

REGULAR MEETING OF THE CITY COUNCIL**October 17, 2023**

The meeting was called to order by President McGee at 7:03 PM

The Clerk called the roll. Absent members: 1 (Andeson-Burgos) Present Members in person 12 (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 Tallman was pulled to head the roll call voting.

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

MCGEE -- That the City Council present a Proclamation to Jesus Pereira.

Motin was made and seconded to take final action.

---> Received and Adopted.

President McGee invited Veterans Services Director, Jesus Pereira, into the chambers. He then stated that Mr. Pereira was hired for a job in Chicago and would be leaving Holyoke. He then stated that it was important to recognize Mr. Pereira for his incredible work serving Holyoke veterans.

J. Pereira thanked the Council for the recognition and for their years of support for him, emphasizing that he and the Council had almost always agreed on most things or were willing to have conversations when they disagreed. He then asked that the Council work just as collaboratively with the next director to serve the veterans of the city.

LAID ON THE TABLE

Councilor McGiverin stated that there was still an open question pending with the Law Department over whether an MOU had to take place with the union, as well as a ruling on if there was a procedure allowing for a stipend.

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 Recommended that the order be adopted.

---> Laid on the table.

PUBLIC COMMENT

(5:10)

Owen Broadhurst, 1328 Northampton Street, questioned how it was forgotten who former mayor, William Taupier, had imposed a curfew against. He also questioned how it was forgotten who imposed a Ward 1 lockdown. He further questioned how it was forgotten how the presentation of ID was a requirement of exiting and entering the ward. He noted that only the Puerto Rican Socialist Party stood against it. He then expressed frustration that ID's were now being required to cross the bridge into Chicopee. He then explained that a friend of his was swept up in the recent arrests, quoting that friend's mother as stating, *"He's ok and was released quickly after paying \$45 bail. He told me about because he said he's seen sweeps and zero tolerance from the cops many times but he said this was exponentially worse and terrifying and the use of the shooting victim on the bus - an absolute tragedy- is being exploited and it is scary.*

He had stopped in front of the day center for the homeless where mutual aid comrades had left a bunch of shoes socks hygiene supplies, etc.

He spoke with them briefly and walked about 200 yards and was confronted. He had been walking home from buying cat food. He says the cops are demanding ID at the bridge to Chicopee and arresting anyone without ID using the shooting on the bus last week as an excuse.

He said the processing area was jam packed with homeless people and others who just didn't have ID on them."

He then questioned if Holyoke had become an apartheid police state and come full circle with the blessings of liberals who had one deplored police excesses. He then suggested that this is what would come with and operating within the existing framework. He then expressed shame in members of the Council.

Lewis Robinson, 1021 Northampton Street, stated that he had entered service as an Air Force physician 55 years ago. He then explained that he was part of helping to take care of Vietnam troops while assigned in Denver, adding that he had little danger of being sent to Vietnam due to a shortage of neurologists in the Army. He then recalled recently speaking with a forward observer in the infantry in Vietnam. He added that he often felt queasy about being thanked for his service, noting that he had it relatively easy. He then explained his point was to thank 3 councilors who would not be on the Council after this year, Joe Councilor McGiverin, Peter Tallman, and Todd President McGee, adding that he had seen how hard they had worked on the Council. He then asked them how many years they had been on the Council.

Councilor Tallman stated 25 years.

Councilor McGiverin stated 44 years.

President McGee stated 18 years.

L. Robinson reiterated his thanks.

Libby Hernandez, 245 Walnut Street, commended Councilors Jenny Rivera, Israel Rivera, Tessa Councilor Murphy-Romboletti and any other councilors involved in organizing the Stop the Violence walk that recently too place. She also thanked the Holyoke Police Department for their escort. She also thanked Priscilla Rivera, and everyone else who attended to come together and collaborate. She then expressed concern with pushback from agitators in the community not willing to come to common ground to unite during a tragic moment, instead turning it into questions about marginalized communities and bad intentions. She then suggested that everyone needed to come together and utilize all of the available

resources. She then emphasized that the shooting victim, Selena Santana, and her unborn baby that was killed, were also marginalized in the community and that she also needed to be thought about.

Spencer Fox Peterson, 51 Portland Street, stated that with the tragic loss of life from crime, he emphasized that the root cause of crime was poverty. He then expressed his presumption that when God was mentioned at the beginning of meetings, it was likely referring to the Christian faith. He then described himself as a recovering Catholic and was no longer practicing after being indoctrinated from birth until he left at age 18. He then expressed that it was his understanding of Jesus that he was not a fan of tax collectors or guys with weapons imposing their will but hung out with the undesirable people. He then questioned the correlation of putting more agents of the state with guns as the solution to a problem rooted in poverty.

Nathan Chung, 9 Prue Avenue, Apt 4A, expressed a hope that the community could come up with a positive vision to create a health community where children grow up to be positive forces rather than killers. He suggested that there was a lot of emphasis on reactionary procedures when people are hurt or killed, adding that it was like pouring water onto a gas fire without turning off the gas. He then stated that everyone had a part to play to address the problems and figure out how to prevent the issues. He noted that there had been rubble sitting next to Key Food Marketplace for a couple years. He then questioned the impact on children growing up in a community like that.

COMMUNICATIONS

(16:05)

From Mayor Joshua A. Garcia letter reappointing Ms. Daphne Board, 197 Pine St. to serve as a member of the Holyoke Redevelopment Authority: Ms. Board will serve a five year term; said term will expire on November 1, 2028.

---> Received and Appointment confirmed.

From Mayor Joshua A. Garcia, letter reappointing Dr. Tiffany B. Curtis, 285 Hampden St. to serve as a member on the Library Board of Directors for the City of Holyoke: Dr. Curtis will serve a three year term; said term will expire on February 2026.

---> Received and Appointment confirmed.

From Mayor Joshua A. Garcia letter appointing Ms. Rosanna A. Lopez, 253 Sargeant St. to serve as a member of the Board of Appeals for the City of Holyoke: Ms. Lopez will replace Ms. Mary Monahan and will serve Ms. Monahan's remainder term; said term will expire on July 1, 2024.

Councilor Tallman stated that he spoke with the appointing authority and had learned that the board only had 2 people after Ms. Monahan left. He suggested that the appointment be confirmed right away instead of being sent to committee, noting that Ms. Lopez had just met with the Council the previous year for her appointment to the Planning Board. He then stated that he asked if there would be an issue with her serving on both boards and was told it did not appear there would be. He then emphasized that they needed at least 3 members to make decisions on the Board of Appeals.

Councilor Jourdain suggested speaking with the Law Department to find out if people could serve on multiple boards. He expressed his understanding that it was not allowed.

Motion was made and seconded to suspend the necessary rules to allow Atty Bissonnette to address the Council.

Atty Bissonnette stated that he did not have a quick answer and would have to look into serving on multiple municipal committees.

Councilor Jourdain asked for a response to be provided by the next meeting.

Councilor McGiverin stated that while he had no problem with Ms. Lopez, he noted that the Board of Appeals was about hardship for variances and other various things, sometimes overlapping with the Planning Board. He suggested it was a conflict to vote on a hardship with matters that may have already had a vote of the Planning Board.

Councilor Jourdain emphasized that it was two different questions: if someone can serve on two boards and if these two boards specifically have a conflict.

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

Motion was made and seconded to suspend the necessary rules to take up items 5 and 40 as a package.

From Lisa Ball, City Solicitor letter re: Outside Counsel on Litigation involving Salmar v. Holyoke Planning Board December 2022-Present.

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

BARTLEY — The city's law department provide the mandated quarterly report for YTD legal expenses incurred by the City of Holyoke for outside legal counsel caused as a result of a Planning Board vote opposing a project near the Log Cabin. Please refer to the 10/4/22 order adopted by city council and approved by the mayor. Receive and Refer to Law Dept for an update as soon as possible.

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

Motion was made and seconded to suspend the necessary rules to take up items 6 and 7 as a package.

From Lisa Ball, City Solicitor, Agreement between The City of Holyoke and Local Union No. 1693 of the International Association of Firefighters, AFL-CIO.

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

From Lisa Ball, City Solicitor Settlement agreement by and between the City of Holyoke and the Holyoke firefighters Local 1693.

Councilor McGiverin asked if the money was already in the budget or if there was an appropriation coming.

President McGee stated that the mayor was planning to submit a supplemental budget that would include this.

Councilor Bartley suggested explaining what a supplemental budget was and how often they were done.

President McGee stated that a supplemental budget was to come back and readjust what was passed as the budget for the year. He then explained that with items 6 and 7, these were to deal with the contract for the Fire Department and what would be needed to pay for incentives and raises. He added that they had been done quite a few times over the last few cycles.

Councilor Jourdain noted that the ordinance was modified to require redlined copies of agreements and financial impact analyses of contractual changes.

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

From Brenna Murphy McGee, MMC & Jeffery Anderson-Burgos minutes of Special meeting on September 20, 2023 and regular meeting of October 3, 2023.

---> Received and Adopted.

Decision and Order on Plaintiffs Motion for Preliminary Injunction.

Councilor Vacon noted that one of the sentences from the decision was not read into the record at the last meeting. She then read that sentence:

"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 as agreed to by defendant Garcia."

Councilor Bartley questioned if this was already received at the last meeting.

President McGee stated that it came as a late file at the last meeting and a regular communication for this meeting. He then explained that since there had been a discrepancy on not everything being read, it was submitted again.

Councilor Bartley asked to clarify if that was referring to a member of the public.

President McGee confirmed.

Councilor Bartley stated that he realized she omitted a key sentence on purpose.

Councilor Vacon stated that she wanted to clarify the record.

---> Received.

From Councilor Bartley, Resolution in Support of Paint Stewardship Legislation.

Councilor Bartley stated that this was following up on discussion of a previous order, with some cleaning up of language.

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

Motion was made and seconded to suspend the necessary rules to take up items 11 and 19D as a package.

Western Mass District Proposal for Veterans Services.

---> Received. Referred to Law Department, copy to Auditor.

The Committee on Public Service to whom was referred an order that the Veterans Services Director be invited to describe the development of a regional Veterans Services District in collaboration with surrounding communities, and that the City Council approve the district as a way to improve service to veterans in the region by sharing knowledge, experience, and resources between the participating communities.

have considered the same and Recommended that the order has been complied with, and that the Veterans Services District be approved.

Committee Members:

Peter Tallman
Will Puello
David K. Bartley

UNDER DISCUSSION:

Councilor Tallman stated that this would allow smaller communities in the area, including South Hadley, Granby, Amherst, and Easthampton to pay Holyoke for services from the city's Department of Veterans Services. He also stated that the department would hire 2 additional employees. He noted this was the first step of accepting it, but there would need to be further discussion with the Law Department and with the other communities. He then stated that Jesus Pereira could explain additional details.

Motion was made and seconded to suspend the necessary rules to allow Mr. Pereria to address the Council.

J. Pereira stated that they had observed an increase in capacity in their office over the years, allowing them to transition from doing veterans service officer work and public assistance work to doing VA benefits. He then explained that this led their Chapter 115 outlays going down over the years, as well as surrounding communities coming to Holyoke looking for services. He then stated that while they were happy to help serve those who needed it, they recognized they were missing out on potential revenue for the city. He further explained that after discussing a formalized district with South Hadley and Granby, they started working on an agreement. He added that they were working on a separate agreement with Easthampton and possibly Amherst. He noted that they were currently in contract with Easthampton, who were paying \$10,000 a month for services. He then stated that they began questioning how to reduce the outlay for Holyoke while increasing services for veterans in the surrounding communities, leading to this proposal. He then noted that Holyoke was currently paying \$115,000 for the department's needs, including salaries, leave buyback, and other line items. He then stated that if all communities joined in the district plan, the city would have \$130,000-\$140,000 outlay. He emphasized that this was a cost saving measure and the department had the capacity.

Councilor Rivera_I stated that this was an awesome idea that appeared to be about sharing resources to achieve a larger goal. He suggested that it would be beneficial if the same approach could be used for issues such as homelessness and substance abuse.

J. Pereira stated that every community was looking to win with this proposal. He noted that Granby had just 1 person working 6 hours a week, leading to someone calling for services needing to wait to see them. He added that Granby was willing to pay a higher premium for access to 5 FTE's available Monday through Friday. He then emphasized that this would be a cost savings for the city, he wanted to make clear that he was not seeking to increase the work for his staff without paying them to do the work.

Councilor Bartley commended Mr. Pereira's work during his time in the position, noting that he would be leaving soon.

Councilor Jourdain asked if the office would remain in Holyoke at the War Memorial Building.

J. Pereira stated that was the current proposal.

Councilor Tallman asked for clarification about trying to get people on veterans' benefits, noting that the city was receiving 75% from the state through Chapter 115 funds.

J. Pereira recalled that when he started in his position, the city was spending almost \$400,000 a year on Chapter 115. He then explained that this was public assistance for veterans, including reimbursement for Medicare, Part B premiums, copays, or housing and oil. He further explains that when a National Service Officer position was created, they learned that they could get veterans on federal benefits, giving them access to VA healthcare and tax free federal dollars, reducing the benefit needed from the city. He added that this was helping veterans receive around \$1,500-\$1,600 a month from the federal government, negating their ability to apply for Chapter 155 funds through Holyoke but opening up their access to VA healthcare and other federal programs.

Councilor McGiverin stated that the information helped make clear why it made sense to support a Western Mass District. He then emphasized that there would need to be another step to ensure that the funds received by the city would be accounted for. He added that there was likely already a mechanism, noting that similar districts already existed around the state. He further emphasized getting the auditor mayor involved right away to account for the funds the city will be responsible for using.

Councilor Bartley noted that item 11 was a part of the next steps the committee discussed, emphasizing that this was a well-worn path by other parts of the Commonwealth, similar to mutual aid agreements. He then expressed his understanding that the next step would be to get the information to the Law Department to get a legal mechanism in place to effectuate the agreement with other communities. He then asked how long they might need.

J. Pereira stated that the other communities were waiting for Holyoke's buy-in as the host community. He emphasized that numbers could shift depending on if any communities pull out.

President McGee asked if the next step should be ready by the next meeting.

Councilor Bartley suggested by the first meeting in December.

J. Pereira stated that there was some urgency in this in that there were some communities in other districts that would need to make decisions before the end of the year in order to leave those districts.

Councilor Bartley, noting that an affirmative vote was not yet before the Council, suggesting putting in a late file order to give support to the initiative.

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

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

TALLMAN, MCGEE -- Ordered, That the City Council approve the adoption of Western Mass District Proposal.

Motion was made and seconded to take final action.

---> Received and Adopted.

PETITIONS

(39:35)

Motion was made and seconded to suspend the necessary rules to take up items 12 through 14 as a package.

Petition of Camrac LLC d/b/a Enterprise Rent a Car, for a Outdoor Sales lot for new and used motor vehicles and trucks, and marine and recreational vehicles (7.2.13) at 7 Cray Ave.

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

Petition of Zachary Bruneau, for a non conforming use (4.7.3.) at 15 Brookline Ave.

Councilor McGiverin stated that this should be copied to the Law Department to get a ruling on if this is a non-conforming use.

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

Petition of O'Connell Professional Nurse Service, Inc. d/b/a O'Connell Care at Home for a special permit for Professional Office Overlay District (8.4.0) at 1763 Northampton St.

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

Petition of Ward 5 residents for a crosswalk on Kane Road.

Councilor Vacon stated that she recently spoke with an area resident about this. She then noted that the Council approved a raised crosswalk at the location a while back but that that the bid for the work failed for an unknown reason. She then explained that the residents were concerned with school being back in session and the location not even having a painted crosswalk, adding that kids did not have a delineated area for kids to cross.

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

PRESIDENTS REPORTS

(42:15)

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

From Deborah Brunelle, City Assessor letter re: Certification of Values

President McGee stated that while everyone had been told they were on track for tax title setting, transition to a new server in the Assessor's office had led to things becoming a little chaotic. He added that they were working to get things fixed, but that there may be a delay.

---> Received.

President McGee congratulated Admin Asst Jeffery Anderson-Burgos, who was away, for having just completed the Detroit Marathon with a time of 3 hours, 47 minutes, and 40 seconds, finishing 11 minutes faster than his previous best time.

Councilor Tallman stated that he attended an event commemorating the beginning of the demolition at Peck School, adding that the plan was to have that completed by the end of the year. He then stated that they planned to get bids the following January or February and that everything was on track for the project. He also noted that if the new school came in under budget, they may be able to work on the road surrounding the school. He also emphasized the importance of keeping an eye on the city's debt graph.

Councilor Bartley recalled a program in 2013 to save the dingle. He then asked Councilor Tallman to explain if that pathway would be impacted by work on the road.

Councilor Tallman stated that it could be affected, noting that they were talking about the having to curve the road around the far end of the high school parking lot. He added that they would try to preserve a tree in the dingle. He then stated he would bring that topic up at the next meeting of the School Building Committee.

Councilor McGiverin jokingly stated that Councilor Tallman had been given the keys to the bulldozer and had begun the road work already.

Councilor Maldonado Velez asked for clarification of late files that had not been received by email, noting that he had only received late files A through D but that a late file H had just been taken up.

President McGee stated that they were filed as councilors arrived for the meeting. He then stated that he had filed the late file to honor Jesus Pereira.

Councilor Maldonado Velez asked what late fields F and G were.

President McGee stated that those orders included an order filed by Councilor McGiverin and one from himself.

Councilor Maldonado Velez asked if they could receive copies.

Councilor McGiverin quipped that the Admin Asst would have to called in Detroit.

President McGee stated that councilors would get them following the meeting.

Councilor McGiverin stated that his had been filed following a conversation with the mayor's office, and that it would go to committee.

Councilor Bartley suggested just taking it up since it was already being talked about.

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

MCGIVERIN — That the City Council adjust the sewer rate according to updated operation costs and revenue projections, along with projected deficit for FY 2024.

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

REPORTS OF COMMITTEES

(49:10)

The Committee on Finance to whom was referred an order From Mayor Joshua A. Garcia letter of Veto for the CPA ballot question to be placed on the November 2023 local election.

have considered the same and Recommended that the order be referred back to the full Council to be received.

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that this was taken up just for discussion, emphasizing that the deadline for getting the question on the ballot. He suggested that it just be received for the archives.

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

The Committee on Finance to whom was referred an order 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.

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 Sgt Zurheide explained that the purpose of the grant was for training of dispatchers to recertify them, noting they had go through 16 hours of education on an annual basis.

---> 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 (Anderson-Burgos).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2024 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.

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 from the Department of Mental Health. He then explained that the vast majority, \$45,000, would be used for crisis intervention training, for both new officers coming out of the academy as well as some who had been in the department for a while.

---> 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 (Anderson-Burgos).

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-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.

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 Stephanie Colon from OPEd explained that a big portion of the grant would cover the creation of a cookbook of cultural recipes from around the city. He added that there would be a significant number of copies available for a small stipend.

---> 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 (Anderson-Burgos).

Approved by the Mayor.

The Committee on Finance to whom was referred an 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.

have considered the same and Recommended that the order be adopted, amending "October 3" to "October 17"

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the committee had a split decision of 3-2 in favor of placing it on the 2024 ballot. He noted that the matter was sent to committee to discuss if the City Council could or should place something on the ballot that was over a year away. He then emphasized that votes are final once they are taken by the Council. He added that orders filed by councilors who then leave then Council can still be voted on. He then explained that the Law Department explained it was not an issue from a legal point of view. He then expressed that his own opinion was that as he voted to put it on the ballot for 2023, he would have voted to override the mayor's veto, believing the city should not wait until the next year. He also emphasized that he would have voted against the reduction at the ballot, but believed the people should have the option. He then suggested that there did not need to be a rush to put it on the 2024 ballot, noting that there will be a better idea of projected revenues to the CPA in future months. He suggested leaving this for next year's Council.

Councilor Vacon suggested that this was a unique situation in that the judge's decision on the injunction of the veto included consideration of the stipulation that the question would be on the ballot in 2024. She suggested that this decision affirmed that statement. She also suggested that the new Council could bring up any additional concerns or ideas on it when they come in. She also suggested that this was now the window of time for placing items on the next ballot since it was now outside of the window of time for placing items on this year's ballot. She then noted that the petition signers received letters from the mayor which indicated that he supported having the referendum on the 2024 ballot. She then emphasized that this was just reaffirming the initial vote to place it on the 2023 ballot.

Councilor Jourdain emphasized that the court's decision stated that there would be no irreparable harm to waiting another year. He then emphasized that it was now time to fulfill what was promised in the defense of waiting until 2024. He then questioned the new arguments about waiting to get new numbers and to study city finances, suggesting that all of that should go into the decision-making of the voters.

Councilor Maldonado Velez stated that he continued to support placing this on the 2024 ballot, but believed there were still legal matters brought up at the Finance Committee meeting but not answered. He suggested placing this on the table until those questioned were addressed.

Councilor McGiverin offered a reminder that when the question was initially discussed, a compromise on a fair percentage reduction was agreed to based on hearing from the CPA and from the Treasurer's department. He then reiterated that he was in favor of placing the question on the 2023 ballot, but now that less was known about property values, there was no reason not to delay this vote until new numbers were available. He then emphasized that he was not part of any lawsuit, noting that neither the plaintiffs nor the defense were the City Council, and did not believe making a decision this far in advance was the best thing to do.

Councilor Rivera_I stated that if he remained on the Council, he would vote to place the question on the ballot in 2024. He then emphasized that there was a variety of other matters to deal with. He then expressed concern that if this was forced through now, there could be legal issues for the city and the question could be struck down by the court. He also emphasized that the initial adoption only passed by one vote. He also suggested that if this was to be equitable, there should be an option to increase as well.

Vaco emphasized that this language was the exact language that was voted on when the CPA was first adopted. She also reiterated that the mayor's argument was that he wanted it when more people would be voting and that he would not block it. She emphasized that the people who signed the petition wanted an opportunity to vote. She also stated that she was standing up for voter's right.

Councilor Jourdain noted that the only legal question brought up in committee was whether the current Council could vote to place something on next year's ballot. He emphasized that the argument presented in court was that it would pass unanimously if it was passed for 2024.

Councilor McGiverin confirmed that was the question brought up in committee. He then clarified that he would not have been in favor of 2024, but in 2023 or wait.

Councilor Jourdain noted that another councilor has suggested it should not be voted on now because of open legal questions. He reiterated that the only open legal question was if this Council could place it on next year's ballot.

President McGee asked to clarify if that was a question for the Law Department.

Councilor Jourdain stated that it was, noting that Atty Bissonnette was discussing it at the Finance meeting.

Atty Bissonnette stated that following the request for an opinion from KP Law, they learned that the statute allowing an amendment to reduce the percentage also required that the Council vote to endorse the reduction in addition to a vote to place it on the ballot for the voters to approve it. He recalled that several councilors who supported placing it on the ballot were not in favor of endorsing the reduction. He suggested that this may have been the other legal question referred to by other councilors. He noted that the judge also referred to that in the decision.

Councilor Jourdain asked to confirm that the question on the Council's authority to vote on this had been resolved.

Atty Bissonnette stated that it was not yet resolved because of the first step required. He added that if both the vote to approve the reduction and the vote to place it on the ballot happened before the end of the term, it would be approved for the next election.

Councilor Jourdain expressed concern about getting mixed messages from the Law Department. He then emphasized that the Law Department approved this language in 2016, which included the statement "without taking a position." He then questioned that if that was the exact wording in 2016, was the current CPA validly adopted, emphasizing that there was not first step in 2016.

Atty Bissonnette clarified that there were different provisions of the statute to initially adopt that could include a petition process while an amendment to reduce the percentage would be a different process under a different section of the CPA statute.

Councilor Jourdain noted that the petition process was not done five years ago, but that it went through the City Council and then was approved by then Mayor Morse, and that the Council did not take a position. He then asked what is different now from what it was then, emphasizing that the process to remove or reduce it had to be the same as to put it on. He then questioned how the Council had to take a position this time versus the first time when it did not.

Atty Bissonnette stated that there were two different sections of the statute indicating what was required. He also noted that the sections on reducing it and revoking had some variation, noting that the five year requirement did not apply to the reduction. He emphasized that the requested opinion from KP Law laid out the requirement clearly.

Councilor Jourdain suggested that more discussion needed to take place to consider this new information. He then stated that he attempted to call the attorney from KP Law and phone calls and emails were not returned. He then stated that he did not understand the difference between how it went on and how it gets reduced.

Councilor McGiverin made a point of inquiry. He then questioned when the opinion from KP Law was provided.

Councilor Jourdain stated that it was provided to the Council.

President McGee stated that one came in for the CPA and one was for the rules issues.

Councilor McGiverinn asked if it was on an agenda.

President McGee stated that it was received as a communication.

Councilor McGiverin emphasized that while he was against the reduction, he was in favor of putting it on the ballot. He then pointed out that the Council had never handled the process this way.

Councilor Maldonado Velez emphasized that nobody was against the voters having a vote on this. Noting that the Law Department was suggesting that this process required another step, he suggested that this

should remain tabled until there is more information so that the voters could be sure that when the Council votes to put it on the ballot, it would actually happen.

Councilor Rivera_I commended Atty Bissonnette for clarifying the legal concerns he was referring to earlier. He then noted that the entire sentence from the decision had not been discussed, and then read from the decision:

"Even if it did, the plaintiffs failed to follow the procedure for amending the surcharge as required in the CPA G.L. c. 44B, §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, as agreed to by defendant Garcia."

He then emphasized that the whole things needed to be put out to the whole community so they can better understand the arguments. He then questioned all of the funding that had gone toward this argument. He then reiterated that he would support giving the voters the right to vote on this.

Councilor Tallman stated that he had voted in support of putting this on the ballot. He then stated that he could not recall noting voting on something just because he may not be in office the following year. He emphasized that many important decisions such as setting the tax rate, take place at the end of the year. He then stated that he would have also voted to override the mayor's veto. He added that he believed the electorate was smart and they should be able to decide whether they were for or against this. He also noted that it was not clear who would be on the Council the following year, and that they may not want to put this on the ballot.

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

Councilor Vacon noted that the entire decision was read into the record at the last meeting, noting that at this meeting, she only read the part that had not been read then to ensure the record was complete. She then emphasized that the City Council took the vote and did everything legally under the advice of the Law Department. She then expressed concern that they were advising something different based on outside counsel advice they sought. She then suggested that the Council was on legal footing with this language to take a vote in respect for the petition of the voters.

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

Councilor Jourdain emphasized that on the topic of seeking independent opinions, he sought to create a process for seeking them, noting that the purpose was to have everyone mutually agree on a person and have access to whoever that person is. He added that the goal was to avoid lawsuits or conflicts on separation of power issues. He also emphasized that the Law Department wrote the language being considered here just as they wrote it 5 years earlier and then argued before the court that what they wrote did not follow the process. He then suggested that the Council should have an opportunity to discuss this with the attorney from KP Law, noting that it could call the validity of the current law into question because the exact same language was being followed. He then stated that the Council had avoided taking a position because it did not want to lead the voters in one way or the other. He then made a motion that it should go back to the Finance Committee for more discussion.

Councilor Maldonado Velez seconded the motion. He then asked for a legal opinion on the validity of the original CPA as well as guidance on what the actual ballot question should be.
---> Report of Committee received and referred to the Finance Committee.

The Committee on Finance to whom was referred an order 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

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 DPW Superintendent, Carl Rossi, explained that the surplus was due to vacancies in the positions. He then stated that the funds would be used to provide engineering services while the city sought to fill the vacancy of the full time City Engineer.

---> 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 (Anderson-Burgos).
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, TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000) as follows:

FROM:

8810-10400 CITY STABILIZATION \$250,000
TOTAL: \$250,000

TO:

11212-53009 MAYOR'S CONTRACTED SERVICES
TOTAL: \$250,000

have considered the same and Recommended that the order be returned to the Auditor.

Committee Members:

Joseph McGiverin
Kevin A Jourdain

Will Puello
Juan Anderson-Burgos
Peter Tallman

UNDER DISCUSSION:

Councilor McGiverin stated that there were multiple conversations about the issues in the Treasurer's Department, including how to fund which tools were needed to get out of those issues. He then explained that \$300,000 was spent the previous year for a consultant, and that an additional year was proposed with a lot of questions raised about it. He then stated that the committee was seeking to have their services funded quarterly to keep their efforts going. He then stated that the Treasurer informed him that the consultant was wrapping up what they has started but was not willing to stay on for partial payments a quarter at a time. He then stated that one position in the office had been filled, but the position of Deputy Treasurer remained open. He then explained that this order was to be returned to the Auditor, with the expectation that there would have been a compromise appropriation put forward but one had not been reached.

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

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

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

Committee Members:

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

UNDER DISCUSSION:

Councilor McGiverin stated that the intent of the order was for housekeeping purposes. He noted that the CPA Committee provided an informational package at the last meeting.

Councilor Jourdain commended the CPA Committee on the preparing a nice report that went through all of the different steps that had to go through.

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

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

(1:43:50)

The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter appointing Ms. Katie 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.

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

Committee Members:

Peter Tallman
Will Puello
David K. Bartley

UNDER DISCUSSION:

Councilor Tallman stated that Ms. Hopkinson was fairly new to the city and lived near the Fairfield District area. He then explained that she worked for the Division of Banks in auditing. He then stated that she wanted to get involved in the city right away when she saw the request from the mayor for people to apply for various boards.

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

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

The Committee on Public Service to whom was referred an order From Michael D. Bissonnette, Associate Solicitor opinion regarding Elected official appointment to Retirement Board.

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

Committee Members:

Peter Tallman
Will Puello
David K. Bartley

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

The Committee on Public Service to whom was referred an order 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.

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

Committee Members:

Peter Tallman

Will Puello
David K. Bartley

UNDER DISCUSSION:

Councilor Tallman stated that the order was filed by Councilor Puello, noting that he sought an opinion early in the year following the letter provided by Atty Bissonnette. He then stated that there was some back and forth between Atty Bissonnette and Councilor Puello during the meeting, with a little bit of unwanted discourse from both sides. He then suggested that everyone should try to be a little more civil in how public officials and city employees are treated.

Councilor Puello thanked fellow committee members, Councilor Tallman and Councilor Bartley, expressing tremendous respect for both. He then expressed that he was not happy with the way the issue was handled, emphasizing that it was sitting in committee for months. He added that there was a perception problem, adding that they did not provide a response within the 45 days they were asked. He then stated that Atty Bissonnette explained that he was instructed by his supervisor not to provide an opinion. He then explained that the charter's language on the Solicitor's office stated that they "shall provide a legal opinion when requested" and that the only time they can refuse is if the request was not in writing. He then made a motion that the order be sent to committee, noting that the order was not complied with as the request was made in writing and not provided.

Councilor Bartley agreed that it should be sent back to the committee. He then emphasized that while there was unwanted discourse, everyone involved apologized on the microphone to each other. He then seconded the motion to refer back to the committee.

Councilor Givner expressed her understanding that the letter explained it was not a legal matter but an ethics issue that should be taken up through the state.

Councilor Puello clarified that it was initially requested months earlier, noting that a document from PERAC was provided from outside sources. He then explained that after the initial meeting, the request for a legal opinion was made because there were concerns left out of the letter, including reference to various sections of the charter. He added that they did agree they would provide a legal opinion, emphasizing that they initially did not provide one because it was not in writing.

Councilor Maldonado Velez recognized the frustration with not getting legal opinions when asked for. He then noted that Atty Bissonnette made the point that not agreeing with a legal opinion does not mean they're wrong. He also suggested that there were other avenues for addressing these concerns beyond asking for a legal opinion such as filing orders.

Motion to refer back to committee failed on a show of hands vote.

Motion was made and seconded to lay on the table. Motion failed on a show of hands vote.

Councilor Vacon suggested that allowing this order to be complied with was saying that not providing a legal opinion when requested was okay. She then suggested that councilors should remember this moment if they ever seek an opinion and are not provided with one.

Councilor Puello expressed frustration with this process, noting that every councilor voted to approve the request for a legal opinion. He then how anyone is good with not getting one when it was asked for. He then reiterated his suggestion from the committee meeting and found this to be straight up corruption.

Councilor McGiverin questioned the suggestion that this was corruption. He then asked why the Council was doing its work through legal opinions and not as individuals. He then questioned why an outside legal opinion was sought on the CPA question when nobody knew it was happening. He questioned why a court decision was being discussed that many did not know what going on. He then stated that he would continue to do his work as an elected official and then expressed frustration in some people going after other people.

Councilor Jourdain expressed concern that a precedent was being set when there was an ordinance that stated if an individual member requested a legal opinion in writing, the Law Department shall provide it. He emphasized that it did not even require the entire body to do that.

Councilor Maldonado Velez expressed his understanding that a legal opinion was provided in February stating that there were no issues with President McGee being appointed to the Retirement Board. He then reiterated that disagreeing with a legal opinion doesn't make it wrong. He also reiterated that there were other tools available, noting that one such tool was used recently in the lawsuit with the mayor.

Councilor McGiverin noted that the order was referred to the Public Service Committee with a copy sent to the Law Department. He then stated that Atty Bissonnette attended the committee meeting and discussed the order. He then explained that was why he believed the order was complied with.

Councilor Puello clarified that there was never an opinion provided, adding that the letter from February was from PERAC and not from the Law Department. He reiterated that they agreed to provide a legal opinion when that letter was discussed in March.

Councilor Bartley expressed amazement at this discussion, noting that the same councilor who has made previous points about the City Solicitor needing to sign off on legal opinions was screaming and yelling about this being settled. He then questioned where the controversy was in a councilor asking for more discussion of their order when they were seeking a legal opinion.

Councilor Maldonado Velez noted that one councilor who had just complained about yelling had spent the last two years yelling about things. He then explained that the letter he was looking at was on Holyoke letterhead and signed by Atty Bissonnette, with a mention of PERAC in the letter. He then reiterated that a councilor did not agree with the opinion and was now making a bigger issue of it. He also reiterated that other avenues were available of someone did not agree with an opinion, adding that he believed this was wasting the Law Department's time continuing this conversation.

Councilor McGiverin emphasized that he had always said a legal opinion needed to be signed by the City Solicitor. He then questioned when the last time was that an opinion was signed by them. He then noted that an opinion for outside counsel weighed into one of the evening's discussions. He then clarified his position that the committee took up an order that was referred to the Law Department, they appeared before the committee and gave their legal advice, and the discussion took place. He then reiterated that the order was complied with.

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

Councilor Puello emphasized the importance of understanding that the letter was not a legal opinion. He also stated that Atty Bissonnette was on the record stating that it was not a legal opinion and that one was not provided at the time because it had not been requested in writing.

Motion that it was complied with passed on a show of hands vote.
---> Report of Committee received and recommendation Adopted.

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

ORDERS AND TRANSFERS

(2:07:15)

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

MCGEE — That the Biennial Municipal Election in the City of Holyoke for the choice of City Officers be and the same is hereby called to be held on Tuesday, November 7, 2023 in the several polling places as designated by the City Council. The polls will be opened at 7:00 am. in the forenoon and closed at 8:00 PM. in the afternoon of said day, and all the voters in the several precincts in which they are entitled to vote, between said hours, may cast their votes by voting machines and paper ballots for the election of: Que las Elecciones Municipal (Biennial) en la Ciudad de Holyoke, para el escojer de oficiales de la ciudad, sera llevado a cabo el Martes, 7 de Noviembre 2023 en los varios barrios, designados por la Assambleista Municipal. Los precinctos estaran abiertos a las 7:00 a.m. de la manana y permaneceran abierto hasta las 8:00 p.m., cuando los precinctos sean designado para votar en las horas dicha y haigan dado sus votos por medio de las maquinas de eleccion o por boletos de papel, para la eleccion de: TREASURER, to serve for the term of four years, from the first Monday in January following his election, and until his successor is qualified.

TESORERO, para servir por un termino de cuatro anos, desde el primer Lunes de Enero, despues de las elecciones, O'hasta que su sucesor sea cualificado.

ONE MEMBER OF THE SCHOOL COMMITTEE AT-LARGE to serve for the term of four years, from the first Monday in January following his/her election, and until his/her successor is qualified.

UN MIEMBRO DE EL COMITE DE ESCUELA EN-GENERAL, para servir por un termino de cuatro anos, desde el primer lunes en Enero, despues de las elecciones, O'hasta que su sucesor sea cualificado.

SIX COUNCILORS AT LARGE, to serve for the term of two years, from the first Monday in January following their election, and until their successors are qualified.

SEIS, ASAMBLEISTAS EN-GENERAL, para servir un termino de dos anos, desde el primer lunes de Enero, despues de las elecciones, O'hasta que su sucesor se cualificado.

ONE COUNCILOR FROM EACH WARD, by and from the voters of each ward, to serve for the term of two years, from the first Monday in January following their election, and until their successors are qualified.

UN ASAMBLEISTA DE CADA BARRIO, por los votantes de cada barrio, para servir por el termino de dos anos, desde el primer lunes de Enero despues de elecciones, O'hasta que su sucesor se cualificado.

ONE MEMBER OF THE SCHOOL COMMITTEE FOR EACH WARD, by and from the voters of each ward, to serve for the term of two years, from the first Monday in January following their election, and until

their successors are qualified.

UN MIEMBRO DE EL COMITE DE ESCUELA DE CADA BARRIO, por los votantes de cada barrio, para servir un termino de dos anos, desde el primer lunes de Enero, despues de las elecciones, O'hasta que su sucesor sea cualificado.

MCGEE — That the Polling Place for each of the voting precinct in the City of Holyoke for the Municipal Election to be held Tuesday, November 7, 2023, be and the same are hereby designated as follows:
ORDENA, que los lugares para cada recinto en la Ciudad de Holyoke para las Elecciones Municipal Esta que se llevaran a cabo el Martes, 7 de Noviembre 2023 sea y al igual, por este medio designado lo siguiente:

WARD ONE BARRIO UNO

PRECINCT A – Rosary Towers Recreation Room 21 Bowers St..

RECINTO A—Rosary Towers Recreation Room 21 de la Calle Bowers

PRECINCT B— Holyoke City Hall, 536 Dwight St.

RECINTO B— Holyoke City Hall, 536 Dwight St

WARD TWO BARRIO DOS

PRECINCT A—Morgan School Gym, South Bridge St. Entrance only

RECINTO A—Gimnasio de la Escuela Morgan, en la Calle So. Bridge solamente

PRECINCT B – Falcetti Towers, 475 Maple St.

RECINTO B – Falcetti Towers, 475 de la Calle Maple

WARD THREE BARRIO TRES

PRECINCT A & B – Metcalf School, 2019 Northampton St,

RECINTO A & B – Gimnasio de la Escuela Metcalf, 2019 de la Calle Northampton

PRECINCT B – Metcalf School Gym, 2019 Northampton St.

RECINTO B –Gimnasio de la Escuela Metcalf, 2019 de la Calle Northampton

WARD FOUR BARRIOS CUATRO

PRECINCT A& B – St. Paul’s Church Parish Center, Appleton St.

RECINTO A&B – St. Paul’s Church Parish Center, en la Calle Appleton

WARD FIVE BARRIOS CINCO

PRECINCT A – Lt. Elmer J. McMahon School Gym, Kane Rd.

RECINTO A—Gimnasio de la Escuela McMahon, en la Calle Kane

PRECINCT B – Maurice A. Donahue School Gym, Whiting Farms Rd.

RECINTO B—Gimnasio de la Escuela Donahue, en la Calle Whiting Farms

WARD SIX BARRIO SEIS

PRECINCT A&B – Sullivan School 400 Jarvis Ave.

RECINTO A&B – Escuela Sullivan, 400 de la Calle Jarvis

WARD SEVEN BARRIO SIETE

PRECINCT A&B – E. N. White School Gym, 1 Jefferson St.

PRECINTO A&B– Gimnasio de la Escuela E. N. White, 1 de la Calle Jefferson

MCGEE — That the City Council meeting of November 7, 2023 be rescheduled due to the Municipal Election.

President McGee stated that a special meeting may be called to take up the supplemental budget in advance of the tax classification vote.

Councilor Jourdain asked if it would be after November 7th.

President McGee stated that they would see.

Councilor Jourdain noted that the Assessor would have to schedule the tax classification hearing.

President McGee stated that the special meeting would be for a lot of different things.

Councilor McGiverin stated that it made sense, noting a lot of big discussion items coming up. He then stated that one issues was that orders from councilors don't go on an agenda for a long time unless the one calling the meeting puts them on the special meeting. He suggested reconsidering how special meetings to replace regular meetings are done.

Councilor Jourdain offered a reminder that the Council president had the power to call special meetings in addition to the Mayor.

President McGee stated that it his intent was to give a heads up that a special meeting may need to be called.

---> Received and Adopted.

MCGEE — Order that a raised cross walk be installed at Kane and Clayton and a more visible/arch crosswalk sign be installed for safety purposes.

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

Motion was made and seconded to suspend the necessary rules to take up items 27, 28, 29, 31, and 32 as a package.

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2024, TWO HUNDRED FIFTY SIX THOUSAND AND 00/100 Dollars (\$256,000) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$256,000

TOTAL: \$256,000

TO:

12103-58002 CAPITAL OUTLAY – HPD OTHER EQUIPMENT \$256,000

...-... SURVEILLANCE EQUIPMENT ...

TOTAL: \$256,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, October 17, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2024, THREE HUNDRED THOUSAND AND 00/100 Dollars (\$300,000) as follows:

FROM:

12101-51107 PATROLMEN \$300,000

TOTAL: \$300,000

TO:

12101-51300 OVERTIME \$300,000
TOTAL: \$300,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, October 17, 2023.

Joshua A Garcia, Mayor
---> Received and referred to the Finance Committee.

MCGIVERIN — That the City appropriate the amount of twelve million, seven hundred eight thousand, seven hundred seventy-five dollars (\$12,708,775) for the purpose of paying costs of the construction at the H.B. Lawrence School for a potential window and door replacement project, at the Lt. Elmer J. McMahon Elementary School for a window and door replacement project, at the Maurice A. Donahue Elementary School for a partial window and door replacement project and at the William J. Dean Vocational Technical High School for a boiler replacement project, (The invitation for the partial window and door replacement project at the Maurice A. Donahue Elementary School is limited to the window section from the original 1973 building.) including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Committee. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapters 44, 70B, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon the City being awarded a grant from the MSBA for the Project; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA and the amount of any ESSER reimbursement payments received by the City. FURTHER ORDERED: That the Mayor is authorized to contract for and expend any state aid available for the project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project. FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and execute such documents as may be required for such purposes. Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, October 17, 2023.

Joshua A Garcia, Mayor

Councilor Jourdain emphasized that the state said the city could use some of its ESSER funds to cover its 20%.

---> 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 “FY2023 BJA EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, \$40,949, 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 17, 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 “FY2023 BJA COMPREHENSIVE OPIOID, STIMULANT, AND OTHER SUBSTANCE ABUSE PROGRAM, \$1,000,000, 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 17, 2023.

Joshua A Garcia, Mayor

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

MCGIVERIN — that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY FOUR THOUSAND SEVEN HUNDRED THREE AND 83/100 Dollars (\$24,703.83) as follows:

FROM:

12101-51105 SERGEANTS \$13,990.88

12101-51107 PATROLMEN 10,712.95

TOTAL: \$24,703.83

TO:

12101-51180 INJURED ON DUTY \$24,703.83

...-... PAYROLL 9/30/2023 ...

TOTAL: \$24,703.83

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, October 17, 2023.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

President McGee stated that this would cover 9 employees.

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

MURPHY-ROMBOLETTI — Ordered, that the City Council approve the Resolution for the Certified Housing Development Incentive Program (HDIP) Project including a Local Tax Increment Exemption (TIE) Agreement with Wrights Block LLC for the redevelopment of 106 – 120 High Street (Assessors Map 013, Block 01, Parcel 006) into downtown market rate housing.

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

PUELLO, Jourdain — That a crosswalk please be painted between Capri Pizaa and Key Foods to assist with heavy pedestrian traffic crossing.

Councilor Jourdain asked to be added to the order, noting he had filed the same order a few months earlier. He added that in addition to painting, they would like something put up in the median.

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

PUELLO, Vacon — That tapestry please consider providing (at minimum) quarterly needle collection data to the city council in communications. Constituents continue to find needles on the sidewalk surrounding Lawrence school and it's playground. With photos

Councilor Vacon asked to be added to the order.

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

PUELLO. Maldonado Velez — That the police department please provide a list, with events and dollar amounts that have received police details/paid overtime during the last 6 months. Private businesses popular with leadership, making profit should not have their OT details paid for by tax dollars when public community events have had to budget their own funds in the past.

Councilor Maldonado Velez asked to be added to the order. He also noted that he filed an order that went to DGR to discuss event planning with the Police and Fire Departments, suggesting that the two discussions happen together.

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

PUELLO — That the City Solicitor Lisa Ball review section 2-162 of the charter covering legal opinions and provide a written communication explaining, when is the department allowed to refuse to provide legal opinions?

Councilor Puello made a motion to amend "communication" and replace it with "legal opinion."

Councilor Jourdain made a motion to add 2-156.

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

VACON, JOURDAIN — Ordered, That the City of Holyoke, through its Honorable City Council and Honorable Mayor, hereby petitions the Massachusetts General Court to enact legislation “Establishing an Appointed Treasurer for the City of Holyoke” in the form set forth below; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition. “An Act Establishing an Appointed Treasurer for the City of Holyoke” – This act proposes to change the City Treasurer from an elected position to an appointed one; the appointment will be made by the City Council, for a term not to exceed five (5) years and qualifications for the position may be established by ordinance. If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer will be appointed to the position following the expiration of that term in January 2026 or sooner if the office is vacated.

Councilor Vacon stated that this was the same language as an earlier order debated but then sent back to committee because Council could not agree relative to the Mayor or the City Council appointing. She added that the difference from that order was that this calls for the City Council to appoint. She noted that the mayor was eager to move forward with restructuring of the city. She then asked that the Council take this up right away and move it on to the mayor.

Councilor Maldonado Velez noted that when the earlier order was taken, in addition to disagreement on who should do the appointing, it was also said that this should go hand in hand with other structural changes, including one that had been in Ordinance since the spring. He emphasized that everyone was agreement with having an appointed treasurer, but there also needed to be discussion about a CAFO (Chief Administrative Finance Officer), and the whole financial department which was not yet clear. He noted there was a lot of time before this would go on the ballot in 2025.

Councilor Vacon noted that the order could not be expanded to include the CAFO and that there would have to be a separate order for that.

Councilor Maldonado Velez clarified that he was not proposed adding the CAFO to this order but was suggesting that there needed to be additional aspects in place before this should go on the ballot. He then reiterated that the ballot question would not come up until 2025, giving plenty of time for the other pieces to be in place.

Councilor Jourdain stated that while some good points were just made, he noted that the Council was being criticized for not moving on this and was told that there was a strong sense of urgency to get this adopted. He then stated that only item for debate is appointing authority, noting that the charter currently gave that to the City Council for vacancies.

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

Councilor Maldonado Velez stated that there was a sense of urgency when the previous order was passed out of Charter and Rules in July but now that the city has to wait two years to place it on the ballot, the Council now had an opportunity to look at the whole picture.

Councilor Jourdain stated that he was fine with it going to committee.
---> Received and referred to the Charter and Rules Committee.

ANDERSON-BURGOS — Order that raised crosswalks be installed at the Nonotuck St & Beacon Ave intersection. Please see attached email for explanation of the need
---> Received and Adopted. Copy to DPW.

BARTLEY — In light of the enhanced work by HPD to take back our streets, please enforce citywide stop sign ordinances and please regularly send a Police to monitor compliance at Brown Ave. – Laurel St. (3-way stop sign regularly ignored) and Lawler – Martin Sts. (2-way stop regularly ignored). Refer to HPD and to Public Safety for follow-up.
---> Received and referred to the Public Safety Committee. Copy to HPD.

BARTLEY — The DPW and Law Dept work with the Ordinance committee to invoke some flexibility in the new trash bin program. For example – to allow single family homes to apply for more than one 96-gal bin so long as the homeowner's request is reasonable and justified. Example two – to allow for the homeowner to swap out the 96-gal bin for a smaller, more suitable trash bin. Refer to Ordinance.
---> Received and referred to the Ordinance Committee.

JOURDAIN, VACON — Ordered, that the Personnel Director advertise the Treasurer position and develop a recruiting campaign in concert with the Mayor and current Treasurer. Please also fill with temporary financial services employees the vacant positions in the office so the Treasurer's office is fully staffed with already budgeted funds for these positions.

Councilor Jourdain stated that all of the vacancies in the office should be filled. He added that one had just been filled. He suggested that they contract with temporary financial services until the position gets filled. He added that the city needed a long term treasurer.

Councilor Maldonado Velez stated that he would not support the order, noting that the Treasurer position was still an elected position. He questioned when there would be another time when an elected position would be advertised for. He also suggested that residency requirement could be talked about.

Councilor Jourdain stated that the plan was that Rory Casey was filling in the role until the right person is found and then he would step aside. He questioned how a candidate could be found without first advertising for it. He suggested that another role could be found for Mr. Casey. He then emphasized that the position needed someone with financial background, superior education, and all of the qualifications to be in this role. He suggested that the ordinance may need to be reviewed to increase the salary. He also suggested that a highly skilled person might take over as an interim until a serious financial professional was found.

Councilor Rivera_I expressed agreement that it was too important for it to be an elected position, noting that this likely led to people getting in who wanted to serve the community but had to learn on the job. He then questioned how a position could be shopped without the position being open. He also questioned how legal it was, removing someone from a position they may still want to remain in. He also noted that Mr. Casey was currently the Acting Treasurer but would no longer be acting after the election. He suggested that Mr. Casey would not have pulled papers if he did not intend to remain in the position.

Councilor Vacon suggested that the Council put itself into a Catch-22 by not acting on the order to petition the state to change it to an appointed position. She then emphasized that the current appointed treasurer had stated in many public meetings that he would be happy to do another job when another person was found.

Councilor Maldonado Velez agreed that the Council put itself into this position because some did not agree to putting it on the current year's ballot. He then suggested that if it was on the ballot, even with an amendment that had not been suggested during the previous vote, the Council would not be in this situation. He then reiterated his point that this remained an elected position and it should not be advertised as if it were any other non-elected position unless Mr. Casey were to step down. He also emphasized that another qualified person could have pulled papers to run against him. He also noted that another order to create a CAFO position was still sitting in Ordinance.

Councilor McGiverin stated that while he agreed with the need to do something, the previous points from Councilor Maldonado Velez made sense. He added that it was not the Treasurer that needed to be corrected, but answering the question of who was going to be in charge. He noted that as of January, the city was going to have an elected Treasurer and it did not make sense to advertise for a job with no guarantee they wouldn't have to run for election in two years. He also emphasized that when the vacancy as previously advertised, only three people applied and the most qualified person was from Pennsylvania. He also suggested that in addition to creating the CAFO position, it was time to consolidate some of the other positions into one. He noted that most treasurers in the commonwealth were combined with another position.

Councilor Murphy-Romboletti asked why this was being discussed for so long, expressing her understanding that new orders are usually not debated but are discussed in subcommittees.

Councilor Jourdain clarified that the intent was to adopt that night.

President McGee clarified that the motion was to receive and adopt.

Councilor Jourdain stated that a number of issues were being conflated. He then stated that all of the other issues of restructuring and how things get combined were interesting discussions but had nothing to do with who was running the Treasurer's office. He added that this was about questioning if Mr. Casey should continue to be in charge or should what he said be followed where he said he would step down when someone else was found. He then questioned how nobody had an issue with paying a consultant \$300,000 but had issues with finding a qualified person. He then emphasized that this order was about filling the job. He also questioned the argument that the job could not be posted while Mr. Casey was in the position, reiterating that he said he would step down. He also expressed frustration in the plan to bring in a consultant for 3 years at a cost of \$1 million, expressing relief that the plan was off the table.

Councilor Rivera_I emphasized that the funding for the consultant was not for one person but for a team of trained people. He then stated that they walked away because of what the Council did. He then suggested that those people work with others in the same field and would likely have conversations with other people that would be interested in applying for this job when the city goes to recruit. He then questioned if others did not believe people were watching how the City Council treats people. He then stated that he did not believe Mr. Casey planned to leave when another person was found, but would step down when the system was changed. He then emphasized that there was no contract in place forcing him to resign if another person was found.

Councilor Maldonado Velez made a motion to amend the order, noting that the Personnel Director should advertise vacant positions in the office to ensure the office is fully staffed, noting that the elected office was not currently vacant.

President McGee then asked if the motion was to strike out Treasurer's position.

Councilor Maldonado Velez clarified that it was all the way through "temporary financial services employees."

Councilor McGiverin seconded the motion. Motion failed on a show of hands vote.

Motion to adopt failed on a show of hands vote.

---> Received.

LATE FILED ORDERS AND COMMUNICATIONS

(2:55:20)

From Lisa A. Ball, letter re: Sale of 267 Elm St. (Parcel #004, Block 03, Parcel 004).

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

*Reconsidered later.

MURPHY-ROMBOLETTI -- Ordered, that Ordered that the City Council approve a license agreement between the City of Holyoke and Canal Row, LLC for the use of a portion of the sidewalk located at the intersection of Race and Middle Streets for the construction of an ADA compliant ramp.

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

From Board of Public Works, Mary L. Monahan, Chairperson letter re: FY24 Sewer Rate.

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

Motion was made and seconded to reconsider the previous action on Late File A

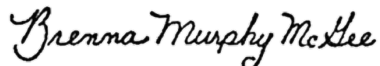
Councilor Bartley stated that this was already approved by the Council.

---> Received.

MCGEE -- Ordered, that That the DPW Commission return to reviewing and setting the Sewer Rate.

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

Adjourned at 10:00 PM



City Clerk