

Development and Governmental Relations (DGR) Committee

Monday, December 18, 2023

Video of meeting can be found at https://youtu.be/bUHPMAN9_Z4?feature=shared

Members present: Chair Tessa Murphy-Romboletti, Vice Chair David Bartley, Joseph McGiverin, Jenny Rivera, Linda Vacon

Other councilors present: Todd McGee, Israel Rivera

Chair Murphy-Romboletti called the meeting to order at 6:30 PM

Councilor Vacon made a motion to remove item 1 from the table and open the public hearing. Councilor Bartley seconded the motion. Motion passed.

Item 1: PUBLIC HEARING 6-6-23 Special Permit Application of Salmar Realty LLC c/o Peter Martins for a special permit for a Proposed Coffee shop/Drive Thru Restaurant at South Street Plaza, A Portion of 209 South St.
*Continued from 7-12-23, 8-23-23, 9-25-23, 11-20-23

--->Continued to January 29th at 6:30 PM.

DISCUSSION:

Chair Murphy-Romboletti stated that the applicant asked that the hearing be continued until January 2024 to allow them time to submit proper materials to the Council. She noted that the Ordinance Committee had something scheduled in January.

Councilor Vacon noted that they chose a date that just fell within the pattern of their previous meetings and left enough leeway into the month for the new chair to get it scheduled or at least plan to open it and continue it to a future date.

Chair Murphy-Romboletti questioned if the same date should be chosen for this hearing, noting this was the suggestion at the last meeting.

Councilor Vacon suggested following a similar pattern and choose a month later, emphasizing that a date and time certain had to be chosen.

Chair Murphy-Romboletti suggested the 22nd or the 29th.

Councilor McGiverin suggested going as far into the month as possible, noting that new committees had to be formed.

Councilor Vacon made a motion to continue the public hearing to January 29th at 6:30 PM.

Councilor McGiverin asked what the delay was.

Chair Murphy-Romboletti stated that she had heard multiple things, including that it may be a staffing thing on their end.

Councilor McGiverin stated that it sounded like a good project if it can be done.

Chair Murphy-Romboletti suggested that it may have been submitted too early.

Motion to continue passed 5-0.

(4:55)

Councilor Vacon made a motion to remove item 2 from the table and open the public hearing.

Item 2: PUBLIC HEARING 10-17-23 Special Permit Application of O'Connell Professional Nurse Service, Inc dba O'Connell Care at Home per 8.4.0 Professional office overlay district operate a professional office at 1763 Northampton Street (108-00-083).

*Continued from 11-20-23

--->Approved with conditions 5-0.

1. The permit is conditioned upon the current lessee remain in its tenancy.
2. The owner of the property shall supply sufficient parking to meet the criteria relative to the overlay district.

DISCUSSION:

Chair Murphy-Romboletti stated that the hearing was continued due to the need for additional information, noting that the Planning Board had not yet review the proposal and provide recommendations and feedback. She then stated that the Planning Board discussed it on Tuesday and provided a communication. She then invited the applicants into chambers. She then asked if they had seen the Planning Department's letter.

P. Gallagher stated that they had not.

Chair Murphy-Romboletti summarized from the letter, which can be found here:

https://drive.google.com/file/d/1fY_55tMwluxbqEB-

[MroYG7CkLgB7H5Ts/view?usp=drive_link](#)

Councilor McGiverin made a motion to adopt the special permit. Councilor Vacon seconded the motion. He then stated that when the ordinance was adopted, the Council understood that the occupants and owners of the building would eventually sell and uses would change. He then noted that the applicant submitted a plan that detailed most of what the Planning Board talked about, including parking. He emphasized that parking and signage was not changing, adding that the use would not be much different. He further stated that there would be fewer employees and that the people hiring the nurses would not need to go to the property other than the occasional exception. He then suggested that it would be less detrimental to the neighborhood. He then emphasized that the Council needed to protect the investment Mr. Gallagher had put into the property after he did what was asked of him when the overlay district was created to protect the neighborhood so that a bunch of zone changes didn't need to be given.

Councilor Bartley stated that while he had a different take, he was also in support. He then recalled that the item was tabled at the last meeting to go in proper order, which almost did not happen. He then emphasized that proper order was important because the Planning Board's letter was provided, and the petitioner was able to bring in proof of tenancy. He then thanked the Planning Board for their diligence and for putting together a cogent letter that laid it out clearly that the City Council was the special permit granting authority.

Councilor McGee expressed support for the petition. He then noted that he had known Mr. Gallagher for some time. He then explained that Mr. Gallagher's history in the city had been one of him taking properties and fixing them up beautifully. He also stated that Mr. Gallagher could go anywhere he wanted but chose to stay in Holyoke, always followed the rules and did things correctly. He then stated that while he understood and respected what the Planning Board was trying to do, this building had come before the Council before, had been vetted, and another owner coming in doing the same thing and would have less impact to the residents.

Councilor Vacon expressed support but was interested in the part of the letter that discussed the property being owner-occupied. She then stated that she did not know if the committee should include any language articulating the extent of the investment at the property in order to separate it from others.

Chair Murphy-Romboletti stated that while she understood the intent of the Professional Office Overlay District and why they believed it should be owner-occupied 30 years earlier, she recognized that there were other businesses within the district that adhered to part of the ordinance. She then stated that she did not want this to get in the way. She then suggested that something could be included in the conditions. She then asked Atty Bissonnette if he had suggestions for conditions.

Atty Bissonnette suggested that it would be good to have Mr. Gallagher continue to be the owner of the property as a condition of allowing his tenant to use the property.

Chair Murphy-Romboletti asked to clarify that this would mean the special permit would no longer be good if he sold the property.

Atty Bissonnette stated they would have to come back to the Council to transfer the property to a new owner, or they could let it lapse if they didn't want the special permit.

Councilor Bartley noted that the current ordinance stated that the overlay district didn't go with the land but with Mr. Gallagher and that if he did sell it, that would be the end of the special permit. He then suggested that a condition should say that the tenant shall remain O'Connell Professional and that any change in tenancy would terminate the special permit.

Atty Bissonnette stated that could also be a condition, noting that this was the entity that would be served by this change in the special permit for Mr. Gallagher to allow a tenant to come in.

Councilor Bartley asked if it would make sense to amend the ordinance to redefine what ownership meant to allow it to also mean tenancy.

Councilor Bartley made a motion to close the public hearing. Councilor Vacon seconded the motion.

Councilor McGiverin stated that the matter of parking also needed to be addressed in order to protect Mr. Gallagher from the ordinance. He noted that 8-9 spots on the property were being used, as well as having access to a couple spots across the street.

P. Gallagher stated he owned both buildings in the proposed plan, and there would be plenty of parking between the two.

Councilor McGiverin stated that he understood the Planning Board was doing their job but suggested that would understand once they understood the details brought out in the public hearing.

Councilor Bartley made a motion to approve the special permit with the following conditions:

1. The permit is conditioned upon the current lessee remain in its tenancy.
2. The owner of the property shall supply sufficient parking to meet the criteria relative to the overlay district.

Councilor Vacon seconded the motion.

Councilor Vacon suggested adding a condition that Mr. Gallagher maintain ownership of the property.

Councilor Bartley suggested that the ordinance would already end the special permit if he sold the property, noting that it did not run with the land but with Mr. Galagher.

Councilor McGee noted that the public hearing hadn't yet been closed.

Councilor McGiverin stated that the vote hadn't taken place.

Councilor Vacon stated that the vote started before Councilor McGiverin had additional points to make.

Motion to close the public hearing passed.

Councilor Bartley made a motion to approve the special permit with the conditions previously stated. Councilor Vacon seconded the motion.

Chair Murphy-Romboletti asked to ensure the plans were signed off on with a seal from an architect.

P. Gallagher stated that they were.

Motion to approve passed 5-0.

Chair Murphy-Romboletti emphasized that this was just a special permit for use and that parking requirements would be a separate matter.

Councilor McGiverin noted that only 5-6 of these kinds of permits existed and there had not been an issue with any of them.

(28:40)

Councilor Vacon made a motion to remove item 3 from the table and open the public hearing. Councilor Rivera_J seconded the motion. Motion passed.

Item 3: PUBLIC HEARING 11-21-23 Special Permit Application of James Kay per 7.2.1 to operate a gasoline station and convenience store at 820 High Street (009-02-009).

--->Approved with condition 5-0.

DISCUSSION:

Chair Murphy-Romboletti welcomed the applicants into chambers.

Bradford Moir introduced himself as an attorney representing the present owner of the building. He noted that the history of the parcel included a special permit issued in 1995 to Mr. Belcher conditioned on him continuing to own the real estate. He then noted that when the current owner, OM Holyoke, purchased it, no special permit was applied for. He then explained that following a public records request, they learned that there was a special

permit issued in 2017 for a sign and was not told about the special permit requirement for the business operation. He further explained that the Building Commissioner then issued a business zoning certificate saying that it was a legal use with no other requirements and then that owner sold it to OM within a couple weeks of that. He then stated his intent to straighten out some of that confusion. He then stated that the application was made out in the name of the current owner to see if the permit needed to run with the land but also in the name of the prospective purchaser. He then explained that Mr. Kay had set up ER Energy LLC that would own the real estate, but the gas station and convenience store would be run by Robert Kay. He then asked if it would be issued to the owner of the convenience store or the owner of the real estate. He then clarified that the plan was that the same operation would continue at the location as was already happening.

Councilor McGiverin noted that the Law Department's guidance was requested on this when it was referred to committee. He then suggested that since the previous special permit was issued, the Council amended the ordinance to allow convenience stores outright at gas stations. He then suggested that the Building Commissioner was right in that there wasn't a special permit to issue.

B. Moir noted that in looking at the zoning ordinance, it did say there was a special permit requirement.

Councilor McGiverin asked if he spoke with someone in the zoning department.

B. Moir stated that there was an opinion from the City Solicitor. He then stated that the Building Commissioner responded that attached a copy of that opinion that said the application had to be done.

Chair Murphy-Romboletti noted that the committee received a communication providing departmental feedback, which included a statement from the Planning Department saying that there was no provision in the zoning ordinance calling for planning staff review and that it was solely a decision of the DGR Committee and the City Council based on 7.2.1 and 9.3.

B. Moir noted that the opinion was triggered by Mr. Kay's attorney requesting a zoning determination, which led to an opinion from the city attorney that there needed to be a special permit.

Chair Murphy-Romboletti asked Atty Bissonnette if he had information on an opinion.

Atty Bissonnette stated that Atty Mantolesky may have reviewed it, but he had not seen it.

Councilor Bartley suggested that Councilor McGiverin was likely more right than wrong. He then noted that he preferred caution when ordinances say "may" instead of "shall." He then suggested that a special permit may not be needed but the ordinance stated that the Council may do it. He then suggested that the permit would run with the building owner and not the business owner.

B. Moir presented a communication from the Zoning Officer, Davin Pasek, which included a determination from Jane Mantolesky.

Chair Murphy-Romboletti read from the letter:

"On 10-20-23, the request for a zoning verification letter was submitted by Henry Cropsey Esq as of 10-23. The property at 820 High Street also identified by the map block parcel 09-002-09 is zoned BH "highway business" in the City of Holyoke zoning ordinances under 5.2. This parcel does not meet all the current regulations set forth to be developed, built on, and/or used for normally as of right purposes. This parcel does not meet the 100 feet of required depth. However, our records indicate that this is a previously pre-existing non-conforming law of record according to the table of principle uses number 15, "a motor vehicle service station is an allowable use within the BH zone with a special permit of the City Council. A special permit was issued by the City Council for the operation of a gasoline station and convenience store with conditions. This special permit was recorded at the Hampden County registry of deeds. Non-transferable clause was added as a condition, therefore it has been determined that the continued use of gas station and convenience store will require a new special permit from the City Council. The determination made by Attorney Jane Mantolesky of the Holyoke City Solicitor's office has been included with this letter."
She then reiterated Councilor Bartley's point that the permit would usually go to the owner.

Councilor McGiverin noted that he voted for the original special permit but was not a fan of these types of permits for gas stations but it was done because gas stations didn't tend to open without a convenience store. He then recalled that the language was amended to read this use as an outright use for a gas station. He then expressed concern that precedent was being set because there were already gas stations doing this without a special permit because they didn't need one.

Councilor Vacon asked if the permit was given for the gas station and they also had a convenience store, wouldn't that effectively just be doing what was done for the others.

Councilor McGiverin expressed concern for the can of worms potentially be opened. He emphasized that competition needed to be fair, adding that he was concerned about being sued when there was not a level playing board. He noted an example would be setting the hours for one business differently from another. He then asked who the new owner would be.

J. Kay stated he would be.

McGiverin asked where the gas would be sold if someone was selling the convenience store.

B. Moir stated that the gas would be sold out of the convenience store.

J. Kay confirmed that was correct.

Councilor McGiverin asked to confirm that it would not be separate.

Councilor Vacon suggested that giving a special permit to the gas station would make it all set.

Councilor McGiverin stated that a gas station didn't need a special permit. He also emphasized that it was not a gas station special permit.

Chair Murphy-Romboletti stated that it was a motor vehicle service station with fast food and/or convenience goods.

Councilor McGiverin stated that it was selling convenience store products at a gas station. He added that the gas station had been there a long time.

Councilor Vacon noted that the language stated it was to operate a gas station and convenience store.

Councilor McGiverin stated that while it said that, it was not the purpose of the special permit.

B. Moir stated that in looking at the definitions in the ordinance, he had been confused with the term "motor vehicle service station," thinking it meant something more than gas. He then explained that motor vehicle service station was defined as a filling station with gasoline pumps where no major repairs were done. He added that the definitions described a motor vehicle service station with fast food and/or convenience store as an automotive service station including the sale of convenience items or fast food. He noted that this was in the ordinances as a special permit category. He also noted that the records for the property stated that the special permit did not run with the land. He noted that when Mr. Kay spoke with Mr. Pasek, he initially said nothing was needed, leading to confusion and the impression it ran with the land. He then explained that the opinion was sought from Atty Mantolesky and then he got involved in an attempt to straighten it out. He then suggested that it appeared he clearly needed a special permit because of the difference between a motor vehicle service station and a motor vehicle service station with fast food and/or convenience store.

Councilor Rivera_I suggested that it appeared when the permit was issued, it was only attached to whoever owned the business at that time and with the transfer of sale, it was triggering this situation. He suggested that City Council may not have been handling it this way, creating a contradiction in the process. He then stated that this situation needed to be hashed out to make sure it was clear.

Councilor McGiverin asked Atty Bissonnette if he could see if there was an amendment to the ordinance in recent years that had not been codified.

Atty Bissonnette suggested that there shouldn't be any reason an amendment going back a few years wouldn't have been codified.

Councilor McGiverin stated that while he agreed, it had happened in the past. He then recalled that it had been amended to allow the use outright, noting that every gas station was selling foods.

Atty Bissonnette stated that he would look for the original order.

Councilor McGiverin asked if it could be done by the next day.

Atty Bissonnette stated that he would work with the City Clerk to find the original record. He then asked if he had a time frame to narrow it down to.

Councilor McGiverin stated that he did not.

Councilor Vacon stated that while she understood the confusion, the current law and the opinion was now in front of the committee, along with the history of what happened in the past. She then suggested that granting the permit to the land owner would be the most prudent to clear up confusion over whether it was going to the business.

Councilor Bartley suggested that the matter was straightforward. He then emphasized that in the table of principal uses, it showed that it required a City Council special permit in the BH zone. He then noted that the one remaining question was that the ordinance said the Council "may" issue one. He then suggested approving the special permit for the property owner. He then asked if there were business hours.

J. Kay stated that it would be seven days a week, 6 a.m. - 11 p.m.

Councilor Bartley asked if there was a beer and wine license.

J. Kay stated that there was, adding that they had hard liquor as well.

Councilor Bartley noted that there was a lot that was pre-existing non-conforming. He then emphasized that it was a prominent lot proximate to a lot of residential areas. He then suggested caution regarding noise and lighting.

J. Kay stated that he operated a family business and guaranteed that he would not allow any issues with people hanging around.

Councilor Bartley stated that the permit would come back up in a year, noting they're usually granted pro forma as long as taxes are paid.

J. Kay stated that he had invested a lot of money after being told he did not need a special permit only to then be told he needed one. He then asked that the Council help him with the situation.

Councilor Bartley thanked Mr. Kay for his investment, especially for a lot that was very prominent. He noted that the hours would be put into the conditions. He then asked if this was subject to site plan review.

B. Moir stated that it was not as there were no changes being made.

Chair Murphy-Romboletti stated that the only thing mentioned was from the Interim City Engineer, who stated that a stormwater permit may be required if any site work was proposed at this time or in the future. She then explained that the things the committee looked for was social, economic, and community needs that are served by the project, as well as traffic flow and safety, including parking, loading and unloading. She added that they also look at adequacy of utilities, neighborhood character and social structures, impacts on the natural environment and the potential fiscal impact. She then asked how many people would be working there.

J. Kay stated that there would be three people for now.

Chair Murphy-Romboletti noted that she had driven by recently and believed it was looking a lot better.

Councilor Bartley made a motion to close the public hearing. Councilor Vacon seconded the motion. Motion passed.

Councilor Bartley made a motion to grant the special permit with the condition that hours will be 6 a.m. - 11 p.m., 7 days a week.

Councilor McGiverin made a motion to amend the conditions, adding a condition that it only be granted if it was necessary. He emphasized that the business was an important part of Holyoke because the gas price wars began at that station.

J. Kay noted that other business get aggressive but he would continue knocking his price down.

Councilor McGiverin stated that he got it going for South Street, adding that Northampton Street began paying attention.

J. Kay stated that he improves his business, taking on bigger businesses.

Councilor Bartley made a motion to second Councilor McGiverin's amendment only for the purposes of discussion. He then suggested not putting in that amendment at the time but would be open to adding it when the full City Council discussed it, allowing Atty Bissonnette time to look into it.

Councilor McGiverin stated that he was open to that. He then stated that he was trying to protect the cost of filing the special permit and the public hearing, reiterating that he believed there was no special permit to be issued.

Motion to grant the special permit with the condition on hours approved, 5-0.

Chair Murphy-Romboletti stated that it would be referred to the full Council for approval the following night.

(1:01:35)

Councilor Vacon made a motion to remove item 4 from the table. Councilor Rivera_J seconded the motion. Motion passed.

Item 4: 10-3-23 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.”

--->Complied with and referred to the mayor for a checklist.

DISCUSSION:

Chair Murphy-Romboletti stated that Maldonado Velez had a conflict and could not attend the meeting. She added that the requested city employees were also unavailable to attend. She then noted that Michael Gallagher, Highway Foreman for the DPW was in attendance for this item.

M. Gallagher stated that his department had a lot of hands-on work for various events but were only involved with the permitting process if roads were being closed or roads and sidewalks were being blocked. He then explained that city ordinances required the DPW to be involved in closing roads, under "traffic and vehicles." He then noted that this issue of attempting to streamline the process had come up before because every detail needed some kind of certificate from different departments. He then suggested that a master list could be created to assist event planners so that they know which departments to visit for different permits and certificates.

Chair Murphy-Romboletti expressed her understanding that the intent of the order was to help people understand when each department gets involved and what triggers that involvement. She then asked whose responsibility it was to notify businesses and neighbors that a road would be closed for a specific time.

M. Gallagher suggested that it would depend on the purpose of the road being closed. He then explained that the permit process leaves the responsibility of the person applying for the permit.

Chair Murphy-Romboletti stated that she had been contacted when some roads had been closed and the question came up over who was supposed to let people know.

Councilor Bartley stated that the main point was to get a list of what events needed multiple departments to be involved. He then questioned how in depth the committee could go if the order was taken up again. He then expressed a preference that the order be complied with and be sent to the mayor's office so that a communication can be sent back, emphasizing that he was the ringleader for this kind of city business. He further suggested that it wouldn't serve a purpose to have a big meeting when it was really to be coordinated out of the mayor's office.

Councilor Vacon stated that she appreciated the suggestion of a master checklist being created. She then expressed her understanding that this was motivated by a situation where a street closure led to a safety issue, which then led to the Police Department, all without coordination.

Councilor McGiverin agreed that the recommendation should be to have the mayor's office work on establishing a checklist. He noted that the Parade Committee had a yearly meeting with before the city's St. Patrick's Day Parade. He added the Celebrate Holyoke would meet with departments before their event. He then commended Maldonado Velez for bringing this issue forward but real work needed to happen in the mayor's office.

Councilor Bartley made a motion that item 4 has been complied with and be referred to the mayor to provide a checklist. Councilor Vacon seconded the motion. Motion passed 5-0.

(1:11:20)

Item 5: 11-21-23 MURPHY-ROMBOLETTI — That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal submitted by Jeffrey Dias and Tiago Martins and sell 736 Dwight Street (Parcel #006-09-002) and Dwight Street Parcel #006-09-001 for \$17,500. These surplus properties are contiguous parcels of vacant land on Dwight Street at the corner of Walnut Street totaling approximately 10,109 square feet in size. The properties are zoned Limited Business (BL) and have a combined assessed value of \$46,800.

--->Approved 5-0.

DISCUSSION:

Chair Murphy-Romboletti stated that the respondents, Jaime Morrow from the Procurement office, as well as OPED Director, Aaron Vega, were in attendance for this item.

Councilor McGiverin noted that there were two properties to be done one at a time. He then asked if it had been declared surplus.

Chair Murphy-Romboletti stated that was correct.

Councilor McGiverin asked to confirm that the mayor had submitted and accepted an offer for the property.

Chair Murphy-Romboletti stated that was correct.

J. Morrow stated that there was no option to separate, and they had to be purchased together as a package.

Chair Murphy-Romboletti asked if that was for 736 Dwight Street.

J. Morrow clarified that it was 736 Dwight as well as the other Dwight Street parcel, #006-09-001, which did not have an address associated with it.

Chair Murphy-Romboletti asked to confirm the mayor accepted the proposal.

J. Morrow confirmed that was correct.

Chair Murphy-Romboletti asked when it was declared surplus.

J. Morrow stated the packet had a summary page showing that it was declared surplus in 2015.

Councilor McGiverin stated that there was not a packet available.

J. Morrow stated that she had passed along a week earlier.

Chair Murphy-Romboletti stated that what was sent was just two letters.

J. Morrow resent the packet.

Admin Asst Anderson-Burgos stated that it had been his mistake. He noted that he provided what came with the order but missed the attachments provided later.

Chair Murphy-Romboletti opened the floor to Mr. Martins and Mr. Dias.

D. Martins stated that they had a plan to redevelop parcels at the corner of Walnut and Dwight Streets which were currently vacant. He then explained that they had experience of redeveloping properties and had recently started work in Holyoke, including recent work on another property on Dwight Street purchased from the city after being condemned and shut down for over a decade. He noted that it was now completely rented. He then explained that they owned the lot next to that building and planned to build townhomes facing each other. He then explained that they submitted their general planned budget as well as 3D plans.

Councilor Vacon asked for an explanation of the background of the first property they developed and what they were looking to put into this project.

D. Martins stated that they bought the original property for \$25,000 and put around \$725,000 into the property, installing new sprinklers, security systems, and various apartment living spaces. He added that they focused over 80% on low-income families, either subsidized or non-subsidized. He added that many of the families they worked with were relocated out of shelters. He then explained that their plan for this property would be similar. He then explained that they planned to invest around \$1.3 million to develop everything between all properties.

Councilor Bartley asked to confirm where the already renovated property was.

D. Martins clarified that it was at Dwight and Walnut.

Councilor Bartley stated that it had come out really well. He then asked if it was now full.

D. Martins stated that it had been full for over a year.

Councilor Bartley asked how many units it had.

D. Martins stated that it had six 3-bedroom units and two 2-bedroom units.

Councilor Bartley asked if it would be the same thing for the new property.

D. Martins stated that their plan for the lot abutting that building would have six townhouses. He then stated that the lot across Walnut would add five units. He added that they had the land surveyed to ensure there would be space for parking.

Councilor Bartley asked if the lot was proximate to the new juvenile court.

D. Martins stated that was correct, towards the back of it.

Councilor Bartley noted that the tentative contract with the city was for \$17,500 for the two parcels. He then asked if proof of funds was provided in the packet.

D. Martins confirmed that it was.

Councilor Bartley emphasized that he understood they had a good track record, they had proof of funds, and they wanted to create housing.

D. Martins noted there was a housing shortage. He added that they initially planned to have a storefront with the first project but changed it due to recognizing the housing shortage.

Councilor McGiverin noted that Dwight Street was a designated gateway into the city, beginning with the highway exit leading onto Dwight all the way down to City Hall and down to the train station. He noted that there was a vacant lot at Pine and Dwight being used as a community garden. He noted that it was the site of a famous historical building. He also noted several other area buildings with a long history. He then emphasized that housing was part of the city's master Plan and part of the Redevelopment Authority's vision.

J. Diaz provided drawings of their plans.

D. Martines explained that one would be on the south side of Walnut and the other on the north side. He added that one drawing showed a floorplan, how they would look facing each other, as well as the interior design.

Chair Murphy-Romboletti asked to confirm construction was planned to start in 12-18 months.

D. Martins quipped that his partner, Mr. Diaz, would be ready to start the next day.

Councilor Bartley made a motion to approve item 5. Councilor Vacon seconded the motion.

Aaron Vega stated that his office was in favor of this, noting that they had been working with Mr. Martins and his team. He added that it was great to see the development. He also stated that their team had already been through the Holyoke process and knew who to work with. He also emphasized that it was a residential corridor.

Councilor McGiverin asked to confirm that the property will be on the tax rolls once the project is completed.

D. Martins confirmed that it would.

Chair Murphy-Romboletti asked if they planned to have them remain as rental units.

D. Martins stated that they would.

Motion to approve passed, 5-0.

Chair Murphy-Romboletti thanked them for their investment in the city. She noted that the full Council would take it up the following evening.

D. Martins asked they needed to be present.

Chair Murphy-Romboletti stated that it wasn't necessary.

(1:29:00)

Councilor Vacon made a motion to remove item 6 from the table. Councilor Rivera_J seconded the motion. Motin passed.

Item 6: 11-21-23 MURPHY-ROMBOLETTI — That the Honorable City Council, in accordance with M.G.L. ch. 30B and the Holyoke Procurement Ordinance, vote that the City of Holyoke accept the proposal submitted by The Boys & Girls Club of Greater Holyoke and sell 118 Newton Street (Parcel #011-03-008), Newton Street Parcel #011-03-009 and 94 Newton Street (Parcel #011-03-010) for \$15,000. These surplus properties are contiguous parcels of vacant land on Newton Street totaling approximately 19,230 square feet in size. The properties are zoned Downtown Residential (118 Newton St.) and Downtown Business (Parcel 009 & 94 Newton St.) and have a combined assessed value of \$83,100.

--->Approved 5-0.

DISCUSSION:

J. Morrow stated that the parcels were recently declared surplus in 2023.

Chair Murphy-Romboletti stated that Eileen Cavanaugh and Kelly Councilor McGiverin from the Boys and Girls Club were in attendance for this item. She then asked for the plan for the purchase.

E. Cavanaugh stated that the Boys and Girls Club proposed to purchase the properties and bult a teen center, described as a 4,700 square foot building to be used for afterschool activities. She also stated that the park would be used as a connector between this property and their main club facility, creating a campus feel. She then explained that the target population for this was 13-18 year olds, noting there were currently few extracurricular activities in the city for this age group. She then noted they did have a successful team membership program but had to operate it after 5:30-6 p.m. in the

evenings because they were also operating a licensed child care program and could not combine the two age groups and did not have enough space in the building.

J. Morrow stated that the proposal was well received by the whole committee.

Councilor Bartley asked if there was proof of funds.

J. Morrow stated that they did not submit proof of funds.

Councilor McGiverin noted that Ms. Councilor McGiverin was his daughter and he checked with the Ethics Commission to make sure there wasn't a conflict of interest. He noted that his daughters worked for a lot of boards throughout the city. He then explained that the Ethics Commission advised him to file a disclosure form with the City Clerk. He then stated that this was a welcome addition to the neighborhood, noting that the Newton Street area had been a bit of a warzone for a long time.

J. Morrow noted that the parcels had been vacant a long time. She also stated that the city had constantly tried to keep up with the lots to keep them clean.

Councilor McGiverin stated that the city needed teen centers that would be attractive for that age group, getting them into positive activities. He then suggested that the offer was fair. He also emphasized that the Bys and Girls Club had been working with the underprivileged kids of the city for a long time, adding that this would help continue their mission. He then asked to ensure that the only monetary amount attached was the \$15,000 being offered by the Boys and Girls Club.

J. Morrow stated that it would be the three lots for the \$15,000.

Councilor Bartley made a motion to approve item 6. Councilor Rivera_J seconded the motion.

A. Vega echoed support for the proposal. He also stated that they were working with them and other neighbors and partners to restabilize Newton Street.

Chair Murphy-Romboletti recognized that Mayor Garcia was in attendance.

Mayor Garcia stated he met with the Boys and Girls Club when he first came into office and they expressed interest in this area, leading to the development of a plan. He then expressed support for this proposal.

Motion approved, 5-0.

Chair Murphy-Romboletti suggested taking up items 7 and 8 together.

Councilor Bartley stated that he would prefer not to.

(1:39:30)

Chair Murphy-Romboletti made a motion to remove item 7 from the table. Councilor Vacon seconded the motion. Motion passed.

Item 7: 12-5-23 MURPHY-ROMBOLETTI — An order to declare Parcel Holyoke Assessors Map 212, Block 00, Parcel 001, Easthampton Road, Holyoke, MA as surplus property and sell to the Massachusetts Department of Fish and Game with an address of 100 Cambridge Street, Suite 620, Boston, MA 02114 for \$270,000.00.

--->Tabled 4-1.

DISCUSSION:

Chair Murphy-Romboletti stated that this would have to be declared surplus to sell the property, noting that the committee discussed this property at the last meeting. She then recognized Conservation Director, Yoni Glogower, along with representatives from Mass Fish and Wildlife.

Kevin Chaffee, Land Agent for the Connecticut Valley District of the Mass Wildlife, a division of Mass Dept of Fish and Game, stated that it was his job to identify willing landowners to acquire land for conservation.

Joe Rogers, District Manager for the division of Fish and Wildlife, stated that he oversaw about one-fifth of the state's property throughout the Valley.

Y. Glogower recalled that the parcel had been discussed with this committee on August 23rd, where the discussion focused on the potential of the land sale and the development constraints on the property, significant wetland resources areas, natural heritage and endangered species, and steep topography on its western section. He then noted that the committee requested that the city put the property out for RFP to see if there were commercial interests. He then stated that the RFP was out from October 18th through November 21st and the only bidders were from Fish and Game. He then explained that his role in this was to voice support on behalf of the city's Department of Conservation and Sustainability as well as Holyoke's Conservation Commission. He then noted that there were significant development constraints, adding that they did look into uses that could combine conservation with commercial uses or residential housing. He also emphasized that this sale would mean the city would get some money from the sale as

well as ongoing revenue, and most importantly would remain a resource for Holyoke residents as well as helping connect the trail network.

Councilor Vacon asked for an explanation of how the RFP process worked.

J. Morrow stated that this was advertised in the same way as all the other RFPs the city put out. She added that there was a walkthrough for anyone interested in the property. She noted that the only entity that requested documents was Fish and Game. She then explained that there was only one acre of developable land and no access to water or sewer and would require a Title V and probably a well.

Councilor Vacon recalled being able to carve out two 2-acre lots on a property where the shooting range was located on Mountain Road, allowing the city to sell the land as buildable. She then acknowledged that while it wasn't exactly like this situation, there was often talk about how the city had no land to build on. She then suggested that if there was an acre of buildable land, it could be carved out.

Y. Glogower stated that he spoke about the possibility with John Dyjach in Office of Planning and Economic Development, and that the tricky part was that all of the frontage was wetlands, making that carveout difficult. He added that since the while property was under Natural Heritage and Endangered Species protection, one acre could be the largest extent of development that could take place but that was also where all five of the listed species were located.

Councilor Vacon asked to clarify that a developable section would not be easily accessible and identifiable.

Y. Glogower confirmed that was accurate. He noted that Kestral Land Trust was able to preserve riverfront property in Easthampton, protecting sensitive areas, while providing an opportunity to develop several units of housing in the farm fields.

Councilor McGiverin noted that some similar work was able to be done where the Cracker Barrel on Whiting Farms Road was located. He then stated that as this parcel was at one of the city's gateways, there should be an opportunity to do both, if possible. He then expressed a hope to not lose a space that could have potential. He then asked Mr. Rogers if he managed any of the other properties in Holyoke.

J. Rogers stated that he helped oversee the East Mountain Wildlife Management area, which extended south from this proposed parcel and had several parcels within that area.

Councilor McGiverin asked if he was familiar with the Mount Tom Reservation.

J. Rogers stated that he was, noting that it was owned by DCR (Mass Dept of Conservation and Recreation).

Councilor McGiverin emphasized that it was a tremendous asset to Holyoke, adding that part of a mountain range was being protected. He also commended Mr. Glogower as someone who understood all of these interests for the city as much as anyone.

Councilor Bartley stated that while the Council wasn't the one to negotiate these, the body did have experience with defective deals that had been rejected. He recalled one such project was at 1 Cabot street, a 300,000 square foot space that the former mayor would have negotiated away for \$10,000. He added that they came back with an offer of \$200,000 that was approved. He then emphasized that the parcel first had to be declared as surplus and available for disposition before approving a sale contract. He then noted that there was an assessment of over \$1 million while the offer was for \$270,000. He added that there was sizeable lot abutting it of about 4 acres still possessed by the city.

K. Chaffee asked if that could be see on a map within their land.

Councilor Bartley stated that was correct.

K. Chaffee stated that this land was transferred to Commonwealth of Massachusetts.

Councilor Bartley noted that it still showed on the Assessor's card.

K. Chaffee stated that it was acquired from the city years earlier but Open Space didn't get updated.

Councilor Bartley asked Mr. Glogower to provide a communication to the Assessor's office on that.

K. Chaffee suggested that it may be an issue on their side as well.

Councilor Bartley asked that the deed be provided so that the information could be updated. He then suggested that with all properties they already had, it added up to close to 70 acres. He then asked what the benefit had been to the city for the parcels they currently owned.

J. Rogers stated that all Fish and Wildlife properties were protected under Article 97 as open space and open to the public in their entirety for any form of passive recreation. He added that they had another parcel to the south had the New England trail, a well-known large trail going from Connecticut to New Hampshire. He added that another large benefit was providing resiliency for species, noting that they were responsible for managing wildlife across the commonwealth, which included identifying species that needed restoration work or may be threatened or endangered. He then explained that this parcel was of interest because of the connectivity that it would provide for many of the wildlife species traveling between the different wildlife corridors.

Councilor Bartley noted that this would be 53 acres added to what they already had. He then asked if they had thought about the types of passive recreation for this property.

J. Rogers stated that it would be folded into the East Mountain Wildlife Management Area, and managed much like the other properties already were.

K. Chaffee noted that they were different than DCR, which tended to have more formalized structure such as building roads, pavilions, and other similar structures. He then explained that his agency tended to take a more passive approach to their properties. He then suggested that people may already believe that this space was protected space, noting that they already saw a lot of hiking taking place there.

Councilor Vacon stated that she had ongoing safety concerns, as the Ward 5 Councilor, where 202 had been turned into a parking lot at an entrance to the New England Trail. She then stated that while she understood there were limitations as far as where the trail could be accessed, she asked if something could be done about that. She emphasized that Apremont would be a lot safer than parking on 202, noting that neither was necessarily ideal. She then questioned if any developments could take place within the land to get people off of the road.

J. Rogers stated while that the NE Trail was one of six trails that was allowed to be in the Wildlife Management Area, they didn't really promote a large number of trails in that area but were more about protecting wildlife habits while finding a balance with trail interests. He then explained that they partnered with those who maintained those trails through a licensing process. He then explained that part of the licensing process was ensuring that the abutters on both ends trails were also happy with the trail networks. He then stated that he would bring this concern to AMC (Appalachian Mountain Club). He suggested that resolving the parking concerns could be a condition of the relicensing process.

Councilor Vacon emphasized that the trail was becoming more well-known and popular, leading to it almost becoming a parking lot.

K. Chaffee stated that there were some pull-offs in that area that would get vehicles fully off the route at 141. He noted that his agency had built small parking lots in other areas when they were the right situation.

Councilor Vacon stated that there was a little more access on 141 and on Apremont but not nearly as heavily traveled as 202.

Mayor Garcia agreed that he would appreciate any opportunity to mitigate those safety concerns if some type of lot could be built.

K. Chaffee stated that there was often a difference between an assessed value and the amount they could offer for these kinds of properties. He then suggested that the assessments

were usually based on looking at the size of the property and applying what the could be worth in an area of higher value, often without looking at the specific parcel's specifics which including physical constraints of this property. He then explained that the city hired an appraiser to get the fair market value of the property, which was what they were offering.

Councilor McGiverin asked if Fish and Game Wildlife protection allowed hunting and fishing on any of their properties.

J. Rogers stated that hunting and fishing were allowed on every parcel they had outside of setbacks from roads and towns, while following all other legal requirements for those activities.

Councilor McGiverin asked if that would include this particular property.

J. Rogers stated that it would.

Chair Murphy-Romboletti noted that the property had to be declared surplus first before it could be sold.

Councilor Vacon asked to clarify that this would be item 8.

Chair Murphy-Romboletti stated that it would.

Councilor Vacon made a motion to lay item 7 on the table and remove item 8 from the table.
Councilor McGiverin seconded the motion. Motion passed 5-0.

(2:09:00)

Item 8: 5-16-23 MURPHY-ROMBOLETTI -- Ordered, that the City Council declare a lot on Easthampton Road as surplus property available for disposition. Said parcel is identified by the Holyoke Board of Assessors records as Map 212, Block 00, Parcel 001 consisting of vacant land of approximately 53.5 acres in size. The property is more particularly described at the Hampden County Registry of Deeds in Book 5574, Page 41. On May 21, 2007, the property was awarded to the City via a Land Court Decree with a Final Judgment recorded in Hampden County Registry of Deeds Book 16740, Page 126. The property is zoned Business General (BG) and has an assessed value of \$1,119,200.
*Tabled 7-12-23, 8-23-23

--->Approved 4-1 (Councilor Bartley)

DISCUSSION:

Councilor McGiverin made a motion to approve item 8. Councilor Rivera_J seconded the motion.

Councilor McGiverin asked that a copy of the appraisal be provided. He then noted that the committee asked that the RFP be put out when this was last discussed and asked if the committee had them.

J. Morrow stated that Mr. Glogower did forward them.

Chair Murphy-Romboletti stated that it was in the packet.

Councilor McGiverin stated that while there were remaining questions on item 7, he supported declaring the item as surplus in order to allow the mayor to negotiate and put offers before the Council. He then suggested that approving both in the same meeting was not a good precedent to set, noting that it had been done before.

Councilor Bartley stated that he was not in favor of declaring it as surplus at this point.

Councilor Vacon also stated that she would not support doing both at the same time but would support declaring it as surplus.

Motion to approve item 8 passed 4-1.

Councilor McGiverin made a motion to remove item 7 back off the table. Motion approved.

Councilor McGiverin stated that he would not be voting in favor of this. He then stated that while he had no problems with hunting, he had concerns about where people hunted. He then asked to confirm that this was in Ward 7.

Councilor Bartley confirmed that it was.

Councilor McGiverin stated that the newly elected councilor for that ward should be given an opportunity to understand what that would mean if this was accepted. He then asked Mr. Rogers if they also had control of some property behind Holyoke Community College.

J. Rogers stated that they did.

Councilor McGiverin stated it was the only area in the city where people could hunt legally. He then reiterated that the incoming councilor should be allowed to have some input. He noted that it wasn't residential but there were people in that area for other reasons, including the golf course, the reservoir, and other good things.

Councilor Bartley emphasized that declaring a parcel as surplus required two-thirds vote of the City Council. He added that approving a sale required a simple majority. He also emphasized that this committee would only be recommending to the full Council. He

then suggested that if the vote to declare it surplus failed, the proposal should be tabled or referred back to this committee for further discussion. He then stated that while he saw the appraisal for the full market value, that did not necessarily mean he had to agree with it. He added that he usually doesn't vote no on something without explaining himself.

Councilor Vacon made a motion to lay item 7 on the table. Councilor McGiverin seconded the motion. Motion passed 4-1.

Chair Murphy-Romboletti stated that this would remain tabled until the next meeting, noting that the committee planned to meet again on January 29th.

J. Rogers asked if there would need to be a response from them.

Chair Murphy-Romboletti stated that it would be tabled, but nobody necessarily voted against it. She then stated that they would allow the next Ward 7 councilor time.

Councilor McGiverin stated that the new councilor would be sworn in on January 2nd. He then explained that she should be allowed to have a say in this.

J. Rogers noted that Holyoke put out the bid for a property they were intending to sell and they responded to RFR in good faith. He then expressed his understanding that the response to that request was that the Council was now taking a vote to make it a surplus property, essentially ending the RFR.

Councilor McGiverin clarified that the vote to declare it as surplus should have been taken at the last meeting, in his opinion. He then explained that selling municipal property in Massachusetts was a two-step process, with declaring them as surplus taking place first. He also stated that the committee asked that the RFP be put out at the last meeting.

Chair Murphy-Romboletti stated that the committee could have voted to make it surplus property in August, but the body then asked for the RFP to go out before it would declare the property as surplus. She then expressed her hope that the City Council would declare the property as surplus at their meeting the following evening. She then thanked them for responding and discussing it.

Councilor Vacon expressed her understanding that the normal process was for properties to be declared surplus before an RFP went out, but the Council was given a proposal before the declaration of surplus was done. She suggested that things went out of order and this was an attempt to return it to the proper order.

Chair Murphy-Romboletti emphasized that it was initially done in the right order before the committee held it up.

(2:21:45)

Councilor Bartley made a motion to remove item 9 from the table. Chair Murphy-Romboletti seconded the motion. Motion passed.

Item 9: 10-17-23 From Councilor Bartley, Resolution in Support of Paint Stewardship Legislation
*Tabled 10-30-23

--->Approved 5-0.

DISCUSSION:

Chair Murphy-Romboletti noted that it was tabled before to have Carl Rossi, DPW Director, take a look at it and give some information.

Councilor Bartley noted that Councilor Rivera_I initially brought this topic forward by bringing in Mr. Irwin. He then explained that the proposal of drafting a resolution was brought up, and Mr. Irwin provided language that just needed to be cleaned up a little.

Councilor Bartley made a motion to approve the resolution. Councilor Rivera_J seconded the motion. Motion passed 5-0.

Meeting adjourned at 8:54 PM