

## REGULAR MEETING OF THE CITY COUNCIL

October 3, 2023

The meeting was called to order by President McGee at 7:05 PM

The Clerk called the roll. Absent members: 0 Present Members in person 13 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, Rivera\_I, Rivera\_J, Tallman, Vacon).

The Pledge of Allegiance was recited.

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

Motion was made and seconded to suspend the necessary rules to take up item 22 out of order.

MCGEE — `Ordered, that winners for the Arson Watch Reward Program poster contest, second place for Hampden County, Eaven Torruella, and Honorable Mention, David Alexander Engle Fernandez, be invited into a City Council meeting to receive a proclamation and to present their posters for display in City Council chambers.

---> Received and Adopted.

(Admin's note: an order for a proclamation for Mila Dillard, one of the three awardees, was adopted at the previous meeting.)

Lt. Maria Pelchar, Fire Inspector from Holyoke Fire Department, escorted the award winners into the chambers. She then stated that a couple Holyoke schools had winners for the Arson Watch Reward Program. She noted that she had been organizing the city's participation in this contest for many years, often with close to 800 posters going in, and the city had not had any winners until the past few years. She added that the city recently had countywide and statewide winners. She emphasized that the students earned a little money and it also helped promote Holyoke. He then explained that the contest was sponsored by the Massachusetts Property Insurance Underwriting Association. She added that the current year's theme was Fire Prevention: Everyone, Every Day, emphasizing that fire prevention required everyone to be alert every day. She then introduced Mila Dillard, former student of Blessed Sacrament and current student of Pope Francis, who was third place winner for the state of Massachusetts. She also introduced second place winner for Hampden County, Eaven Torruella, student of First Lutheran. She then explained that they added an honorable mention winner, introducing David Engle as the winner of that award. She then introduced Linda Rex and Sue Heavren from Blessed Sacrament to speak about their program.

L. Rex stated that focusing on fire safety was a wonderful project for students to be involved in. She also emphasized that it addressed important information for them to know about. She then stated that some students focused their posters on escape plans, some focused on cars, and other things that got them thinking about different fire problems that could happen, and about how those problems could be solved. She added that it has always been great working with Lt. Pelchar and everyone at the Fire Department.

S. Heavren stated that everyone at Blessed Sacrament was thrilled for Mila. She added that it was great for the city and that it had been a pleasure working with the Fire Department. She also commended art teacher, Beverly Sabourin, for bringing their students into the art contest, as well as many others, and helping them learn about fire safety and other aspects of their program. She added that it was great to be able to celebrate the great work of Mile and all of their students.

President McGee congratulated to the award winners, presented them with proclamations, and encouraged them to show their work.

### LAI D ON THE TABLE

(10:30)

Motion was made and seconded to suspend the necessary rules to remove item 1 from the table and take up with item 34 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.

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

VACON, JOURDAIN, PUELLO — Order: that the ballot question approved by the City Council be placed on the ballot on November 4, 2024 as referenced in the 9/26/23 decision by Judge Mulqueen.

#### Ballot Question

Shall the City of Holyoke amend the current Community Preservation Act real estate surcharge, as established in accordance with the provisions of Section 3 of Chapter 44B of the Massachusetts General Laws, and which amendment of such surcharge is permissible pursuant to Section 16 of Chapter 44B of the Massachusetts General Laws, and approved by its legislative body, from 1.5% to 1.0%, a summary of which appears below?\*

(with revised dates)

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#### Community Preservation Act Ballot Question and Draft Summary

##### Ballot Question

Shall the City of Holyoke amend the current Community Preservation Act real estate surcharge, as established in accordance with the provisions of Section 3 of Chapter 44B of the Massachusetts General Laws, and which amendment of such surcharge is permissible pursuant to Section 16 of Chapter 44B of the Massachusetts General Laws, and approved by its legislative body, from 1.5% to 1.0%, a summary of which appears below?

##### Summary of Question

On October 3, 2023, the City Council voted, without taking a position, to place a question on the ballot which will allow voters to reduce the current Community Preservation Act real estate surcharge from 1.5% to 1.0%. The question will be approved, and the real estate surcharge shall be so reduced, if a majority of the voters voting on the ballot question

vote "yes". The question will not be approved, and the real estate surcharge shall remain the same, if a majority of the voters voting on the ballot question vote "no"

On November 8, 2016, the voters of the City of Holyoke voted to accept Sections 3 to 7 of Chapter 44B, known as the Community Preservation Act (hereinafter referred to as the "Act\*"). By accepting the Act, a funding source was established to enable the City of Holyoke to: (1) acquire, create and preserve open space, which includes land for parks, playgrounds and athletic fields; (2) acquire, preserve and rehabilitate historic resources such as historic community buildings and artifacts; and (3) acquire, create,

and preserve

and support community housing to help local families meet their housing needs. By accepting the Act, a surcharge of 1.5% was assessed on real estate on an annual basis beginning in Fiscal Year 2018. Exempted from the surcharge are: (1) property owned and occupied as a domicile by any person who would qualify for low income housing or low or moderate income senior housing in the City of Holyoke, as defined in Section 2 of the Act; (2) \$100,000 of the value of each taxable parcel of residential real property; and (3) \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in the surcharge. Any taxpayer seeking a low income or senior exemption shall apply for said exemption annually to the City of Holyoke.

#### UNDER DISCUSSION:

Councilor Vacon made a motion to receive the veto and then adopt item 34 to be sent to the mayor. Councilor Tallman seconded the motion. She then stated that this was what the Council had already approved but with a date change.

Councilor McGiverin made a motion to amend the motion to refer the item to committee for a discussion with the Law Department. He then stated that he voted for the ballot question, believing it to be the appropriate thing to do for voters who wanted a say on adjusting the CPA. He then emphasized that this order was to place the question on the ballot in a year when a different City Council would be sitting in chambers for the coming election. He suggested it would have to be up to that Council to place the question on the ballot.

Councilor Maldonado Velez seconded the motion. He then expressed support for accepting the veto and sending 34 to committee. He also expressed support for placing the question on the ballot the following year but believed the decision should be made by the next Council.

Councilor Vacon noted that one the three major points in the judge's decision relative to this matter was that it would be placed on the 2024 ballot.

Councilor Jourdain expressed his position that it was that the public should be allowed to vote on reducing it, just as he voted to place it on the ballot initially even while taking heat from constituents for doing so. He then emphasized that the mayor was in favor of putting it on next year's ballot and there appeared to be consensus of the Council to do the same. He noted that this position prevailed. He then expressed concern that the goal posts were being moved with the suggestion that it wait for the next Council to do it. He then suggested that the next Council may choose not to put it on the ballot. He added that this motion would be consistent with what came back from the judge's decision and with what everyone in the room was saying.

Councilor McGiverin stated that he had been confused after reading the order on the agenda, only then finding out that there was a request for a preliminary injunction case in court, and that there was a decision in that case. He noted he had only seen a copy when it was added as a late file. He then emphasized that he was not changing his mind when he voted to place the question on the ballot. He then explained that he was asking that a discussion with the Law Department take place in order to understand if it was better for next year's City Council to vote to place it on the ballot.

Councilor Rivera\_I emphasized that he had not been on the prior Council that made the decision for this to be revisited in five years. He then expressed concern about being asked to follow up on something another Council promised. He suggested that the following year's Council would be stepping into the

same situation, adding that he did not want to put that burden on someone else. He also noted that this order was put together by a particular group of councilors and not the entire body. He added that the entire Council did not file an injunction against the mayor. He questioned how that can happen when there was no conversation between the entire group. He also expressed frustration that anyone would speak for him without talking to him about it. He also emphasized that the question should let voters have an option of the CPA going up as well as going down. He added that not having that option was not fair to those who feel CPA was beneficial to the community.

Councilor Givner reiterated that the entire Council had not been talking about the same thing. She then suggested that there was nothing wrong with discussing it further in committee. She added that if everyone was already on the same page, they would remain so after it goes to committee.

Councilor Jourdain recognized that Councilor Rivera\_I had taken a different position than the rest of the Council, and would exclude him from his points. He then stated that the vast majority of the people who voted against the question were voting against having it on the 2023 ballot and wanted to see it on in 2024. He added that the mayor's veto spoke in favor of putting it on the ballot, but in 2024. He then emphasized that this order was doing exactly that. He also emphasized that this had been discussed for months and wondered how much additional research was needed. He then explained that this was simply about letting voters vote on issues of taxes that affect them. He also expressed doubt that it would ever make it out for a vote if it went to committee.

Councilor Anderson-Burgos stated that he was one of those who voted out of interest in seeing it on next year's ballot. He then expressed confusion as to why this going to committee would prevent it from going through. He suggested that new information had surfaced that should be looked at. He emphasized that he was a man of his word, but it was worth looking at new information. He then suggested putting pressure on the committee chair to make sure it was done before the end of the year.

Councilor Murphy-Romboletti expressed frustration with anyone putting words in her mouth. She then stated that previous comments from her were because she had issues with the wording, believing them to be disingenuous.

Councilor Maldonado Velez noted that in the filing for the injunction, the four city councilors who filed it stated that they were not sure if the current City Council could put something on the ballot for the next year. He then suggested that it should be referred to committee to ensure that it gets done right and avoid having anyone else be able to sue the city for doing something not done correctly. He also noted that outside counsel from KP Law stated that the ballot question was not even done properly. He questioned why it was necessary to rush it when there were 13 months to get it done right.

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

Councilor Vacon asked to ensure everyone had a copy of the decision.

Motion was made and seconded to suspend the necessary rules to take up Late File B out of order.

Communication from Lisa A. Ball, City Solicitor: Decision and Order on Plaintiff's Motion for Preliminary Injunction  
--> Received.

Councilor Vacon stated that while she understood everyone's point, the things that was different here was that the idea of placing it on the ballot in 2024 was part of the judge's order. She suggested that this point should be part of the conversation.

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

Councilor McGiverin reiterated that he voted to place this on the ballot after a compromise was agreed to in the Finance Committee. He then emphasized that he voted in favor of that even though he believed in the good the CPA had done and would vote against the question on the ballot. He added that he felt strongly that enough people had expressed concern about changing the CPA. He also suggested that his right to vote on the mayor's veto had been take away with item 1 having been tabled for four months. He also noted that there had been delays in voting on the sewer rate over fall less than what he was asking with this vote.

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

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

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. Recommended that the order be adopted.

#### UNDER DISCUSSION:

Councilor Vacon stated that this has been tabled for a minor correction and for other councilors to review the language.

---> 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 13--Nays 0--Absent 0. .

Approved by the Mayor.

### **PUBLIC COMMENT**

(31:40)

Patricia Devine, 58 Magnolia Avenue, read from the decision regarding the injunction request so that the public could be aware of what was being talked about. She noted that four councilors sued the mayor and the city clerk because of the ballot question. She then read:

*Decision and Order on the Plaintiffs' Motion for Preliminary Injunction*

*After thorough consideration of the arguments of counsel and all filings in this matter, the court finds that the plaintiffs have not shown a reasonable likelihood of success on the merits as the Community Preservation Act (CPA) does not preempt or override Holyoke's city charter. Even if it did, the plaintiffs failed to follow the procedure for amending the surcharge as required in the CPA G.L., c. 43B, §16(a). Additionally, the court finds that the plaintiffs have failed to establish that irreparable harm will result from denial of the injunction. Economic loss is insufficient as irreparable harm, and there has been no showing*

*of any other harm if the surcharge reduction question appears on the November 2024 ballot instead of November 2023.*

*For the foregoing reasons, the plaintiffs' motion for preliminary injunction is denied.*

She then stated that this was from Superior Court Judge, Jane Mulqueen.

President McGee noted that the decision document was on the city website for the public to read.

Councilor Vacon stated that a sentence from the decision was missed.

Councilor McGiverin made a point of order, expressing that public comments don't get debated.

President McGee stated that they would move on to the next speaker.

Nathan Chung, 9 Prue Avenue, Apt 4A, suggested that there was a culture in the City Council of installing the public process and intimidating city employees, adding that it was likely hurting government operations and contributing to higher taxes and declining infrastructure. He suggested that the tax base would benefit by encouraging more people to move to Holyoke and rehab vacant lots. He also expressed concern about a recent lawsuit being a waste on the city budget and time. He also suggested that it was inappropriate in terms of privacy for a city councilor to ask who was in the mayor's car at the time of an accident. He also expressed concern about a city councilor yelling at an assistant city solicitor for offering a different opinion. He then suggested that it would be educational for the city and the public to learn why some city employees had recently left. He then reiterated that the culture was hurting the city and needed to change.

Spencer Fox Peterson, 51 Portland Street, sought to echo and expand upon the previous sentiments regarding the fitness of the government. He noted that he had reached out personally and had sought to inform the public many times about issues in the Police Department. He suggested that they continued to get more resources and leeway. He noted they recently reinstated their Instagram account and was pushing out government counterinsurgency tactics to justify their budget and scare the public. He suggested that it kept people from investing in the community. He expressed concern about dysfunction and arguments over a tax while malfeasance in the Police Department was receiving no focus. He added there was sewage going into the Connecticut River every week, with low worker morale leading to the loss of the employees who would address that.

## **COMMUNICATIONS**

(37:45)

From Mayor Joshua A. Garcia letter appointing Ms. Kate Hopkinson, 87 Pearl St. to serve on the Local Historic District effective immediately; Ms. Hopkinson will replace Christine Berge and will serve a three year term; said term will expire on July 1, 2026.

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

Motion was made and seconded to suspend the necessary rules to take up items 4 and 17B as a package.

From Jane Mantolesky, Assistant City Solicitor letter re: Licensing Agreement for 392 Main St. (Jubenville Package Store) Insurance Binder and Evidence of Insurance.

---> Received.

The Committee on Development and Governmental Relations to whom was referred an order From Law Department License Agreement for 370-396 Main St.

have considered the same and Recommended that the license be granted, pending proof of full compliance with the agreement, particularly the proof of insurance.

Committee Members:

Tessa Murphy-Romboletti

David K. Bartley

Joseph McGiverin

Jenny Rivera\_J

Linda L. Vacon

#### UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that the license was for the Jubenville Package Store. She added that it was a 2 year lease that would allow them to do construction on the property. She noted there were questions on ensuring they had sufficient insurance, which was what was provided.

Councilor Bartley emphasized that the City Council had the right to vote on every real property transaction that the city engaged in. He recalled that the ordinance was changed a few years earlier to make sure that licenses were under the purview of the City Council. He then explained that the license allowed the owner to extend his footprint onto city property to build handicap accessibility to his business.

--> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos, Admin. Asst to City Council minutes of September 5, 2023.

---> Received and Adopted.

Councilor Bartley asked to assure that the minutes of the special meeting would be available at the next meeting.

President McGee stated that they would.

Communication regarding "flag code and proper procedures for pledge of allegiance".

Councilor Puello stated that he submitted this in order to focus on the manner of delivery of the Pledge of Allegiance. He also stated that the interest in addressing this was coming from people who watch the meetings and see things that they found offensive and felt fired up about. He then emphasized that when he says the Pledge, it meant something to him to look at the flag and think about the words. He then expressed a hope that this was something everyone could agree on.

---> Received.

Communication from Meg McGrath-Smith CPA Project List in response for a request from Finance committee.

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

Motion was made and seconded to suspend the necessary rules to take up items 8 through 11 as a package.

From Holyoke Economic Development and Industrial Corporation minutes of June 29, 2023.

---> Received.

From Holyoke Redevelopment Authority minutes of August 16, 2023.

---> Received.

From Board of Fire Commission minutes of August 17, 2023.

---> Received.

From Holyoke Historical Commission minutes of July 10, & August 21, 2023.

---> Received.

### **PETITIONS**

(44:25)

Petition of Delfina Saillant, of 20 Pearl St. for a new special permit for a Third Dwelling Unit in an existing two family (R2) 7.2.9.

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

### **PRESIDENTS REPORTS**

(44:40)

President McGee stated that there would be a Public Utilities Celebration at Veterans Park the following day, hosted by HG&E.

He then stated that the 150th Gala would take place on October 28th from 6pm-11pm the City Hall Ballroom.

He also stated that City Hall trick-or-treating would take place on October 30th 10am-2pm.

He then stated that the 14th annual Fancy Steps would take place on November 4th.

### **REPORTS OF COMMITTEES**

(45:35)

The Committee on Ordinance to whom was referred an order Special Permit Application Euphorium LLC at 15 Main St (033-06-022) for an adult-use cannabis retail, tier 1 cultivation, and manufacturing (non-chemical extraction) establishment.



have considered the same and Recommended that the special permit be granted with the following conditions:

1. That the owner of the building always pay the commercial property tax rate to the extent allowed by federal, state, and local laws for the duration of the Special Permit.
2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke.
4. There shall be no marijuana consumption allowed on site.
5. That the hours of operation be set according to City ordinances.
6. That the applicant must abide by Massachusetts General Laws and guidance's from the Cannabis Control Commission.
7. That the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit.
8. That if substantial progress has not occurred within 2 years of issuance of the Special Permit, an extension shall be required.
9. That the operations for the special permit begin after the completion of a host community agreement or approval of a waiver.
10. That the applicant will comply with the Planning letter, dated July 28, 2023, and the Engineer letter, dated September 7, 2023.

Committee Members:

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

#### UNDER DISCUSSION:

Councilor Vacon stated that the application was straightforward and complete. She noted that it had become practice include review letters as conditions. She added that there was a new condition was because the final review from the Cannabis Control Commission had not been completed and this would allow applicants to move forward with either a waiver or a host community agreement.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 0--Abstain 1 (Murphy-Romboletti). Councilor Murphy-Romboletti did not vote or participate in discussion of this item.

Motion was made and seconded to suspend the necessary rules to take up items 13B and 13C as a package.

The Committee on Ordinance to whom was referred an order in accordance with the city charter, create ordinance language that confirms, when a resident is elected as a ward councilor and subsequently moves to another ward during the term, the ward city council seat is vacated.

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

Committee Members:

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

**UNDER DISCUSSION:**

Councilor Vacon stated that the following a review of the regulations and legal opinions, the committee determined it was complied with.

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

The Committee on Ordinance to whom was referred an order To further amend to return this language to section 2-153 of our ordinance:

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

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

**Committee Members:**

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

**UNDER DISCUSSION:**

Councilor Vacon stated that the intent was to iron out an internal process when there are disagreements relative to interpretations of the law. She then explained that the discussion in committee was not successful in agreeing on language to complete things. She suggested a future order could be filed to restart the process if there was a desire.

Councilor Maldonado Velez noted a recent example where there was disagreement with the Law Department's opinion on the CPA ballot veto, as well as with the same opinion provided by KP Law, leading to an attempt at an injunction. He added that some of the discussion focused on the money spent on these things. He expressed relief that this order did not go through as he was against it.

Councilor Rivera\_I expressed confusion on how things got this far, as he recalled that it was voted on as a leave to withdraw and then force tabled.

Councilor Vacon noted that some councilors had no issue with money spent on lawsuits when they were in favor of the lawsuits. She suggested it was hypocritical to be concerned with money spent on this lawsuit. She also suggested that when some councilors felt they were strongly representing the concerns of some voters, filing a lawsuit was a legitimate action. She then explained that this order was an attempt to set up a process when both sides of an issue could be heard.

Councilor Rivera\_I questioned the use of taxpayer dollars to fund a disagreement with the mayor. He noted that with a body of 13, it was only 4 councilors who pulled the injunction lawsuit together. He suggested that when an action like that is taken on behalf of the Council, the decision should include the entire body. He suggested the order should have remained in committee to continue to be hashed out.

Councilor Givner suggested that when matters such as lawsuits get discussed, people should be more specific because she observed a lot of shrugs when the topic of other lawsuits came up.

Councilor Jourdain clarified that it was not a taxpayer funded lawsuit but privately funded.

Councilor Rivera\_I asked who was paying the lawyer fighting against the lawsuit.

President McGee called for order, noting that Councilor Jourdain has the floor.

Councilor Jourdain stated that the same could be said for other lawsuits. He questioned the lack of that type of clamor when there was an attempt to illegally remove Councilor Puello.

After a brief interruption, President McGee reiterated that Councilor Jourdain had the floor.

Councilor Jourdain expressed frustration at being shouted down for being disagreed with. He reiterated that there was no concern with paying the Law Department for the lawsuit against the city. He noted that people sue the city all the time for actions taken by the city that they disagree with, things such as special permits. He then emphasized that all of this was not what the order was about. He clarified that it was an attempt to create a process where there would be independent, outside counsel that the City Council and the Law Department could agree on. He noted that the Law Department did not agree with that. He suggested that there needed to be a remediation process when questions like the separation of powers come up. He then explained that this had been the second half of an ordinance with two sections to it, noting the other section was about giving the City Council President a say on who was appointed to the City Council from the Law Department. He then stated that the two sections were removed during a rewrite of the ordinance last year and the first section was voted back in by the Council. He then clarified that this part of the order was moved forward as not needing to be discussed anymore. He expressed a hope that there could be future discussion of some sort of remediation process.

Councilor McGiverin stated that there was an issue with what was being asked for, emphasizing that it was asking for a specific amendment to the ordinance that could be voted up, down, or given a leave to withdraw. He suggested that there should be better understanding as far as how opinions from an independent counsel work. He suggested that the committee was essentially giving it a leave to withdraw as being complied with would indicate that it had been completed in an up or down vote. He then expressed concern that the Law Department sought an opinion from outside counsel when some councilors disagreed with their opinion. He suggested that money should not be spent when a few councilors disagree with an opinion, emphasizing that opinions were not binding.

Councilor Jourdain suggested that two different issues were being conflated. He then clarified that this was just the second piece of a previous order that was already taken up and adopted. He then stated that the open question on how disagreements get remediated was an order that was still in committee.

Councilor Maldonado Velez commended Councilor McGiverin for his statements. He then stated that his concern was that there was a legal opinion from the Law Department, and then money spent on another opinion from KP Law which said the same thing, and then some councilors filed an injunction. He questioned why there would be an attempt to add extra steps to the process if some councilors may just file an injunction anyway if they disagree with those opinions.

Councilor Rivera\_J clarified that in the situation with the attempt to remove Councilor Puello, the Council did not get involved because everyone was specifically told it was a legal issue and that it would not be discussed in chambers. She added that when Councilor Jourdain attempted to bring it up, she and Councilor Rivera\_I noted that it was not an item on the agenda.

Councilor Vacon stated that in response to Councilor McGiverin's assertion that the Council did not have a chance to talk about the matter before a second opinion was paid for, she emphasized that decision was done unilaterally by the Law Department.

Councilor Givner emphasized that there was a big difference between someone suing the city and the Law Department making a judgement call based on their own legal opinions and what was going on in chambers.

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

(1:09:00)

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 "2023 CAR SEAT DISTRIBUTION PROGRAM, NON MONETARY, 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 grant was a recurring grant that would allow the Fire Department to hand our car seats to families and individuals who need a car seat. He added that it would also allow them to inspect car seats when requested and offer replacements if necessary. He added that the \$5,000 provides between 100-150 car seats.

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

Approved by the Mayor.

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY24 EEA MUNICIPAL VULNERABILITY PREPAREDNESS PROGRAM, \$192,900, 25% MATCH (IN KIND/CPA)" 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 grant through the Conservation Department would focus on the design in the Day Brook area with several things happening. He noted that Director, Yoni Glogower, had received more than \$1 million in grants in the past year and a half. He then explained that the in kind match had been authorized through CPA.

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

Approved by the Mayor.

The Committee on Finance to whom was referred an order that the amount of TWO THOUSAND FIVE HUNDRED TWENTY FOUR AND 00/100 Dollars (\$2,524.00) be authorized from the SOLICITOR Department's LITIGATION (11512-57600) appropriation in fiscal year 2024 for services rendered in fiscal year 2023 which were unencumbered at the 2023 fiscal year end.

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

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the request was to pay a bill from the previous fiscal using the current year's funds. He then explained that the invoice was for Red Lead, an investigator looking at a workman's comp issue. He noted that the bill got tied up between two departments, delaying it from getting paid before the end of the fiscal year.

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

Approved by the Mayor.

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

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, FIFTY THOUSAND AND 00/100 Dollars (\$50,000) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$50,000

TOTAL: \$50,000

TO:

60402-53005 SEWER – LEGAL SERVICES \$50,000

TOTAL: \$50,000

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 funds were being used to pay for legal services connected with the wastewater treatment plant, with decisions about negotiations of a new contract coming soon. He added that other internal things needed to be looked at.

Councilor Bartley asked if there was an outstanding invoice being paid.

Councilor McGiverin stated that it was not being spent until it was approved.

Councilor Bartley asked if it would have to come back to City Council to be approved.

Councilor Jourdain stated that it would not.

Councilor Bartley asked if this was for outside counsel.

Councilor Jourdain stated that it was.

Councilor Bartley asked who would make the decision on hiring outside counsel.

Councilor McGiverin stated that this question was asked, specifically if the line item was controlled by the Law Department. He then explained that it was controlled by the DPW but they agreed that there would be consultation with the Law Department.

Councilor Bartley questioned the transfer to cover legal services for a bill that did not yet exist. He questioned if these funds would be held in case there needed to be help from outside counsel relative to Veolia.

Councilor Jourdain stated it was for negotiating the new contract.

---> 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 (Rivera\_I).  
Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE HUNDRED THOUSAND AND 00/100 Dollars (\$100,000) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$100,000

TOTAL: \$100,000

TO:

60402-53011 SEWER- PROFESSIONAL SERVICES \$100,000

TOTAL: \$100,000

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 these funds would be used to pay for studying what was impacting the operational costs of the services provided by the plant.

Councilor Bartley asked if this was to hire a consultant to review the contract with Veolia. He noted that there was an advertisement in the legal notices that DPW was looking for a consultant to negotiate relative to the wastewater treatment plant.

Councilor McGiverin stated that the consultant would be part of the team negotiating. He then explained that they were looking for someone with the expertise to understand a complicated and complex agreement.

Councilor Bartley expressed a hope that there would be regular updates pursuant to the legal services and the consultant. He noted that there was still a lawsuit caused by the Planning Board, with legal costs for outside legal counsel currently adding up to over \$80,000.

Councilor Jourdain stated that the Finance Committee would ordinarily not be warm to approving something that was not yet in a bill, but there needed to be an authorized amount for them to hire a firm with expertise in this area. He noted that they were given assurances that the Law Department would be reviewing the bills to make sure they are reasonable. He also emphasized that here was a difference of

opinion as to when the process needed to get going.

---> 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 (Rivera\_I).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE THOUSAND TWO HUNDRED AND 00/100 Dollars (\$1,200.00) as follows:

FROM:

11381-51102 ASSISTANT CPO-PURCHASING \$1,200.00

TOTAL: \$1,200.00

TO:

12442-54800 MV FUEL-WEIGHTS & MEASURES \$1,200.00

TOTAL: \$1,200.00

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

Committee Members:

Joseph McGiverin

Kevin A Jourdain

Will Puello

Juan Anderson-Burgos

Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that the surplus was due to a vacancy in the position for part of the year. He then stated that the vehicle approved for the new Weights and Measures Director was almost ready to come and this would allow him to allocate funds to purchase fuel through the city, with savings due to buying it in bulk.

Councilor Tallman stated that Mr. Gabrielli had already proved himself to be an excellent hire for the job. He noted that he had started to see new inspection stickers on gas pumps around the city.

Councilor Maldonado Velez observed how clear it was that Mr. Gabrielli was very proud of his job.

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

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SIX THOUSAND AND 00/100 Dollars (\$6,000.00) as follows:

FROM:

12101-51117 E911 DISPATCHERS \$6,000.00

TOTAL: \$6,000.00

TO:

12101-51910 STIPENDS \$6,000.00

TOTAL: \$6,000.00



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

Committee Members:

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

**UNDER DISCUSSION:**

Councilor McGiverin stated that the surplus was due to a grant that was reimbursing salaries for dispatchers. He then explained that the stipends were for allowing retiring employees to pass their knowledge on to those who would be taking over for them. He then suggested that the item be tabled before there was information that was unclear regarding how involved the union was, and that there were some open questions that the Law Department needed time to check into.

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

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY FOUR THOUSAND THREE HUNDRED FIFTY NINE AND 00/100 Dollars (\$24,359.00) as follows:

FROM:

16102-52100 ENERGY-GAS/OIL/ELECTRIC \$24,359.00

TOTAL: \$24,359.00

TO:

16101-51112 FINANCIAL MANAGER – LIBRARY \$24,359.00

TOTAL: \$24,359.00

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

Committee Members:

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

**UNDER DISCUSSION:**

Councilor McGiverin emphasized that the library was a different kind of entity for municipal government in that it was connected directly to state law and state funding. He noted that the library was owned by the city, the city portion paid for the upkeep and renovations, and the mayor made appointments with City Council confirmation. He also stated that the Friends of the Library also fundraised for library to pay for certain parts of library operations. He then explained that the surplus was due to other funding that would be used for energy needs. He then explained that transfer was needed due to funding for the position being cut from the budget when the mayor believed that the position was vacant, and that it had since been explained to him that the position was needed to make sure their accounts balance out.

Councilor Bartley asked if the library was still using oil. He recalled that when he first got on the Council, City Hall was still using oil heat.

Councilor McGiverin stated that he was not sure, but he did not believe any city buildings were using oil. He suggested that the name of the line item was likely archaic.

Councilor Rivera\_I suggested that the Friends of the Library could be seen as something similar to a PTO for schools, where they come together to raise funds for things that the library needs. He noted that the can't raise funds for this kind of thing, but they could organize for events or meet deadlines that relate to growing the library.

Councilor McGiverin stated that was as good a way of describing it as he had heard in a while. He emphasized that this type of fundraising could not happen everywhere but could for the library due to state law.

---> 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 (Maldonado Velez) .

Approved by the Mayor.

(1:33:00)

The Committee on Public Safety to whom was referred an order that a communication is sent to the Council as to when the rubbish at 27 Cabot Street will be cleaned up.

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

Committee Members:

Israel Rivera\_I  
Kocayne Givner  
Todd A. McGee

#### UNDER DISCUSSION:

Councilor Rivera\_I stated that the Sean Gonsalves from the Board of Health reported that most of the debris and hazardous waste from the building had been cleaned up and removed, while some still remained and some would be removed in phases.

Councilor Jourdain stated that he drove by 27 Cabot Street and noticed that it looked much better.  
---> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order that local inspections of retail marijuana establishments for compliance with laws (selling to 21+) similar to those for cigarettes and alcohol be completed in coordination with the Cannabis Commission.

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

Committee Members:

Israel Rivera\_I  
Kocayne Givner  
Todd A. McGee

UNDER DISCUSSION:

Councilor Rivera\_I stated that Mr. Gonsalves explained that there was not any compliance laws at the moment, but that businesses were going ahead with it anyway with an expectation that a law would come through. He then stated that another order would be filed once a law was created. He added that the department had received funding for this but was holding off until there was a law.

Councilor Maldonado Velez expressed appreciation to cannabis companies putting warning labels on packaging even without a law in place.

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

The Committee on Public Safety to whom was referred an order that representatives of Cataldo Ambulance Service Company be asked to come into public safety and share any information or data they have collected in relation to overdoses with the city of Holyoke.

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

Committee Members:

Israel Rivera\_I  
Kocayne Givner  
Todd A. McGee

UNDER DISCUSSION:

Councilor Rivera\_I stated that Frank McNeil from Cataldo provided data from their tracking over the last 7 years. He then stated that the data had remained consistent over those years. He then explained that of the 209 incidents since the beginning of the year, 89 of the overdoses were Holyoke residents. He noted that the main source of information to learn if they were residents was if they had health insurance, adding that there was no way of knowing if they were residents if they did not have insurance. He also provided percentage information on Narcan administration between police officers, EMS, bystanders, and the Fire Department. He also provided information on age distribution, insurance, marital status, and ethnicity. He then emphasized the importance of paying attention to these data points.

Councilor Vacon noted there was a sad statistic in that many of the people were well known to the ambulance services as habitual long-term addicts. She also stated that a great majority of the overdoses in the city were not residents, expressing concern that the city had become a one stop shop location for users, requiring the need for collaboration between service providers and enforcement personnel to get the drugs off the street while getting help for those who needed it.

Councilor Maldonado Velez emphasized that it was a complicated issue that would not be solved in the near future. He also emphasized the importance of Narcan training, noting the number of bystanders intervening in overdose incidents.

Councilor Rivera\_I added that the number of actual bystanders using Narcan was likely a lot higher as many of those who had intervened reported having intervened earlier with the same people in the same days in incidents that had gone unreported.

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

The Committee on Public Safety to whom was referred an order that the Mayor organize an advisory committee that will work in collaboration with Public Health Department and Public Safety Committee that will work on coordinating re-entry services for those re-entering society, specifically the city of Holyoke.

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

Committee Members:

Israel Rivera\_I  
Kocayne Givner  
Todd A. McGee

UNDER DISCUSSION:

Councilor Rivera\_I stated that his intent was to get the mayor and the public health department to work together on helping citizens reintegrating into society. He observed that while there were places people can go to get services, there was not a place identified by the city as a definite place to go. He noted that in Springfield, people will often get referred to AISS (All-Inclusive Support Services), adding that people in Holyoke will often be referred to them as well but it was not conveniently close to the city. He emphasized that the intent was to help people coming back into society from a variety of places, including incarceration, homelessness, substance abuse, or returning veterans.

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

(1:51:00)

The Committee on Development and Governmental Relations to whom was referred an order 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).

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 Becky Gallaher and Pat Beaudry attended to speak about this project. She noted that a TIF referred to Tax Increment Financing, which was an exemption on new value of a property. She then explained that this project included 7 parcels of land, with a \$150 million investment. She noted that once these projects are approved by the City Council, they go to the Mass Office of Business Development for their approval. She then explained that Sublime was commercializing a breakthrough process to make low-carbon cement that performs like traditional cement but without the environmental impacts. She added that this would bring in 70 new full time jobs and be a significant customer for HG&E. She added that the schedule for the TIF would not take effect until they owned the property, starting at 90% exemption in year 1, 70% in year 2, 50% in year 3, 30% in year 4, and 10% in year 5. She recalled that some questions focused on transportation of materials into the city as well as concerns about noise, especially in that area of the city. She added that there was discussion on them possibly using Water Street for access and potentially expanding rail access.

Councilor Bartley stated that this would give them a tax break on new growth, with a 5 year step down. He noted that a tax rate on personal property was inserted into the resolution a couple hours before the meeting. He then stated that they raised a question on whether or not Boston gets to decide for Holyoke on whether or not personal property tax is collected. He added that it remained an open question. He also stated that while he appreciated their argument about reducing carbon emissions, he noted that they would have diesel trucks driving down Water Street hauling the materials to make the cement. He suggested that they be strongly encouraged to use rail to bring materials into the city.

Councilor Maldonado Velez stated that it was a fair concern to think about the environmental concerns of this in downtown Holyoke, especially with the asthma rates in that area. He expressed a hope that in the 2 years before this begins, there would be work to address those concerns, either by using electric trucks or the rail system. He then commended them for reaching out to different groups in the city that address environmental concerns, adding that he had not heard anything negative about them.

Councilor Rivera\_I commended them for setting up meetings with councilors as well as with organizations that work with the demographics of the neighborhood where this would be located. He then expressed that the environmental impacts were a sticking point for him, but he found that they were trying to be as transparent as they could be so far and were trying to work with the community.

Councilor Murphy-Romboletti reiterated that this would be the first step in a long process, noting that everyone had the same concerns. She added that they expressed their intent to do a lot more community engagement to talk about the concerns.

Councilor McGiverin stated that he believed in TIF's when they came with the right investment. He observed that \$150 million of investment was one of the largest TIF's he had seen come through. He noted that the 70 jobs was just the beginning, noting that 12 of the jobs would be salaried jobs starting at \$40,000 a year. He added that another 49 would start at \$70,000 a year, with supervisors at \$80,000 a year, and a supervisor heading up the plant at \$165,000. He then explained that the TIF allowed investment, engineering, and development to take place through diverting some of the tax for a period of time.

Councilor Jourdain expressed his support for the order. He then explained that tax increment financing deals are strategic investments by the community for targeted areas. He noted that there were nuances to this property and was a major development and was positive for jobs. He added that there needed to be good follow up to make sure things get done, emphasizing the amount of tax revenue being given up

to make this happen. He also emphasized that a vote to grant this does not provide an opportunity for anyone to change their mind in a year. He reiterated that OPED and the mayor needed to ensure that the representations made by the company are in the agreement. He also expressed a hope that this kind of project would spur more of this kind of development.

Councilor Tallman stated that everything looked good from the city's part. He added that the part of Holyoke needed these kind of jobs and development, to bring manufacturing in the city into a new way of doing business.

--> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Development and Governmental Relations to whom was referred an order Special permit application for home occupation of Marisol Figueroa for a nail salon at 222 West Franklin Street

have considered the same and Recommended that the special permit be granted with the following conditions:

1. That the hours of operation will be Tuesday-Friday, 9am-6pm, and Saturday 9am-3pm.
2. That there will be no signage.
3. That all customers will park in the driveway to the extent feasible.

Committee Members:

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

#### UNDER DISCUSSION:

Councilor Murphy-Romboletti stated that Ms. Figueroa explained that she did not plan to have more than one client in the space at a time, which would be one per hour. She added that there would be no other employees, would not have any exterior storage or signage, and that it would be done in a small room in her house. She also stated that Ms. Figueroa would encourage her clients to park in the driveway.

Councilor Jourdain asked if those other points should be put in the conditions.

Councilor Murphy-Romboletti suggested that it wasn't necessary.

Councilor Jourdain asked if there was any neighborhood opposition.

Councilor Murphy-Romboletti stated that all of the neighbors who attended were in favor of it.

Councilor Maldonado Velez suggested that the existing conditions covered those concerns, emphasizing that Ms. Figueroa only wanted one client at a time. He then offered a reminder that for anyone else seeking to do something similar in their house, there were also state requirements to be in full compliance.

Councilor Bartley asked to confirm that this was being approved, subject to the listed conditions.

Councilor Murphy-Romboletti confirmed.

Councilor Bartley noted that there was a typo in the third condition, noting that "extend" should be "extent." He also recalled that the applicant was more than happy to accept the conditions, noting that she was the one who wanted the hours and stated she would have no signage. He then explained that city ordinances allowed the City Council to put reasonable conditions on special permits, adding that these were reasonable. He noted that it was explained to her that this would likely impact her taxes, adjusted for the commercial rate.

Councilor Vacon noted that Ms. Figueroa shared that the space she would be using really only allowed for one client and manicurist as a time.

--> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Development and Governmental Relations to whom was referred an order invite Thomas Irwin from PaintCare MA to discuss pending state legislation that would create a statewide paint recycling program to allow people to return unused paint to stores to be disposed of in an environmentally friendly way.

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 a lot was learned from this discussion, including about certain types of waste as well as the expense to municipalities. She then explained that other states in the country already had this kind of paint stewardship program, where a fee is added to the purchase of paint, allowing the commonwealth to increase the capacity and accessibility of paint recycling. She added that it would allow people to safely return their paint and prevent the city from having to pay to dispose of it. She noted that this discussion had been for informational purposes.

Councilor Rivera\_I stated that it had been filed under his name, with the thought that it had been a public safety matter. He then emphasized that while it would be a little bit of an extra charge when paint gets purchased, currently people had to discard of their own paint and most people may not know how to discard of it properly, and this would allow people to dispose of it in a healthy and recyclable manner.

Councilor Bartley noted that Mr. Irwin drove from Dalton to attend the meeting. He then commended Mr. Irwin for basically volunteering to do this because of his concern for the environment. He noted that he suggested the Council could pass a resolution to give to the state delegation encouraging them to pass the law. He noted that it would be a small tax. He also noted that Holyoke had a wonderful way to dispose

of paint at the city barn, but many other communities did not, adding that this could have a large impact.  
--> Report of Committee received and recommendation Adopted

The Committee on Development and Governmental Relations to whom was referred an order 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.

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 several board members from Nueva Esperanza attended, as well as Steve Huntley, Executive Director for Valley Opportunity Council. She then explained that VOC had applied for and was awarded the funding. She then stated that an overview was provided to explain what the funding would be used for, with the intent to make HVAC and structural improvements at El Mercado on Main Street. She added that their goal was to make the space a cultural hub, for the neighborhood as well as for the city. She noted that they did not yet have all of the details worked out but were working with the appropriate people.

Councilor Puello commended Nueva for their explanation. He then noted that El Mercado was owned by Nueva Esperanza. He then explained that Alicia Zoeller from the Office of Community Development provided information on the reporting and requirements before they receive the funds.

Councilor Maldonado Velez noted that they had until December 29th to meet the conditions and execute the ARPA agreements. He then suggested that more organizations receiving ARPA funding be invited in so that the community can get a larger picture of how those funds get used.  
--> Report of Committee received and recommendation Adopted.

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

### **ORDERS AND TRANSFERS**

(2:21:55)

President McGee implored councilors to not debate orders if they were going to committee.

JOURDAIN, Tallman — Ordered, that the DPW/City Engineer fix the city street in front of the driveways of 188 Sargeant Street and 307 Linden Street because the street storm runoff is running on to the properties of these residents from the street. During the winter the street runoff also causes the sidewalks to fill with



water and cause icy conditions that are dangerous to pedestrians. This should be considered a matter deserving urgent attention please and fixed asap.

Councilor Jourdain stated that the neighbors were hoping that the situation can be cleaned up before the winter to avoid having issues with ice on the sidewalk.

Councilor Tallman asked to be added to the order.  
---> Received and Adopted. Referred to the DPW.

MALDONADO-VELEZ — “As the city of Holyoke continues to grow and host an increasing number of events, it is essential to foster effective collaboration among various city departments, including the Licensing Board, Board of Health, Fire Department, Police Department, DPW, and any other relevant city agencies. To achieve this, we propose convening a comprehensive meeting aimed at discussing and streamlining the event planning process within our city, particularly in cases involving vendors – crafts, food, food trucks, non-profits.

This meeting will serve as a platform for addressing key aspects such as permits, licenses, fees, and the distinction between events held on public property versus private property. Our primary objective is to enhance clarity and coherence across departments, event organizers, and stakeholders. Furthermore, we will explore potential updates or revisions to existing ordinances to ensure a more efficient and transparent process that benefits all parties involved.”

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

Motion was made and seconded to suspend the necessary rules to take up items 23 and 24 as a package.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY EIGHT THOUSAND FOUR HUNDRED THIRTY SEVEN AND 52/100 Dollars (\$28,437.52) as follows:  
FROM:

12101-51105 SERGEANTS \$13,990.88

12101-51107 PATROLMEN 14,446.64

TOTAL: \$28,437.52

TO:

12101-51180 INJURED ON DUTY \$28,437.52

TOTAL: \$28,437.52

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, October 3, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE THOUSAND ONE HUNDRED FORTY SIX AND 95/100 Dollars (\$1,146.95) as follows:

FROM:  
12201-51105 FIREFIGHTER \$1,146.95  
TOTAL: \$1,146.95  
TO:  
12201-51180 INJURED ON DUTY (PAY PERIOD #6) \$1,146.95  
TOTAL: \$1,146.95

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, October 3, 2023.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

President McGee said item 23 was for 11 employees in the Police Department and item 24 was for 1 employee in the Fire Department.

Councilor McGiverin noted that there were many more police officers than before. He added that the police chief was looking into some of the long term situations. He then explained that this was an accounting mechanism to separate the salaries they receive while out injured.

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

Motion was made and seconded to suspend the necessary rules to take up items 25 through 27 as a package.

MCGIVERIN — that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2024 STATE 911 DEPARTMENT TRAINING GRANT PROGRAM, \$25,013.16, 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, October 3, 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 "FY24 EEA MUNICIPAL VULNERABILITY PREPAREDNESS PROGRAM-ACTION GRANT, \$141,680, 25% IN KIND 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, October 3, 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 “FY2024 JAIL/ARREST DIVERSION PROGRAM GRANT, \$45,000, 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, October 3, 2023.

Joshua A Garcia, Mayor

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

PUELLO — That the no parking sign at 14 Arthur St please be removed. Per DPW must go to ordinance.  
---> Received and referred to the Ordinance Committee.

PUELLO — That the law department provide the opinion that has been pending, for months, to the next public service committee meeting, regarding the ethics concerns around the Council Presidents appointment by the mayor to the retirement board. That they please address all concerns, mgl 286a sec 20 and the 6 month waiting period after leaving office. Thank you.

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

RIVERA\_J — Request the implementation of a three-way stop at the intersection of Mosher and Bowers Streets.

Councilor Jourdain noted that if they were not there now, it would require an ordinance.

President McGee noted that the engineer would have to look at it.

Councilor Rivera\_I noted that orders had been filed in the past for the same streets with the same request, and that the engineer already provided data in the past.

Councilor Bartley noted that the rules were just changed to send traffic orders to Public Safety.

Councilor Jourdain stated that it would still require an ordinance.

Councilor Rivera\_I stated that it was already talked about in Public Safety.

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

RIVERA\_J — Request the Department of Public Works (DPW) to initiate the replacement of the current phone system. I believe that a modernized system capable of dialing extensions will significantly improve communication.

Councilor Bartley suggested that the order be sent to the Board of Public Works to provide an opinion, and then a request be sent to the mayor.

Councilor Jourdain asked if this was just for the DPW or for the whole city.

Councilor Rivera\_J clarified that it was just for the DPW. She then explained that she had spoken with them already and they agreed. She then stated that when people call the system through the extensions provided on the website, people cannot dial the extensions. She added that she tried calling a few days earlier and nobody picked up the phone.

---> Received. Refer to DPW. Copy to Mayor, Purchasing.

RIVERA\_J — State of sidewalks in our community in Ward 1 particularly on Center, Lyman, and Grover Streets, as well as Bowers Street from Lyman Street to Kelly School.

The current condition of these sidewalks poses a safety concern, especially for the children walking from Lyman Terrace to Kelly School. In order to ensure the safety and well-being of our residents, particularly our students, we kindly request the prompt repair of these sidewalks.

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

VACON — that Veolia provides the estimated cost for street sweeping for the next fiscal year for the purpose of decreasing the sewer rate required for the sewer enterprise fund. This is a citywide service that is properly paid from the general fund. A written response is acceptable.

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

BARTLEY, MCGIVERIN, PUELLO, Rivera\_I — The City Engineer and DPW develop and install safety measures for passenger cars, trucks and motorcycles in the vicinity of Holyoke's canals as the current protective measures have recently and regularly been breached resulting in loss of life, property damage, and costs to HG&E. Refer to DPW, City Engineer, HG&E Manager & Commissioners, and Emergency Management Director to strategize improvements and the Mayor to finance these projects. Refer to DGR for discussion.

Councilor Bartley noted that there had been fatalities with motorists going over the fences at that location. He then stated that the HG&E commissioners were already looking into it and costing it out. He added that they explained that the turbines have to be shut down when vehicles go into the canal, with a cost to doing that to fish the materials out of the canal. He also stated that former councilor, Mike Sullivan, witnessed the most recent incident where someone had a medical issue and drove into the canal and was unsuccessful in trying to save them.

Councilor Rivera\_I asked to be added to the order. He then recalled filing an order the previous year to use cannabis impact fee funding to look at addressing the whole canal corridor. He noted that he had witnessed several cars go into the canal over the years.

---> Received and referred to the Development and Governmental Relations Committee. Copy to Mayor, City Engineer, HG&E Manager & Commissioners, Emergency Management Director

BARTLEY — The city of Holyoke work with its state delegation and federal partners to develop protective barriers along Route 91 proximate to ISO-New England. The most recent issues concern bullet holes found at ISO-NE that appear to emanate from motorists traveling on 91. The MSP and HPD are investigating and Shot-spotter detected the gunfire, according to an ISO-NE official. There is a possibility that there exists a private source of funding for the barriers and government officials are now being made aware of the potential private funds via this Order. Please note that it's very likely that an easement from the Commonwealth would be required to build. Refer to DGR and copy to City Engineer, MA DOT District 2 (Northampton), Holyoke's state delegation and copies to Public Safety and ISO-New England. (Couple this order with prior ones from Councilors Councilor Jourdain and Councilor Vacon and others relative to similar requests on the N- and S-bound sides of 91.)

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

BARTLEY — The city review and advise on a constituent request to install a “do not block the box” on Northampton St / Longwood Ave. Refer to Public Safety, DPW, City Engineer.

---> Received and referred to the Public Safety Committee. Copy to DPW, City Engineer.

BARTLEY — The City restripe the “do not block the box” warnings at Northampton St. proximate to Clark and Gilman Streets. The paint is pretty faded at this time. (Also, thank you to the DPW for the stripping in and around Ward 3 as this has been very welcome and much appreciated.) Receive, Adopt and refer to DPW.

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

BARTLEY, JOURDAIN, Vacon — In light of the rollout of the new 96-gal trash receptacles, the DPW and Mayor expedite the planned procurement of smaller trash bins for those who either do not need such a large bin or those who are physically unable to manage the 96-gallon behemoth. Refer to DPW, Mayor and Finance with an update in a month.

Councilor Vacon asked to be added to the order.

Councilor Maldonado Velez suggested that it could be copied to ordinance, noting that there was another order on the same matter.

Councilor Vacon stated that the order was tabled in order to get language.

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

GIVNER — Per resident safety concerns, order that the dead city tree, on the odd side of OConnor ave bend, be removed. Falling branches are a concern as well as its support of a utility pole by metal wire. Should this tree fall it has the potential to pull down a utility pole with street light, all connected utility cables, and damage at least 5 multi family homes along with parked vehicles.

-To City Forester / copy to Public Safety

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

GIVNER — With community support, Order to create “don’t block the box” street markings and signage at Beacon St on Pleasant St, for safety. This area sees congestion and confusion during morning and afternoon school traffic commuting times. Residents have expressed concern for children as they are picked up and dropped off by school buses.

-DPW / City Engineer department / Copy to Public Safety

---> Received and referred to the Public Safety Committee. Copy to DPW, City Engineer.

GIVNER — With community support, Sylvia Ln residents have expressed health and safety concerns regarding the encampment behind McNulty Park and their cul de sac. There are several houseless people living in this area. There is an abundance of trash and other concerning happenings. Although not as noticeable when trees have full foliage, the fall and winter expose the serious quality of life issues visible for both the housed and unhoused. This must be addressed.

-Board of Health / Copy to Public Safety

---> Received and referred to Board of Health. Copy to Public Safety.

GIVNER — With community support, Order that our trash receptacle ordinance be updated to reflect the following:

Update to Ordinance Chapter 74 Section 2:

(a)

Residential rubbish receptacles.

(1)

96 gallon, rodent proof, water tight, residential rubbish receptacles are provided by the City. One receptacle is provided to each residential unit or household. Additional containers are not available and cannot be acquired. Lost or damaged containers must be purchased from the City/DPW by residents at the current rate. A smaller receptacle may available by request. Considerations are made on a case by case basis and depend on need as determined by the disabilities commission/senior advocate/ personal / health advocate?

&

(3)

Should the number of containers necessary to contain all refuse at a given residential location exceed 1 95 Gallon receptacle on a weekly basis, the superintendent of public works will have the right to require the property to utilize an alternate method of collection.

-To Ordinance / Copy to DPW

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

GIVNER — With community support, order that the following section of our Codes of Ordinances and charter be updated to reflect use of email as sufficient for special meeting notice:

Sec. 12. – Special meetings of city council.

The mayor may at any time call a special meeting of the city council by public posting through the city website along with written notifications thereof, together with a statement of the subjects to be considered thereat, to be deposited in the post office, postpaid and addressed to the persons to be notified, at least forty-eight hours before the time appointed for such meeting, or to be left at the usual place of residence of each member of the council, by email at least forty-eight hours before the time appointed for such meeting.

(Acts 1965, c. 187; Acts 1992, c. 189)

-To Charter & Rules AND Ordinance

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

GIVNER, Tallman — With community support, order that all ordinances and charter rules reflecting city council and city council subcommittee meeting notices be updated to reflect acceptance of email as

sufficient method of notice, and city website posting as sufficient method of public notice. — —To  
Charter & Rules AND Ordinance

Councilor Tallman asked to be added to the order.

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

**LATE FILED ORDERS AND COMMUNICATIONS**

MCGIVERIN — Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024,  
THIRTY THOUSAND 00/100 Dollars (\$30,000) as follows:

FROM:

14251-51105 PAY-POWER SHOVEL OPERATOR \$10,000

14301-51106 PAY-WASTE RECYCLE COORDINATOR 10,000

14101-51105 PAY-SR CIVIL ENGINEER 10,000

TOTAL: \$30,000

TO:

14102-53010 PROFESSIONAL ENGINEERING SERVICES \$30,000

TOTAL: \$30,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday,  
October 3, 2023.

Joshua A Garcia, Mayor

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

Adjourned at 9:43 PM