copies of the contracts for the use of the field by the Blue Sox as well as Elms College.

Councilor McGiverin stated his belief that the Blue Sox contract was already received.

Councilor Bartley stated that the current year's had not yet been received, and that the Elms College contract had never been received.

Councilor McGiverin stated that while he knew Elms played there, he had not been aware there was a contract. He then suggested that the administrative assistant could look into it.

Councilor Bartley stated that the Council had received a draft but not the official communication.

Councilor McGiverin stated that the Council should be taking an annual vote on that.

Acting President Tallman stated that the Council was required to.

Councilor Bartley asked that it be received by the first June meeting.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--  
Yeas 11--Nays 0--Absent 1 (Givner, McGee).  
Approved by the Mayor.

The Committee on Finance to whom was referred that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY THREE THOUSAND SIX HUNDRED FORTY TWO AND 71/100 Dollars (\$23,642.71) as follows:

FROM:

12101-51105 SERGEANT \$10,973.25

12101-51107 PATROLMEN 12,669.46

TOTAL: \$23,642.71

TO:

12101-51180 INJURED ON DUTY \$23,642.71

TOTAL: \$23,642.71

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 explained that this had been sent to committee for a deeper discussion of the injured on duty process. He stated that it was a general discussion, although Chief Pratt could not go into specific details or names. He then explained that injured on duty take place, sometimes due to a safety officer going to the ER right away where doctors will examine them and the injuries would be vetted for the city. He added that they also get referred to Work Connection, who will vet claims on behalf of the city and determine if they are short of long term. He further stated that they could be as quick as a sprained ankle, and sometimes could result in officers ending up on desk duty. He further explained that some could end up on longer term, where they are revisited on a regular basis by both Work Connections and their doctors. He added that long term may sometimes become a retirement disability for those who may never

be able to return to the workforce. He noted that the vote for this transfer is part of the regular accounting purposes when those officers are receiving their salary while out due to being injured on duty.

Councilor Bartley suggested that the Council set up a tour of the Police Department. He recalled a similar tour of the Fire Department some years back.

Councilor Rivera\_I stated that it appeared as though the Council was unable to ask a lot of questions of the Police Department and often gets the least information or communications on anything coming out of their offices. He noted that he had received a lot of phone calls from constituents regarding things happening at the Police Department that had not been communicated to the Council. He expressed his intent to vote for this transfer but there should be efforts to get better communication from them.

Councilor Vacon noted that in this situation, individuals are covered on HIPAA privacy laws that the department must follow.

Councilor Jourdain stated that while the Council was not allowed to ask about health details, it was allowed to know the financial components such as name, how much they're being paid, and the status as public information. He suggested to Councilor Rivera\_I that more information could be sought through an executive session.

Councilor Bartley suggested that an executive session could set a dangerous precedent, especially when considering exceptions to executive session and any requirements to contact legal counsel for the union and the individuals. He also suggested that a legal opinion be sought before pursuing that course.

Acting President Tallman stated that after the order was referred to committee instead of being adopted right away, he spoke with Chief Pratt and was able to get some answers through email with him as well as Captain Moriarty. He emphasized that there was some information they could not divulge due to HIPAA.

Councilor Jourdain stated that was a good point. He noted that he had a good relationship with the police chief and found he and the captains to be forthcoming. He added that anything done with the Council would need to be done in compliance with the laws.

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

The Committee on Finance to whom was referred an order (referred back 3-21-23) From Mayor Joshua A. Garcia list of Historic Preservation related repairs needed on city buildings as requested by Councilor Jourdain, Councilor Bartley, Councilor I. Rivera and Councilor Vacon on order filed April 5, 2022

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 there was an extensive review on this topic. He then explained that Meghan Magrath from the CPA discussed the history of what the CPA had done with municipal projects, particularly preservation projects. He added that a presentation was provided by Sean Sheedy, which included an extensive list provided by the mayor. He added that Mr. Sheedy explained the many projects that could be addressed through CPA and ARPA funds.

Councilor Jourdain commended Mayor Garcia and Mr. Sheedy for the information, adding that it was very helpful and was exactly what the Council was looking for. He noted that one of the concerns of the CPA was that they were not being presented with public projects to fund.

Councilor Vacon stated that it was good to finally get a formal list on the radar.

Councilor Rivera\_I noted that they weren't yet on the radar until the funds were applied for. He then emphasized that the stone steps at City Hall were beginning to break away.

Councilor Bartley noted that the clock in the tower needed to be fixed.

Acting President Tallman stated that there were plenty of city projects that needed to be addressed and that it was good this was brought up so that the work could be funded.

Councilor Anderson-Burgos stated that there were slate roof pieces laying on the ground next to the door coming from the parking lot.

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

Councilor McGiverin stated that the committee kept items in committee related to a list of unaccepted roads. He noted that City Engineer, Kris Baker, presented an extensive list. He emphasized that some on the list were roads that owners did not want to be accepted by the city, such as Holy Cross Avenue. He added that they would continue to work on the list with the mayor and engineer. He then asked ward councilors to look at the list and prioritize them based on what constituents may wish.

Councilor Bartley suggested that the list be segregated by ward.

Councilor McGiverin quipped that when he was a ward councilor, he knew all streets by heart.

Acting President Tallman stated that there were no reports from the Public Safety Committee or Public Service Committee.

Councilor McGiverin returned to filling the role as Acting President.

(1:51:15)



The Committee on Development and Governmental Relations to whom was referred The City Council invite the new owner of the Valley Blue Sox, Matthew Drury, and his executive team to a DGR meeting prior to the 2023 season to discuss the team, Mackenzie Stadium, and increasing attendance and use of the field for Holyoke's students, etc. Copy to Park & Rec commissioners and department head.

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 Matthew Drury took over ownership of the Valley Blue Sox the previous year. She then stated that the team had been in the city for almost 10 years and were one of 12 teams in the league. She also noted that 30% of players in the league get drafted to major league teams. She noted a presentation had been provided. She also stated that they discussed the team's commitment to community engagement, including Little League clinics, sponsorship of the St. Patrick's Day Parade, and events they host throughout the summer. She added that they were looking to be more involved in the community going forward. She also shared that following a recent contest, they got a new logo and mascot named Dinger. She also stated that a new player team room was constructed at the stadium. She then noted that they brought up challenges, including the playing surface, the lighting, asset security concerns due to recent vandalisms and break-ins, and a need for updated seating. She further stated that they were looking for local host families. She stated that more information on that could be found on their website.

Councilor Bartley commended the team for their investment in the community, upwards of hundreds of thousands of dollars. He noted that the team plays 44 games over 60 days. He added that members of the team come from local areas as well as from all over the state and country. He reiterated that many players are drafted to the majors, including 4 that were drafted following the previous season. He noted that with respect to the requests from the team, while limited funds in the city needed to be prioritized, it should be understood how many local youth and college teams, and amateur leaves play on this surface. He emphasized that Mackenzie had been the preeminent field in the area. He encouraged people to attend games, noting that the season would begin on June 7th.

Councilor Rivera\_I expressed agreement with providing the funding to make improvements to the field. He emphasized that his main interest was improving it for the youth and the city of Holyoke versus an outside entity that comes to the city to play on the field. He then questioned if local youth use it as much as they used to. He then asked if the high school team would be able to use the team player room just built.

Councilor Murphy-Romboletti stated that the question was not asked so she was unsure. She suggested following up with them.

Councilor Rivera\_I reiterated that his priority was protecting the investment of the people of the city.

Councilor Maldonado Velez noted that the team had a Holyoker playing in the current year, Tyshaun Diaz, who was also a senior at Southern Connecticut State University.

Acting President McGiverin quipped that he could be supported since it wasn't UConn.

Councilor Tallman offered a reminder about the Holyoke Millers.

Acting President McGiverin noted that the league required players to be put up by a host family and were not allowed to be housed in a dorm or hotel. He added that there would be a meeting to find more host families.

Councilor Murphy-Romboletti clarified that this meeting was happening that evening. She suggested that people could also go to their website and find information.

Acting President McGiverin added that there were still opportunities. He then stated that high school teams get first priority of use for Mackenzie and Roberts Fields. He added that their season doesn't usually conflict with the Blue Sox. He also noted that the Tri-County League played there.

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

### **ORDERS AND TRANSFERS**

(2:02:15)

MURPHY-ROMBOLETTI — Ordered, that the City Council amend Ordinance 2-336(a) and (b) to reflect a streamlined process for disposition of tax title properties and other properties not needed by the City for municipal purposes and to add a new section for the creation of an Abutter Lots Sale Program.

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

MURPHY-ROMBOLETTI — Ordered, that the City Council declare a lot on Easthampton Road as surplus property available for disposition. Said parcel is identified by the Holyoke Board of Assessors records as Map 212, Block 00, Parcel 001 consisting of vacant land of approximately 53.5 acres in size. The property is more particularly described at the Hampden County Registry of Deeds in Book 5574, Page 41. On May 21, 2007, the property was awarded to the City via a Land Court Decree with a Final Judgment recorded in Hampden County Registry of Deeds Book 16740, Page 126. The property is zoned Business General (BG) and has an assessed value of \$1,119,200.

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

VACON — that the city complies with MGL 30 section 62A and the required environmental notification form is filed for the school project so the Secretary of Environmental Affairs can make a determination as to whether an environmental impact report is required, prior to any application for financial assistance. If the environmental notification form is filed before the May 16, 2023 city council meeting, that it be provided as a communication to the city council.

Councilor Tallman noted that item 10 appeared to address this and that it sounded like they did not need one.

Councilor Vacon stated that item 10 also went to Finance and that while that did not directly respond to this order, they go together.

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

VACON — that the light at Lower Westfield Road and Homestead Ave be adjusted to allow more cars coming from Lower Westfield Road toward I-91 (eastbound) through on the green light.

It is reported only 3 cars get through at times causing backups.

---> Received and Adopted. Copied to DPW, Engineer, Alarm Division.

VACON, JOURDAIN — An ordinance be created that requires a department head to report (with an incident report explaining the cause) any loss in their department over \$500 in value to the City Council and Mayor within 30 days.

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

VACON — Move the engine brake sign in front of 72 lower Westfield road closer to the intersection near the union center in the old Sears building.

Request legal department to notify

WJB trucking company (Feeding Hills) to comply with “no engine brakes” ordinance.

Councilor Vacon noted that the “no engine brakes” sign is so close to the stop sign that they are already using their brakes by the time they see it.

Councilor Anderson-Burgos suggested that the DPW Commissioners should be included because sometimes when they are made aware of issues, things are done more effectively.

---> Received and Adopted. Copy to DPW, Engineer, Law Dept, DPW Commissioners.

VACON — that our engineer evaluate the Whiting Farms Rd, Farnum and Tokeneke intersections to determine if a traffic light is warranted.

Councilor Vacon stated that this was a citizen request due to added business going on in the area.

---> Received and Adopted. Copy to DPW, Engineer, Public Safety.

Motion was made and seconded to suspend the necessary rules to take up items 29 and 30 as a package.

BARTLEY — The DPW add pads for the disabled to the sidewalks at Congress/S. Elm and Gates S. Elm St. This was recently reviewed with the W-3 Councilor and DPW superintendent. Refer to DPW, Finance and Mayor.

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

BARTLEY — 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. Refer to DPW, Finance and Mayor.

Councilor Bartley noted that he went on a tour of Ward 3 with DPW Director, Carl Rossi, who took notes of various needs and concerns. He added that these 2 orders were from constituent requests. He also stated that he spoke with the mayor who expressed support for investment.

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

BARTLEY, Tallman — The Mayor provide the Council an update on funding the crosswalk on Homestead Ave. at the Main Gate of HCC. The City Engineer provide any additional updates in terms of design and approvals, as warranted. Refer to City Engineer and Mayor. Please send a communication to CC in the next 30 days.

Councilor Bartley stated that this was an ongoing issue for some time. He emphasized that the flashing beacon was no longer there after being knocked over numerous times. He then noted that the intersection was being redesigned by the City Engineer and that lights were in place, but that the financing just needed to be in place to build the crosswalk and rip up the deteriorated traffic islands at that location. He recalled that he and former Councilor Lisi originally filed an order years ago to address this following a constituent request.

Councilor Tallman asked to be added to the order.

---> Received and Adopted. Copy to Engineer, Mayor.

BARTLEY — The City Council consider suspending its rules to allow for councilor to attend Holyoke Day at the Eastern States. The Salute to Holyoke will take place Tuesday, Sept. 19, with a parade kicking off at 6 PM

Councilor Bartley stated that he had been communicating with the administrative assistant to include participation from the Holyoke 150th Committee. He noted that this will be the 10th or 11th year the city would be participating in this parade. He also stated that he recently was able to hand proclamations to the United Way and Jericho that the Council recently adopted.

Acting President McGiverin stated that President McGee could still call a special meeting, if necessary.

---> Received and Adopted.

JOURDAIN — Ordered, 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.

Councilor Jourdain stated that he had seen portions of reports published in the newspaper, but he would prefer to see a full report. He then asked the administrative assistant to work on getting those reports from the chief.

Councilor Vacon stated that there may be some information on the website already.

Councilor Givner confirmed that some information was on the website but that it was not thorough and that she was getting questions about it. She added that the publicized information did not provide any comparisons to previous years and was not useful in understanding the difference the technology was making. She then stated that she had requested more useful information be regularly provided.

Councilor Jourdain stated that one report showed there were around 30 gun incidents in a month. He then explained that he was hoping to be able to interpret the information correctly.

Councilor Givner clarified that the reports were noise incidents and not necessarily gun incidents.

Councilor Jourdain stated that was what was being claimed and that he would withhold judgement until reading the whole report. He added that he was also getting questions about the information. He noted there was a recent incident where a gentleman was killed, emphasizing that nobody called it in but it was picked up by ShotSpotter.

Councilor Rivera\_I stated that he knew the person who passed away and that they had grown up in the neighborhood. He then stated that some of what he heard from people was that the response time was not fast enough. He agreed that there needed to be a more thorough report, including response times.  
---> Received and Adopted. Copy to Mayor, Police Chief, Admin Asst., Public Safety.

MC GEE — that DPW repave Harvard Street ASAP.  
---> Received and Adopted. Copy to DPW.

MC GEE, Anderson-Burgos — that the police department station a car on McKenzie near the intersection of Portland and McKenzie in order to prevent cars ignoring all the stop signs on McKenzie, Magnolia and Portland before someone gets hurt. There are cars and trucks completely ignoring the stop signs, particularly on Magnolia up Portland.

Councilor Bartley made a motion to amend to add Martin and Lawler Streets.

Councilor Anderson-Burgos asked to be added to the order.

Councilor Jourdain made a rhetorical point that there needed to be a traffic division. He emphasized that every councilor was in agreement on addressing issues with traffic violations. He added that he was hearing from constituents nonstop about people speeding and not following basic traffic laws.

Councilor Anderson-Burgos noted that he had even seen FedEx and UPS trucks speed by him. He suggested a lot of fines could be paid.

Councilor Givner emphasized that fines could not be talked about.

Councilor Anderson-Burgos stated that it would address the issue.  
---> Received and Adopted. Copy to HPD, DPW, Public Safety.

Motion was made and seconded to suspend the necessary rules to take up items 37 and 40 through 42 as a package.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, FIFTY FIVE THOUSAND AND 00/100 Dollars (\$55,000) as follows:

FROM:

12101-51105 SERGEANT \$55,000

TOTAL: \$55,000

TO:

12101-51300 OVERTIME \$55,000

TOTAL: \$55,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 16, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the “MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES’ LOCAL FOOD POLICY COUNCIL GRANT PROGRAM; HOLYOKE FOOD ECONOMY COALITION, \$8,000, 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 16, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, ONE HUNDRED SEVEN THOUSAND SEVEN HUNDRED AND 00/100 Dollars (\$107,700) as follows:

FROM:

14251-51104 HIGHWAY PAY-HMEO \$107,700

TOTAL: \$107,700

TO:

14251-51300 HIGHWAY OVERTIME \$5,000

14212-57100 ADMIN. IN STATE TRAVEL 200

12941-51300 FORESTRY OVERTIME 1,500

14302-52901 TRASH – HAZARDOUS WASTE COLLECTION 36,000

14302-53100 TRASH-OTHER SERVICES 22,000

14222-52104 PROPERTY-ENGERY PELLISIER 22,000

14222-52504 PROPERTY R&M PELLISIER 15,000

14222-52505 PROPERTY R&M SENIOR CENTER 2,000

14222-52509 PROPERTY R&M POLICE STATION 2,000

14222-52510 PROPERTY R&M CENTRAL FIRE STATION 2,000

TOTAL: \$107,700

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 16, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, EIGHT THOUSAND AND 00/100 Dollars (\$8,000) as follows:

FROM:

14251-51104 HIGHWAY PAY-HMEO \$8,000

TOTAL: \$8,000

TO:

14222-52511 R&M ELMWOOD FIRE STATION \$4,000

14222-52514 R&M WEST HOLYOKE FIRE STATION 4,000

TOTAL: \$8,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 16, 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 37 and 38 as a package.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY FOUR THOUSAND FIVE HUNDRED SEVENTY NINE AND 97/100 Dollars (\$24,579.97) as follows:

FROM:

12101-51105 SERGEANT \$10,287.42

12101-51107 PATROMEN 14,292.55

TOTAL: \$24,579.97

TO:

12101-51180 INJURED ON DUTY \$24,579.97

TOTAL: \$24,579.97

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 16, 2023.

Joshua A Garcia, Mayor

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (McGee).

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2023, TWENTY TWO THOUSAND EIGHT HUNDRED SIX AND 17/100 Dollars (\$22,806.17) as follows:

FROM:

12101-51105 SERGEANT \$10,287.42

12101-51107 PATROLMEN 12,518.75

TOTAL: \$22,806.17

TO:

12101-51180 INJURED ON DUTY \$22,806.17

TOTAL: \$22,806.17

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, May 16, 2023.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

Acting President McGiverin stated that both transfers related to the Police Department, with one covering 10 officers and the other covering 9 officers. He then explained that these were from two different pay periods.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (McGee).

### **LATE FILED ORDERS AND COMMUNICATIONS**

(2:25:10)

RIVERA\_I -- Order that the City Council approve the CPA request for Scott Tower/Anniversary Hill Phase II / City of Holyoke (Conservation Commission) / Kestrel Land Trust / Open Space

Acting President McGiverin clarified that this was briefly discussed earlier in the meeting.

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

Acting President McGiverin stated that the request was for \$44,500 as emergency funding for the acquisition of 7.24 acres of forest land associated with one of the headwaters of Day Brook, adjacent to Anniversary Hill Park and Community Field. These parcels constitute some of the last remaining unprotected open space surrounding the above-ground section of Day Brook before it joins the sanitary sewer on Hicks Ave. Acquisition by the city will allow for inclusion of these properties into overall restoration plans for Anniversary Hill Park. These parcels are surrounded by the park and contain important trail infrastructure that allows for better footpath access from the main entrance underneath I-91 from Community Field. Now that the appraisals have been completed and relevant owners have agreed to the sale of their land, the intent of this application is to acquire CPA funding as a match for a recently submitted Municipal Vulnerability Preparedness (MVP) grant, which requires a match.



Councilor Rivera\_I stated that this was a match grant asked for by the Massachusetts Department of Conservation and Recreation, allowing it to be added to a larger project already in the works. He noted that Conservation Director, Yoni Glogower has already raised over \$2 million to start the project. He noted that this was meant to be presented with the earlier emergency funding request for Wistariahurst. He emphasized that there was a time crunch on this.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (McGee).

Adjourned at 9:42 PM

*Brenna Murphy McKeel*