AGENDA FOR THE CITY COUNCIL
DECEMBER 17, 2024

PUBLIC HEARING

PUBLIC COMMENT

LAID ON THE TABLE

1. The Committee on Ordinance to whom was referred an order that the Police Department be allowed to hire a Crime Analyst past the Grade 10 mid-range (which is $70,407) to $78,000.
   Recommended that the order be adopted.

COMMUNICATIONS

2. From Mayor Joshua Garcia, letter reappointing Ms. Rosanna Lopez to serve as a Commissioner of the Planning Board

3. From Mayor Joshua A Garcia, letter regarding tax shift vote

4. From City Clerk Brenna Murphy Leary and Admin. Assistant Jeffery Anderson-Burgos, meeting minutes from December 3, 2024

5. From Councilor David Bartley, OML letter, complaint 12-10-24 F.E.

6. From City Councilor Kevin Joudain, article regarding Holyoke Historic bank

7. From Assistant Solicitor Jane Mantolesky, letter to City Council re 41 Temple Street special permit

8. From Assistant Solicitor Kathleen Degnan, City Council Vote Accept M.G.L. c. 59, s. 5 Cl 22J -HERO Act

9. From Erin Linville, HPS Chief of Strategy and Turnaround, Recommendations on New Middle School Name, Mascot, and Colors

10. From the Historic Commission, meeting minutes from the September 9, 2024 meeting

11. From the Holyoke Redevelopment Authority, meeting minutes from September 19th and October 16, 2024.

12. From the Holyoke Redvelopment Authority, meeting minutes from May 18, 2022 and May 17, 2023

13. From the Holyoke Redvelopment Authority, Annual report from November 1, 2023 through October 31, 2024.

PETITIONS

14. Petition of Karen Spear of 778 Homestead Ave for a renewal of a Home Occupation for a nail salon

15. Petition of David Greenberg of 18 Karen Drive South Hadley, renewal of a Junk Dealer License at 448 Appleton St.

16. Petition of David Greenberg of 18 Karen Drive South Hadley, renewal of a Pawn Broker License at 448 Appleton St

17. Petition of Benjamin Hildebrand of 199 Servistar Industrial Way Suite 2, for a restaurant and Retail Store Reconstruction in the Limited Business District

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

18. The Committee on Ordinance to whom was referred an order Special permit extension application of 876 Grow Inc at 360 Race Street (028-06-018A) to build and operate a marijuana cultivation and processing establishment.
Recommended that a one year extension be granted.

19. The Committee on Ordinance to whom was referred an order that consideration be made to adopt the changes available under the HERO Act for Veteran Property tax exemptions: whether to adopt Clause I or Clause J or both clauses simultaneously.
Recommended that Clause J be adopted at 100% exemption.

20. The Committee on Ordinance to whom was referred an order that we add Clauses 22, 22A, 22B, 22C, 22E, 22F, and 22H of the Hero's Act to expand benefits for veterans.
Recommended that the order has been complied with.

21. The Committee on Public Safety to whom was referred an order that Parks and Rec, along with the school department come into Public Safety to discuss the management and maintenance of parks that are on school property. There has been much confusion as to who is responsible for what and it is important for the city get a formal understanding so that we are able to better fund things are needed.
Recommended that the order has been complied with.

22. The Committee on Public Safety to whom was referred an order that Members of the parks & Rec Commission be invited in to Public safety to discuss plans around Springdale park as well as what the plans or if any support is needed in potential park improvement throughout the city.
Recommended that the order has been complied with.

23. The Committee on Public Safety to whom was referred an order that the City install a raised crosswalk (or other appropriate alternative) on Nick Cosmos Way in front of the Boys & Girls Club to ensure pedestrian safety for residents, kids and staff accessing the park.
Recommended that the order be referred to the Ordinance Committee and copied to the Law Department.

24. The Committee on Public Safety to whom was referred an order that the signals division of the fire department implement a light delay at Hamden & Linden streets to help avoid incidents.
Recommended that the order be given a leave to withdraw.

25. The Committee on Public Safety to whom was referred an order That the City Engineer come to a Public Safety Committee meeting to discuss the possibility of making Corser St one way traffic.
Recommended that the order has been complied with.

26. The Committee on Public Safety to whom was referred an order The city review and advise on a constituent request to install a "do not block the box" on Northampton St/ Longwood Ave.
Recommended that the order has been complied with.

27. -- The Committee on Public Safety to whom was referred an order that the City Council invite the Department of Public Works as well as the Park & Recreation Department to meet with the Public Safety Committee around addressing the graffiti at the SkatePark located at Pulaski Park along with also exploring the possibility of developing a larger master plan for Pulaski Park in its entirety.
Recommended that the order be given a leave to withdraw.

28. -- The Committee on Public Safety to whom was referred an order That the city engineer research if a stop sign could be placed at the end of Willow St. where it meets Brown Ave.
Recommended that the order has been complied with.

29. The Committee on Development and Governmental Relations to whom was referred an order Petition of Francisco Martir, Food Vendor License Application for 415 Main St.
Recommended that the petition be denied.

30. The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application of Daniel LaFlamme (Daniel's Truck Center Inc) to operate a light truck repairing and detailing center at 41 Temple St (085-00-012) per sec. 7.2.13(a).
Recommended that the petition be granted with the following conditions:
1. That the hours of operation will be Monday - Friday, 9 a.m. - 6 p.m.,
2. That the lighting cannot be detrimental to the neighborhood,
3. That the petitioner will address all open questions on the Planning Department letter dated December 10, 2024.

31. The Committee on Development and Governmental Relations to whom was referred an order The procurement office present any contract(s) relative to the Anniversary Hill // Scott's Tower project by and between the City, Kestral Land Trust, the CPA Committee, etc. to the City Council via a communication by the first meeting in September. If possible, please email the documents to the City Council admin. assistant as early as possible.
Recommended that the order has been complied with.

32. The Committee on Development and Governmental Relations to whom was referred an order Anniversary Hill Park Trail & Utility Corridor Contract Documents
Recommended that the order has been complied with.

33. The Committee on Development and Governmental Relations to whom was referred an order that Holyoke Assessors Parcel 062-03-005, 133 Pine Street, Holyoke, MA be sold to abutter, Pine Suffolk, LLC with an address of 175 Suffolk Street, Holyoke, MA 01040, for $4,500.00. This property is valued under $35,000.00 and therefore exempt from procurement requirements. This property was originally sold via auction to the above abutter, but due to an error in the auction process the same was declared void. $4,500 was the auction price. The abutter plans to utilize the property in connection with his business located on either side of the property. This property was previously declared surplus.
Recommended that the order be adopted.

34. The Committee on Development and Governmental Relations to whom was referred an order that Holyoke Assessors Parcel 183-00-006, Old Rock Valley Road, Holyoke, MA be declared surplus and sold to abutter, Jessica A. Messier with an address of 22 Old Rock Valley Road, Holyoke, MA 01040, for $25,000.00. This property is valued under $35,000.00 and therefore exempt from procurement requirements. The abutter plans to keep this property as open space.
Recommended that the order be adopted.

35. The Committee on Development and Governmental Relations to whom was referred an order to amend the approved City Center Liquor License authorization for an expanded area by including a geographical description for the added eligible area in the previously approved home rule petition.
This addition is needed for final submission and approval by the Legislature.
Recommended that the order be adopted.

MOTIONS, ORDERS AND RESOLUTIONS

36. Jourdain- Ordered, that pursuant to Chapter 12 of our Ordinances that the City Council accept the recommendation of the School Department and give its final approval of the naming of the new middle school located in Elmwood as the Dr. William R. Peck Middle School.

37. Magrath-Smith - Ordered that Council separate the positions of Parks Superintendent and City Forester and make necessary changes in Ordinance in order to do so. Our current combined position is not supported by Ordinance.

38. Magrath-Smith-Ordered, that Human Resources provide the financial cost of providing city email addresses to City Councilors and Committee, Commission and Board Chairs who currently do not have one. Provide the pros and cons of providing a city email to these city employees along with a potential timeline for implementing the change.

39. Ocasio- the DPW and City Engineer revisit crossing from Capri Pizza to Key Food, It's dangerous. Please install the proper STOP signs with lights and SPEED Humps.

40. Ocasio- Order that a "Don't Block the Box" be painted in corner of Sargent and Elms St. on both sides.

41. Ocasio- Ordered that the City install a few signs: "No Trucks", "Slow Down, Children", and "No Parking Anytime" on the block across from 320 Elm St.

42. Ocasio- Order that the City change the use of the lot at the corner of Adam and South Summer from being a 24hr parking to a Residential Parking from 5pm to 7am. Morgan School Staff Parking from 7am- 5pm.

43. Ocasio- Ordered that the DPW, Engineer and HGE come to a City Council meeting to explain why there are meters in the front of buildings and homes.

44. Devine-ORDERED: That all items such as MOA's, contracts, and any other documents that may be on an agenda, any Councilor that might be in need of such copies, individually request those copies from our Administrative Assistant.

45. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FORTY-
EIGHT THOUSAND EIGHT HUNDRED TWENTY-SIX AND 15/100 Dollars ($48,826.15) as follows:

			FROM	TO
11211	51276	MAYOR'S CONTRACT NEGOTIATIONS	21,631.74	
11211	51104	MAYOR'S PAY-CAFO	716.19	
15431	51103	VETERAN'S PAY - INVESTIGATOR	6,002.88	
15431	51101	VETERAN'S PAY - COMMISSIONER	2,240.00	
15431	51500	VETERAN'S VACATION BUYBACK	2,000.00	
15431	51510	VETERAN'S SICK LEAVE BUYBACK	5,000.00	
11521	51102	PAY - PERSONNEL ASSISTANT	11,235.34	
12401	51102	ASST BUILDING COMMISSIONER		3,132.93
12401	51103	CHIEF INSPECTOR OF WIRES		2,828.00
12401	51107	ZONING OFFICIAL		2,222.00
11751	51108	ASSISTANT DIRECTOR OF PLANNING		4,560.00
11751	51102	ASST DIR OF ECONOMIC DEV		4,560.00
11751	51105	SENIOR PROJECT MANAGER		2,222.00

11751	51106	PLANNER 1	1,090.00
12441	51101	SEALER OF WEIGHTS AND MEASURES	2,525.00
11711	51101	CONSRVTN & SUSTNBLTY DIRECTOR	3,030.00
14211	51108	SAFETY OFFICER	2,020.00
15411	51103	ASSISTANT DIRECTOR - COA	2,222.00
15411	51101	DIRECTOR COUNCIL ON AGING	3,030.00
15431	51105	NATIONAL SERVICE OFFICER	1,560.99
16301	51101	DIRECTOR PARKS/REC FORESTRY	2,899.14
15101	51101	DIRECTOR BOARD OF HEALTH	1,632.00
15101	51202	ANIMAL CONTROL OFFICER	2,020.08
16911	51101	DIRECTOR WISTARIAHURST	2,828.00
16911	51103	CITY HISTORIAN	2,222.00
16301	51103	ASST DIRECTOR OF PARKS & REC	2,222.00
		48,826.15	48,826.15

46. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SEVEN THOUSAND SEVEN HUNDRED TWELVE AND 00/100 Dollars ($7,712) as follows:

FROM:

2601-10400 TNC RIDESHARE		$7,712
	TOTAL	$7,712

TO:

11752-53010 CONTRACTED SERVICES – PLANNING		$7,712
	TOTAL	$7,712

47. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SIX THOUSAND EIGHT HUNDRED SIX AND 64/100 Dollars ($6,806.64) as follows:

FROM:

12201-51103 CAPTAIN	$3,663.90

12201-51104 LIEUTENANTS		3,142.74
	TOTAL	$6,806.64

TO:

12201-51180 INJURED ON DUTY		$6,806.64
	TOTAL	$6,806.64

48. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY SIX THOUSAND NINE HUNDRED TWENTY AND 11/100 Dollars ($26,920.11) as follows:
FROM;

12101-51104 LIEUTENANTS		$ 3,708.84
12101-51105 SERGEANTS		3,567.68
12101-51107 PATROLMEN		19,643.59
	TOTAL	$26,920.11

TO:

12201-51180 INJURED ON DUTY		$26,920.11
	TOTAL	$26,920.11

49. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY THOUSAND AND 00/100 Dollars ($30,000) as follows:
FROM

8811-10400 CAPITAL STABILIZATION		$30,000
	TOTAL	$30,000

TO:

16932-52500 WAR MEMORIAL R&M BUILDING		$30,000
	TOTAL	$30,000

50. Devine-Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "BJA FY2024 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, $35,099, 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.
Sec 2-509 - Grant Reporting
Any city department, of which has received grant funding by approval of the city council pursuant to Massachusetts General Laws, or any other authorizing criteria, shall within a reasonable period of time, but no later than 60 days from the conclusion of said grant, generate a detailed report which outlines the planned outcomes with the documented actual results. Said report shall be submitted to the city clerk for addition to the city council's next agenda.

LATE FILED ORDERS AND COMMUNICATIONS

Addendum:
Per City Council rule 2B, meeting shall end by 10 PM unless an extension is approved by a two-thirds majority of those present. If any items remain, those items will be added to the

beginning of the next regular meeting.
The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting.
Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law

City Clerk

MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

December 3, 2024

The Honorable City Council
City of Holyoke
Holyoke, MA 01040

Honorable City Council:

Subject to your approval, I hereby reappoint the following individual to serve as a Commissioner of the Planning Board for the City of Holyoke:

Ms. Rosanna Lopez
253 Sargeant Street
Holyoke, MA 01040

Ms. Lopez will serve a five-year term; said term will expire June 30, 2029.

Respectfully submitted,

Joshua A. Garcia, Mayor
JAG/nmo

RECEIVED

DEC 03 2024

Holyoke City Clerk's
Holyoke, MA

Cc: Ms. Rosanna Lopez
Mr. Aaron Vega

December 13, 2024

Honorable City Councilors
City of Holyoke
City Hall

Honorable City Councilors,

It is once again time to vote on the shift factor that will determine the tax rate for residential and commercial properties. Before deliberating on how to balance the tax burden between these categories, I would like to introduce a few critical orders to address the sewer deficit and to ensure we invest in future capital needs.

Sewer Deficit and Proposed Solution

The current sewer deficit stands at $927,778. Without an updated sewer rate, this deficit is likely to persist annually. Last year's deficit was subsidized through taxation due to significant breaks in the sewer collection system. This year, the deficit is the result of contract terms requiring the City to pay a premium when flows exceed an agreed-upon baseline. Fortunately, this is the final year of the existing long-term contract, and the new agreement will prevent such financial surprises.

The City Council has expressed a clear preference to avoid resolving the deficit through taxation. I fully agree. To address this year's shortfall, I propose a third path that avoids burdening taxpayers, protects our bond rating, and preserves our stabilization account. Since the fiscal year began on July 1, the general stabilization account has earned $1,114,335.87 in interest. I propose utilizing these earnings to cover the sewer deficit and to invest in essential capital projects. This solution allows us to clear the deficit responsibly while ensuring fiscal stability.

Tax Rate Shift Recommendation

For the first time in years, favorable shifts will result in a reduction of tax rates for both residential and commercial properties. However, the average single-family home tax bill will still increase by $304.16, or approximately $25 per month. This increase is primarily driven by rising residential property values, coupled with higher costs for insurance, schools, transportation, and contractual obligations. Additionally, Holyoke's long-standing commitment to fully funding the retirement system by 2030 requires allocating approximately $8 million annually beyond the standard retirement budget.

The Council's decision to set the tax rate shift is critical. This year, I recommend adopting a shift factor of 1.7500. This adjustment will significantly reduce both residential and commercial rates while keeping the average single-family tax bill increase to a manageable level.

Achievements and Budget Stability

We have made substantial progress together, and I am pleased to highlight the following accomplishments:

- No Use of Free Cash or Reserves: We are not relying on free cash or reserves to reduce the levy amount.
- Balanced Budget Without ARPA Funds: This year's budget is balanced without dependence on federal ARPA funds.
- Conservative Revenue Estimates: By budgeting conservatively and collecting more local receipts than anticipated, we have strengthened our free cash position. This provides us with greater flexibility to address shortfalls and invest in critical capital needs.

Looking Ahead

I am committed to exploring strategies to alleviate taxpayer burdens in the next fiscal year, particularly by re-evaluating contributions toward the retirement funding schedule. Holyoke's aggressive approach to retirement funding has been essential, but we must balance it with the need to provide relief to taxpayers.

In closing, setting the tax rate shift is among the most challenging decisions the Council faces each year. I am confident that with your thoughtful deliberation and commitment, we will continue to make incremental progress toward a fiscally sound and prosperous future for our community.

Thank you for your dedication and service. I look forward to our continued collaboration.

Sincerely,

Joshua A. Garcia, Mayor

REGULAR MEETING OF THE CITY COUNCIL

December 3, 2024

The meeting was called to order by President Murphy-Romboletti at 7:03 PM

The Clerk called the roll. Absent Members: 0 Present Members in person 12 (Anderson-Burgos, Bartley, Devine, Givner, Jourdain, Magrath-Smith, Murphy-Romboletti, Ocasio, I. Rivera, J. Rivera, Sullivan, Vacon). Present Members on Zoom: 1 (Greaney)

The Pledge of Allegiance was recited.

The name of Councilor Magrath-Smith was pulled to head the roll call voting.

Councilor Anderson-Burgos asked for a moment of silence in honor of Gloria Dulude, who had been a big support system for him as a child. He added that he had just learned she passed away on November 17th.

A moment of silence was observed for Gloria Dulude.

PUBLIC COMMENT

No members of the public sought to speak during public comment.

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

LAID ON THE TABLE

(3:20)

President Murphy-Romboletti stated that she had not heard anything regarding item 1, so it could be remain laid on the table.

The Committee on Ordinance to whom was referred an order that the Police Department be allowed to hire a Crime Analyst past the Grade 10 mid-range (which is $70,407) to $78,000.
Recommended that the order be adopted.

COMMUNICATIONS

(3:35)

From Mayor Joshua Garcia, letter appointing Ms. Beverlyn Blanchard of 46 St. Kolbe Dr. to serve on the Library Board of Directors. Ms. Blanchard term will expire Feb. 2025.
---> Received and referred to the Public Service Committee.

From Mayor Joshua Garcia, letter appointing Mr. Thomas Gilchrist of 26 Dunn Ave to serve on the Library Board of Directors. Mr. Gilchrist term will expire Feb. 2026.
---> Received and referred to the Public Service Committee.

From City Clerk Brenna Murphy Leary and Admin. Assistant Jeffery Anderson-Burgos, meeting minutes from November 7, 2024 and November 19, 2024
---> Received and Adopted.

From Don Sanders, Executive Artist Director MIFA, communication regarding the project
---> Received and referred to the Development and Governmental Relations Committee.

From HEDIC, Meeting minutes from May 16, 2024

Councilor Bartley encouraged everyone to read the minutes, specifically the executive session on the conveyance of the acreage behind station 5 on Whiting Farms Road.
---> Received.

PETITIONS

(6:30)

Petition of Marcel Gravel of 54 Commercial St. for a Special Permit for 7.2.13 a Vehicle Repair Shop
---> Received and referred to the Development and Governmental Relations Committee.

Petition of Tiago Martins and Jeffrey Dias of 724 Page Blvd Springfield, zone change application from BL to DR at 736 Dwight St. Holyoke
---> Received and referred to the Ordinance Committee.

Petition of Tiago Martins of 39 Grant St. Ludlow, zone change application from BL to DR at 712-718 Dwight St. Holyoke
---> Received and referred to the Ordinance Committee.

PRESIDENT'S REPORT

(7:10)

President Murphy-Romboletti stated that a communication was sent by the mayor earlier that day informing employees that parking on the desk behind City Hall would be restricted following an assessment by Tighe & Bond which found structural issues on several areas of the deck. She added that employees were not to park on the deck until further notice but there would be limited parking for the visitors as well as for handicapped parking. She added that parking was available at the Proulx lot on Dwight or in the Suffolk Street garage.
She then stated that the tree lighting would take place on Saturday, with events at the Merry-Go-Round beginning at 3 p.m. and festivities at City Hall beginning at 5 p.m., with the lighting and parade taking

place at 6 p.m.
She then reminded councilors to sign an acknowledgement of review of a guidance on the Open Meeting Law.
She then stated that the plan was to set the tax rate the following Monday. She then noted that as information had not yet been received, the meeting could be rescheduled if those items were not received in a timely manner. She then assured councilors that she would not allow last minute information to be sprung on them.

Councilor Bartley raised a point of order. He then expressed his understanding that a Finance Committee meeting was being planned for that Monday prior to tax rate meeting, and that it was expected to be held in executive session.

President Murphy-Romboletti stated that was correct.

Councilor Bartley expressed his belief that the law did not have any exception that would be relevant to the meeting. He then asked that the Law Department provide an opinion explaining which exception worked with the planned meeting, especially given that the Council had already been dinged by the Attorney General's office in the past.

Councilor Devine asked if that was a motion.

Councilor Bartley clarified that he was making a motion. Councilor Anderson-Burgos seconded the motion.

Councilor Sullivan emphasized that the Council has already been reprimanded several times by the state. He added that the next ding could be a $1,000 fine.

President Murphy-Romboletti emphasized that the goal was always to not violate the Open Meeting Law. She then asked the Law Department to confirm they heard the request.

Atty Bissonnette stated that they would have a staff meeting the following day to discuss the topic.

Councilor Vacon noted that councilors were the ones who were obliged to follow the Open Meeting Law.

Councilor Jourdain asked if the form councilors were being asked to sign acknowledging an understanding of the Open Meeting Law was only for councilors, or did it also include department heads.

President Murphy-Romboletti stated that it was for members of public boards and commissions. She then explained that it came out of a meeting the mayor held for the chairs of all boards and commissions.

Councilor Jourdain asked if the Law Department had to sign off as well.

President Murphy-Romboletti stated that they were filed in the City Clerk's office.

Councilor Jourdain clarified that his question was if the Law Department's attorneys also had to sign that they understood the Open Meeting Law. He then expressed concern that there were misunderstandings about interpretations. He then questioned that if councilors had to sign off that they understood it, shouldn't the Law Department, Mayor, or City Clerk for example also need to sign off.

President Murphy-Romboletti stated that she did not have an answer at that moment.

Councilor Jourdain noted that minutes had not been filed online for many boards and commissions for years. He then stated that paid staff were helping these boards and questioned if those people also had to sign off, noting they were the ones in charge of making sure minutes were done.

Councilor I. Rivera asked for clarification if there would or would not be a meeting the following Monday.

President Murphy-Romboletti stated that she would let everyone know by Thursday.

Motion requesting legal form adopted.

REPORTS OF COMMITTEES

(16:30)

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY NINE THOUSAND ONE HUNDRED FIFTY TWO AND 00/100 Dollars ($29,152.00) as follows:

FROM:
11751-51128 OPED-ADMIN ASST $29,152.00
TOTAL $29,152.00
TO:
11751-51112 OPED- LICENSING AGENT $29,152.00
TOTAL $29,152.00

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Carmen Ocasio

UNDER DISCUSSION:
Councilor Devine stated that the Council also approved a change of the positions' classification and this transfer was covering the salary of the new classification.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, FORTY NINE THOUSAND NINE HUNDRED FIFTEEN AND 00/100 Dollars ($49,915.00) as follows:

FROM
8811-10400 CAPITAL STABILIZATION $49,915.00
TOTAL $49,915.00
TO:
14222-52519 R&M PUBLIC LIBRARY $49,915.00
TOTAL $49,915.00

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Carmen Ocasio

UNDER DISCUSSION:
Councilor Devine stated that Maria Pagan from the Library explained that the building needed a new compressor as the current one was 11 years old.

Councilor Magrath-Smith asked what the impact on capital stabilization would be with the transfer.

Motion was made and seconded to suspend the necessary rules to allow the City Auditor to address the Council.

Tanya Wdowiak stated that the balance would be $388,201 if the transfer was accepted.

Councilor Bartley recalled that former Councilor Lisi fought for having the capital stabilization account and the mayor had funded it. He then emphasized that it allowed funding these kinds of needs to be non-controversial.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Finance to whom was referred an order That the City Forester, DPW Director and Purchasing Director come in to the Finance Committee to discuss the Urban Forestry Grant.

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan

Kevin A. Jourdain
Carmen Ocasio

UNDER DISCUSSION:
Councilor Devine stated that the grant was for $1 million from the U.S. Department of Agriculture for improvements to the city's urban tree canopy. She then explained that the bulk of the funding would be used for contract tree work and to address the list of priority tree removals and pruning. She added that Councilor Magrath-Smith provided a lot of information at the meeting.

Councilor Magrath-Smith stated that there were a lot of questions on why nothing had yet been expended from the grant, and they learned the Purchasing Department was working to understand the requirements of such grants and how best to put out the bids. She then stated that contractors willing to accept the increased burden of federal requirements may expect a higher fee, which led to bids coming back higher than expected, leading to those bids being rejected. She then explained that they were now going through a second round of seeking bids, including reaching out to the contractors that did not submit in the first round that they hoped to have heard from. She then stated it could be February or March before that process played out, which meant the backlog of trees was not being addressed. She also emphasized that the grant could only be used in the environmental justice zone within the city.

Councilor Bartley asked that the letter read by Councilor Devine could be posted to the Forestry Department's section of the city website so the public had something to refer to when they had questions.

Councilor Jourdain stated that this also highlighted the importance of addressing tree issues in the city. He also emphasized that an order was filed asking for the DPW to provide a plan to address the list of trees. He added that these trees needed to be addressed on a quick timeline, emphasizing that they were dangerous.
---> Report of Committee received and recommendation Adopted.

ORDERS AND TRANSFERS

(27:20)

DEVINE - ORDERED: That the City Council extend our thanks and appreciation to the Flex Squad for all they do for the city of Holyoke.
---> Received and Adopted. Copy to DPW, Mayor, Board of Health.

DEVINE- Ordered, that the City Council subsidize the revenue of the sewer enterprise budget from the tax levy in FY2025 by $927,778 (NINE HUNDRED TWENTY SEVEN THOUSAND SEVEN HUNDRED SEVENTY EIGHT AND 00100) and the remainder funded by sewer receipts.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
Councilor Devine stated that the Mayor, Assessor, Auditor, and Mary Monahan from the Board of Public Works (BPW) were in attendance for this item to answer questions.

Motion was made and seconded to suspend the necessary rules to allow those officials to address the Council.

T. Wdowiak stated that this would go toward setting the tax rate. She then explained that the Council was required to vote on any subsidy prior to setting the tax rate.

M. Monahan stated that the BPW received the information the previous Friday, they met the previous night, and then they would be meeting with their financial advisor the following week. She then explained that $827,000 was the result of additional fees associated with the service agreement. She also explained that when certain constituents in the wastewater exceeded a certain level, it led to additional charges being tagged onto the annual service as part of the contract. She added that they were significantly higher this year, leading to the additional charges. She added that there was another $100,000 were due to minor items they didn't know they needed to budget for such as banking fees as well as a short term difference in the debt service. She then stated that the BPW would be meeting the following week to recommend a new sewer rate.

Councilor Devine stated that she would plan to invite everyone to discuss those numbers at the next week's Finance meeting on Monday at 7.

President Murphy-Romboletti clarified that there would be a Finance executive session at 6 the following Monday and then a special meeting at 7. She also noted that while this could be referred to Finance, this was a short agenda so she left it open to having questions answered on this now.

Councilor Jourdain stated that he would like to get the rest of the report. He then asked if this funding was for the prior year loadings or was it for the current year's run rate. He also asked if a written report was given which explained the extra mass going through the plant. He also asked if there was any forgiveness in the contract.

Mary Monahan stated that it reflected FY24. She added that the contractor submitted a monthly report which gave lab results, electricity usage, etc. She then explained that the original contract contained a formula that required the city to estimate what the levels would be each year based on various options, and the numbers tended to be based on rain levels and discharges in a given year. She emphasized that with this contract being in its final year, the next one would not contain these kinds of surprises.

Councilor Jourdain asked if there was a report justifying the $827,000 difference. He also asked if this was driven by industrial use.

M. Monahan stated that they did get a monthly report showing what was being discharged. She also stated it was not driven by industrial use. She also explained that Sunoco has their own monitoring, and their billings were based specifically on what was in their wastewater.

Councilor Jourdain emphasized that the contractor was being paid to run the plant so they should be able to explain what happened. He then asked if they had just sprung this on the BPW last Friday.

M. Monahan stated they had known it for 3 months, adding that they knew toward the end of the fiscal year that it wasn’t looking good, but they didn’t know the amount until the final true up came in September.

Councilor Jourdain asked when it was reported to the Auditor the projection of the $827,000 shortfall, expressing frustration about the last minute request that needed to be made sense of by the following Monday.

M. Monahan stated that while it wasn’t necessarily reported to the Auditor, it had been reported a few months ago.

Councilor Jourdain asked who was informed when it was clear things were looking good.

M. Monahan stated that there was no reason to challenge the numbers because they were coming out of lab, not from someone working at the plant.

Councilor Jourdain asked for an explanation for next Monday explaining what happened. He emphasized that the budget had been increased from $6.9 million to $7.6 million for the service fee.

M. Monahan stated that any increase in the service fee was a reflection of the adjustment in the contract. She added that the enterprise fund wasn’t increased because there was $100,000 that went into capital planning. She then reminded that there was a deficit the previous year because of infrastructure sewer projects, adding that they were able to get ahead of those kinds of needs in the current year.

Councilor Jourdain expressed his understanding that this illustrates that the service fee needed to be increased by $827,000 because the service contract would end up coming up short.

M. Monahan clarified that this was paying for what happened, but it would not always be like that, emphasizing the levels end up being below the projections 50% of the time.

Councilor Jourdain asked if the other $100,000 was for this year’s budget or if was it a shortfall in last year's budget.

M. Monahan stated that they hadn’t reviewed that yet, noting they just got the numbers the previous Friday.

Councilor Sullivan emphasized that while Ms. Monahan had just provided a technical explanation of what was going on, the main point was that the sewer rate was too low. He added that this was an issue in many places, noting that South Hadley had just seen a 33% increase in the cost of the disposal of sludge. He added that Holyoke had the same types of increases that it had no control over. He added that these kinds of things would be addressed in the new long term sewer contract. He also stated there would need to be a serious look at a substantial increase in the sewer rate to keep up with what was happening in the environment and costs associated with the operation of the plant.

Councilor Vacon asked if the $827,000 was unusually high of average of what was normal.

M. Monahan stated this was on the high side.

Councilor Vacon asked if it was the highest.

M. Monahan stated that she did not know that. She added that she didn't want to say it was the highest but was on the high side.

Councilor Vacon asked if it was considered unusual.

M. Monahan emphasized that they weren't expecting it.

Councilor Vacon asked if the Finance Committee could discuss other possible funding sources. She expressed concern that the tax levy was already high without putting almost another $1 million on it.

Councilor Devine stated that she appreciated everyone coming in now, but emphasized there would be a meeting the following Monday at 7 p.m. She added that she wasn't yet clear if there would be an executive session at 6, but she planned on having a Finance meeting at 7 and having everyone in.

President Murphy-Romboletti asked for clarification that she was planning on having Finance meet at 7.

Councilor Devine stated that was correct.

President Murphy-Romboletti stated that they were planning on having the special meeting for the tax rate at 7.

Councilor Devine stated that Finance would be meeting at 6 for executive session and/or for other orders after that.

Councilor Greaney asked if there would be a breakdown of commercial uses versus residential usage in detail.

M. Monahan stated that they did not have a difference in the sewer rate between them. She added that Sunoco was the only one that paid a different rate as theirs was based on constituencies in their wastewater.

Councilor Greaney stated that there were other businesses.

M. Monahan reiterated that it was the same sewer rate for everyone.

Councilor Greaney stated that he would like to know which businesses had greater usage because of the chemicals going into the water.

M. Monahan stated they could get a breakdown of that, but reiterated it was not necessarily coming from industrial discharge as there were other factors that played into TSS and BOD levels.

Councilor Bartley stated that this was the first time he was hearing those acronyms, and there would need to be a better understanding of why the city was getting hit for those levels now when he had not heard of those in the past 13 years. He then questioned why the Council had not received BPW minutes in a long time. He suggested that if those minutes had been provided, the Council may have had a better understanding that this was coming. He also expressed his understanding that the sewer enterprise fund had a surplus, so was confused about the deficit. He added that it did not appear anyone was challenging the numbers but were just dismayed at just getting this now and being asked to vote on it. He then agreed there should be alternatives to funding this as a one time payment. He also rhetorically asked if anyone could explain why this was happening this year.

Councilor Sullivan stated that he did not believe there was a surplus the last year, with around $1 million needed that had not been all used, leaving around $90,000 left over.

T. Wdowiak stated that $1,039,680 was appropriated the last year. She added there was a surplus in 2023, but the late free cash certification led to it being appropriated in the next fiscal year. She added 2024 was not yet closed so it was not clear if there was a surplus.

Councilor Sullivan emphasized that the previous amount wasn't a surplus but what was left over from the transfer the Council made.

T. Wdowiak clarified that it wasn't a surplus from that transfer because the extra was from 2023, not from what was transferred in FY24.

Councilor Sullivan stated that the city needed to start planning and budgeted for PFAS (Per- and polyfluoroalkyl substances) in the water, emphasizing that measurements the EPA was focusing on were equivalent to drop of water in an Olympic size swimming pool. He added it needed to be bult into the sewer rate now instead of waiting for it to happen later.

Councilor Jourdain agreed with Councilor Vacon that there should be a focus on funding this through other sources. He then noted that there needed to be a conversation about the future of special purpose stabilization accounts. He added that the general stabilization could be a potential source, emphasizing that there would not be the same kind of dynamic in the future to avoid increasing the tax levy. He added that what was left in capital stabilization could be used, and then the remaining balance coming from the main stabilization fund.

Councilor Vacon noted that the point had been made that there hasn't been a request like this to have the revenue from the sewer enterprise fund would be subsidized through the tax levy. She then asked to confirm her understanding that this kind of reconciliation usually came through during the free cash reconciliation process rather than during this process.

T. Wdowiak stated that the retained earnings were what took place at that time. She then explained that this was a direct revenue deficit where the projected revenues would not cover the budget. She noted that she believed this may have come up before.

Councilor Vacon asked if this was rare for it to come up during this process.

T. Wdowiak stated that the subsidy had to be voted on to set the tax rate.

Councilor Vacon asked if in essence, the revenue was overstated in the budget requiring this subsidy to make it match the budget. She also suggested that the additional $100,000 may be due to Sunoco paying less as the years were moving forward.

T. Wdowiak stated that the revenues were not overstated because they were based on the previous year.

Councilor Devine thanked everyone for attending and asked that they all be available for the following Monday.
---> Received and referred to the Finance Committee.

Motion was made and seconded to suspend the necessary rules to take up items 15 and 16 as a package.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, NINETEEN THOUSAND FIVE HUNDRED EIGHTY FOUR AND 02/100 Dollars ($19,584.02) as follows:
FROM
12101-51105 SERGEANTS $3,567.68
12101-51107 PATROLMEN 16,016.34
TOTAL $19,584.02
TO
12201-51180 INJURED ON DUTY $19,584.02
TOTAL $19,584.02

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SEVEN THOUSAND FIVE HUNDRED SIXTY TWO AND 57/100 Dollars ($7,562.57) as follows:
FROM
12201-51103 CAPTAIN $3,663.90
12201-51104 LIEUTENANTS 3,142.74
12201-51105 FIREFIGHTERS 755.93
TOTAL $7,562.57
TO:
12201-51180 INJURED ON DUTY $7,562.57
TOTAL $7,562.57

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
President Murphy-Romboletti stated that item 15 represented 7 officers and item 16 represented 3 firefighters.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Jourdain).

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY THOUSAND AND 00/100 Dollars ($20,000) as follows:
FROM
12201-51105 FIREFIGHTERS $20,000
TOTAL $20,000
TO:
12202-52410 R&M VEHICLES $20,000
TOTAL $20,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWO HUNDRED FIFTY THOUSAND 00/100 Dollars ($250,000) as follows:
FROM
12201-51105 FIREFIGHTERS $250,000
TOTAL $250,000
TO:
12201-51300 OVERTIME $250,000
TOTAL $250,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY THREE THOUSAND AND 00/100 Dollars ($33,000) as follows:
FROM
14101-51101 PAY-ENGINEER $19,000
14101-51105 PAY-SR CIVIL ENGINEER 14,000
TOTAL $33,000
TO:
14102-53010 PROF ENG SERVICES $33,000
TOTAL $33,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

MURPHY-ROMBOLETTI - ordered to amend the approved City Center Liquor License authorization for an expanded area by including a geographical description for the added eligible area in the previously approved home rule petition.
This addition is needed for final submission and approval by the Legislature.
---> Received and referred to the Development and Governmental Relations Committee.

BARTLEY - ORDER The DGR committee invite its state delegation to a future DGR meeting pursuant to Rule 9.C. Refer to Rep. Duffy, Sen Velis. Copy to Admin Asst. to notice public.
---> Received and referred to the Development and Governmental Relations Committee.

Motion was made and seconded to suspend the necessary rules to take up items 22 through 24 as a package.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY ONE THOUSAND EIGHT HUNDRED FORTY THREE AND 57/100 Dollars ($21,843.57) as follows:
FROM
11461-51125 PAY- ADMIN ASST $21,843.57
TAX COLLECTOR TOTAL $21,843.57
TO:
11461-51107 PAY-REVENUE COLLECTIONS $21,843.57
SPECIALIST TOTAL $21,843.57

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWO THOUSAND SIXTY SIX AND 40/100 Dollars ($2,066.40) as follows:
FROM
12402-54200 PROF OFFICE SUPPLIES $2,066.40
TOTAL $2,066.40
TO:
11382-53410 TELEPHONE USAGE CHARGES $2,066.40
TOTAL $2,066.40

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWELVE THOUSAND TWO HUNDRED SIXTY FOUR AND 44/100 Dollars ($12,264.44) as follows:
FROM
11351-51106 PROF ACCOUNTANT-HPD $12,264.44
AUDIT TOTAL $12,264.44
TO:
15411-51102 NUTRITION DIRECTOR $ 913.50
15411-51104 UTILITY PERSON 1,868.76
15411-51105 SOCIAL WORK/VOL COORD 5,803.36
15411-51202 HEALTH SERVICES PROVIDER 1,413.34
15411-51203 DRIVER 2,265.48
COUNCIL ON AGING MOA TOTAL $12,264.44

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, December 3, 2024.

Joshua A Garcia, Mayor

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

LATE FILED ORDERS AND COMMUNICATIONS

(1:09:35)

Motion was made and seconded to suspend the necessary rules to take up Late Files 25 through 28 as a package.

UFCW 1459 COA Wages 11-13-24(1)
---> Received and referred to the Finance Committee.

PSA Settlement Agreement
---> Received and referred to the Finance Committee.

COA k (24-27) (tracked) (11-8-24)
---> Received and referred to the Finance Committee.

PSA k (tracked) (23-26) (10-17-24)
---> Received and referred to the Finance Committee.

From Kelly Curran, Personnel Director, email communication regarding restricted parking on City Hall deck
---> Received.

BARTLEY - Ordered, the mayor be requested to act on the bond study from last year and put together a plan to demo the old police station. Send to Finance.
---> Received and referred to the Finance Committee.

Adjourned at 8:14 PM

Brenna Murphy Leary

DAVID K. BARTLEY, ESQ., P.C.
CITY OF HOLYOKE WARD THREE COUNCILOR

December 10, 2024

Tessa R. Murphy-Romboletti, President
Holyoke City Council
City of Holyoke

Brenna Murphy-Leary, Clerk
City of Holyoke

(both via e-mail)

Re: OML Complaint

Tessa, Brenna –

Please see the attached. Per OML guidelines, I am forwarding to you the attached complaint and the exhibits.

As I said in an e-mail to Tessa to give our President a 'heads-up' as to this filing, (a) I advised the Finance committee 12/9/24 that this would be forthcoming if the committee voted to go into Ex. Session (which it did via a 3-2 vote) and (b) I do so with no joy and no expectations.

Since we've been down this road a few times I'm pretty sure the City has the process down pat, so I won't repeat the AG's instructions. If needed, however, they're posted to its website.

Sincerely,

(413) 531-2213-PH (413) 322-8642-FAX BartleyForWard3@gmail.com

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: DAVE　　Last Name: BARTLEY

Address: 25 HILLCREST AVE

City: HOLYOKE　　State: MA　　Zip Code: 01040

Phone Number: 4135312213　　Ext.

Email: bartleyforward3@gmail.com

Organization or Media Affiliation (if any): CITY COUNCIL member since 2012 representing Ward Three

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual　　☐ Organization　　☐ Media

Public Body that is the subject of this complaint:

☒ City/Town　　☐ County　　☐ Regional/District　　☐ State

Name of Public Body (including city/town, county or region, if applicable): CITY OF HOLYOKE, CITY COUNCIL of the CITY OF HOLYOKE, Finance subcommittee of the Holyoke City Council, Holyoke's Law Dept.

Specific person(s), if any, you allege committed the violation: Mayor Garcia, Solicitor Ball, Asst Solicitor Bissonnttee, Asst Solicitor Mantolesky, members of the Finance Committee voting to OK ex sess.

Date of alleged violation: 12/9/24

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The City council's Finance Committee voted 3-2 on 12/9/24 to enter into executive session for the purposes of discussing one agenda item. (Agenda attached at Ex. A - finanical transfer from stabilization account to a cannibis vendor; see agenda item #1). The committee's majority acted solely on the legal representation of the city's law dept. who, in my opinion, acted at the behest of the city's mayor. I expressed and elaborated my opinion in open session just prior to the final vote of the Finance committee that the reason(s) for going to Ex Sess. were not one of 10 ennumerated exceptions per OML and any discussion should be in open session. I quoted from page 13 of the OML guidelines the following: Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threated or otherwise demonstrably likely. (Specific section attached at Ex. B). The reason(s) for entering into Ex Sess purported by the Law Dept was 'threatened litigation' and 'anticipated litigation'. (Legal Opinion "L.O." attached at Ex. C). Further, the L.O. listed actual litigation about this issue but for OTHER COMMUNITIES --- Not the City of Holyoke. The Law Dept. argued the same in open session prior to the vote of the subcommittee. Lastly, the purported threat and the basis for going to Ex Session (i.e. Threatened or Anticipated Litigation), as it turned out, was made by a cannibis vendor ("Vendor A") UNRELATED to the Ex Session. The aforesaid financial transfer posted to the agenda did NOT concern Vendor A. Rather, the agenda item concerned "Vendor B" who had NOT THREATENED litigation.

I cannot determine intent and, thus, do not so allege.

Sorry for the CAPS -- used b/c bold and italics and underlines not offered in this form.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

This is not the first time the city council, via opinions from the city law dept., has violated OML. As a repeat offender there ought to be more than a letter. I'm not interested in having the city or any individual fined but the parties in question should be admonished in a writing and offered training. I can say that the City Clerk provided to each member of the council a certification form from the AG indicating compliance with OML. (Sample form attached at Ex. C).

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [signature] **Date:** 12/10/2024

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Ex. A

City Council
Holyoke Massachusetts
Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25,
and Chapter 2 of the Acts of 2023,
notice is hereby given of a meeting of the committee on
Finance

Monday, December 9, 2024
6:00 PM

Meeting to take place at
Holyoke City Hall, 536 Dwight St
and can be accessed remotely on Zoom Meetings
Per order of the Chair: Patti Devine

Agenda – Purpose for executive session provided

Item 1: 10-15-24 DEVINE – Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED EIGHT THOUSAND SIX HUNDRED NINETY FIVE AND 56/100 Dollars ($108,695.56) as follows:
FROM: 8815-10400 CANNABIS STABILIZATION $108,695.56
UPDATE TO FY2025
TOTAL: $108,695.56
TO: 19412-57630 SOLICITOR – CLAIMS & DAMAGES $108,695.56
TOTAL: $108,695.56
*Per exemption 3: Executive session to discuss threatened litigation by cannabis companies which if discussed in an open meeting may have a detrimental effect on the bargaining or litigating position of the City of Holyoke, as the chair so declares.

LAID ON THE TABLE

Item 2: 3-19-24 MURPHY-ROMBOLETTI – Ordered that the City Council invite the Mayor, Police Department and relevant financial department heads to a future meeting of the Finance Committee to provide an update on the status of the off-duty police account and former vendor Off-Duty Blue.
*Tabled 4-3-24, 5-15-24, 8-12-24, 9-11-24

ADMINISTRATIVELY LAID ON THE TABLE

Item 3: 9-4-24 From Stephen Superba – Email regarding Police Department Cash Seizures

Administrative Assistant: Jeffery Anderson-Burgos
The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items may also be brought up for discussion to the extent permitted by law. Agenda subject to change up to two business days (48 hours) prior to posted meeting time.

Ex. B

voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

Litigation Strategy: Discussions concerning strategy with respect to ongoing litigation obviously fit within this purpose but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

Note: For the reasons discussed above, a public body's discussions with its counsel do not automatically fall under this or any other purpose for holding an executive session.

4. **To discuss the deployment of security personnel or devices, or strategies with respect thereto;**

5. **To investigate charges of criminal misconduct or to consider the filing of criminal complaints;**

This purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. However, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. Purpose 5 does not require that the same rights be given to the person who is the subject of a criminal complaint. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which purpose to invoke when going into executive session.

6. **To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;**

Generally, a public body must identify the specific piece of property it plans to discuss before entering into executive session under Purpose 6. A public body may withhold the identity of the property if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details

Ex. C

Mayor Joshua A. Garcia

City of Holyoke

Lisa A. Ball, Esq.

City Solicitor

Kathleen E. Degnan, Esq.
Jane L. Mantolesky, Esq.
Michael D. Bissonnette, Esq.
Tasheena M. Davis, Esq.
Mary E. Gotham, Paralegal

December 6, 2024

Holyoke City Council
Holyoke City Hall
536 Dwight Street
Holyoke, MA 01040

Re: Legal Opinion on Executive Session

Dear Councilors:

This office has been asked to write an opinion to support an executive session decision to discuss a transfer order from Cannabis Stabilization to a Claims Account.

Under the Massachusetts Open Meeting Law (hereinafter "OML") there are ten (10) specific purposes that allow a public body to enter an executive session closing off the meeting to the public. G.L.c. 30A, §21(a)(3) states a public body may enter executive session to discuss litigation if an open meeting would have a detrimental effect on the litigating position of the public body. Regarding the transfer order, the purpose enumerated in the aforementioned exemption is met. The order is the result of negotiations with a marijuana establishment regarding the return of impact fees. The issue of returning impact fees also relates directly to threatened litigation by another Holyoke-based marijuana establishment. Additionally, the actions of other Massachusetts communities, both in active and settled litigation, impact the litigation strategy of the City. Discussing these issues in an open session could adversely impact the position of the City by revealing litigation strategy in relation to both active and looming litigation.

Another reason the transfer order should be discussed in an executive session is based on anticipated litigation. A public body is allowed to enter executive session if there is a reasonable

20 KOREAN VETERANS PLAZA • CITY HALL ANNEX, SUITE 204 • HOLYOKE, MASSACHUSETTS 01040-5019
PHONE: (413) 322-5580• EMAIL: Solicitor@holyoke.org

expectation of being sued on a particular issue (*See Collins v. Wayland Bd. of Selectmen*, 2013 Mass. Super. Lexis 59, at *7-8) ("…*[A] public body that reasonably expects it may be sued on a particular action or issue may discuss that matter in executive session even if anticipated lawsuit has not yet been filed.*") Litigation has been threatened by one Holyoke Marijuana Establishment for return of its paid impact fees. This anticipated lawsuit directly relates to the transfer order as it involves the same issue and discussion of this matter in an open meeting may reveal litigation strategy of the City in its negotiations or discussions with the threatening business.

The controversy with community impact fees centers around how municipalities accounted for the impacts of marijuana establishments and allegations that municipalities were unable to make a sufficient showing that the fees were reasonably related to the impacts of the establishments. In response to this controversy, the trend of some Massachusetts communities is to return a portion of community impact fees and cease future collection to avoid costly and continued litigation.

One example of active litigation involves Great Barrington. In March of 2024, three establishments filed a lawsuit against Great Barrington for the return of impact fees. The litigation is ongoing.

The following are other Massachusetts municipalities that have returned a portion of community impact fees as settlements as a result of lawsuits filed by marijuana establishments:

Uxbridge

December 2023-Settled with a cannabis business for $1.2 million-about 93% of what the business sought in its lawsuit.

Pittsfield

Reimbursed 77.5% of fees to 3 establishments between 2022-2024. One business filed a lawsuit against Pittsfield in 2022 and subsequently another establishment filed in 2023 prompting the settlement for return of a percentage of fees collected.

Haverill

Recently settled a lawsuit regarding the return of impact fees. The exact percentage of what has been returned has not been made public as of yet.

The following are municipalities that have ceased collection of impact fees from marijuana establishments:

Boston

In November 2022, it was reported that Boston returned $2.86 million in impact fees to 9 establishments and stopped including a fee requirement in host community agreements. (*See* Dan Adams, *Boston to refund millions in marijuana 'impact' fees: City becomes the first in the state to relinquish controversial funds*, BOSTON GLOBE (November 10, 2022), https://www.bostonglobe.com.

Amherst

It is reported that this community has ceased collection of community impact fees. (*See Host Community Agreements Analysis 2.0,* MASS CANNABIS BUSINESS ASSOCIATION (May 2022), https://static1.squarespace.com/static/5be334281aef1d1e8355725a/t/62a00cc3fdd83c79e82cec4b/1654656195856/Massachusetts+HCA+Analysis+2.0.pdf.

Franklin

Dec. 2022 Franklin amended host community agreements with marijuana establishments to cease collection of impact fees.

Northampton

Among one of the first municipalities to cease collection of fees. Stopped collecting impact fees in 2021.

Worcester

Reduced fees to flat rate of $5,000/annually in 2022 and subsequently ceased collection altogether in 2023.

In conclusion, with the ongoing litigation across the Commonwealth, the large percentage of impact fees already returned by several communities, the continued negotiations with Holyoke marijuana establishments and the threatened litigation by Holyoke marijuana establishments, an executive session is required to discuss the transfer order as the City's litigating position and legal strategy could be compromised if discussed in an open session.

Respectfully,

Lisa A. Ball
City Solicitor

20 KOREAN VETERANS PLAZA • CITY HALL ANNEX, SUITE 204 • HOLYOKE, MASSACHUSETTS 01040-5019
PHONE: (413) 322-5580• EMAIL: Solicitor@holyoke.org

Ex. D

CERTIFICATE OF RECEIPT OF OPEN MEETING LAW MATERIALS

I, ________________________________, who qualified as a member of the
(Name)

________________________________, on ______________, certify pursuant
(Public Body) (Date)

to G.L. c. 30A, § 20(h) and 940 CMR 29.04, that I have received and reviewed copies of the following Open Meeting Law materials:

1) the Open Meeting Law, G.L. c. 30A, §§ 18-25;
2) the Attorney General's Regulations, 940 CMR 29.00–29.11;
3) the Attorney General's Open Meeting Law Guide, explaining the Open Meeting Law and its application; and
4) if applicable, a copy of each Open Meeting Law determination issued by the Attorney General within the last five (5) years to the public body of which I am a member and in which the Attorney General found a violation of the Open Meeting Law.

I have read and understand the requirements of the Open Meeting Law and the consequences of violating it. I further understand that the materials I have received may be revised or updated from time to time, and that I have a continuing obligation to implement any changes to the Open Meeting Law during my term of office.

____
(Name)

____
(Name of Public Body)

____
(Date)

Pursuant to G.L. c. 30A, § 20(h), an executed copy of this certificate shall be retained, according to the relevant records retention schedule, by the appointing authority, city or town clerk, or the executive director or other appropriate administrator of a state or regional body, or their designee.

City of Holyoke, Massachusetts
Birthplace of Volleyball

Brenna Leary <mcgeeb@holyoke.org>

Communication to City Council for next Council meeting

2 messages

Kevin Jourdain <Kevin.Jourdain@verizon.net> Thu, Dec 12, 2024 at 8:59 PM
To: Brenna Leary <mcgeeb@holyoke.org>

Brenna – Can you please add this news story as a Communication to the City Council for the next Council meeting?

Historic Holyoke bank building lacks high bids

- Updated: Dec. 12, 2024, 5:52 p.m.
- |Published: Dec. 12, 2024, 5:45 p.m.
- **By**
- **Jim Kinney | jkinney@repub.com**

HOLYOKE — The single unnamed bidder who emerged this week during an online auction of the former Holyoke National Bank building, 217-225 High St., would not increase the bid to meet the minimum asking price.

The auction was Tuesday and Wednesday, Dec. 10 and 11.

The 156-year-old downtown landmark didn't sell and its beleaguered owners, the New England Farm Workers Council, have put it back on the market, said William Low, president of L&P Commercial Real Estate, which is handling many of the property sales for the Farm Workers.

He's working with online auctioneer Crexi to put the Italian palazzo-style office building back up for auction after the holidays when hopefully more investors are back at work and paying attention. "I think that hurt us," he said.

The building is still occupied by four tenants. One is an attorney, one is a music school and the Farm Workers run two different workforce development programs from the taller building at the corner of High and Dwight streets across from City Hall, said Daniel M. Knapik, the president and CEO of the Partners for Community, the parent company of the Farm Workers. The attached lower building, 217 High Street, is vacant, having most recently been a church. It is included in the potential sale.

Heriberto Flores, the longtime head of the Farm Workers, promoted the building as the Latino Professional Building. At one point, the city eyed it for a project.

The 31,339-square-foot complex is described as "move-in" ready.

Earlier this month, Springfield contractors Emery Development sued the Farm Workers over what it says were $80,000 in unpaid construction work.

The suit in Hampden Superior Court alleges Emery was paid $50,000 of $130,000 for a list of renovations starting in 2022. The lawsuit includes allegations of breach of contract, unjust enrichment and includes a lien on the property that must be settled in order for the deed to transfer if there is a sale.

The Farm Workers are selling or have sold its real estate portfolio to pay the state back more than more than $1.8 million in home heating assistance money that was spent on other uses.

The Farm Workers expects soon to complete sales of its Borinquen Apartments in Springfield's North End and an office building at 32 Hampden St. in downtown Springfield. Sold already are properties including Paramount/Massasoit House hotel and the building that houses the Student Prince Café and The Fort in downtown Springfield.

Brenna Leary <mcgeeb@holyoke.org> Fri, Dec 13, 2024 at 8:59 AM
To: Kevin Jourdain <Kevin.Jourdain@verizon.net>

Sure!

Brenna Murphy Leary, MMC
City Clerk/Registrar of Voters
Chief Elections Officer/Records Access Officer
Vice President of the Massachusetts City Clerk's Association
City of Holyoke, Massachusetts
536 Dwight Street, Room #2
Holyoke, MA 01040
(T) 413-322-5520
(F) 413-322-5521

Please visit www.holyoke.org for a listing of city departments, contact information

VERIFY YOUR VOTER STATUS HERE: https://www.sec.state.ma.us/ovr/

[Quoted text hidden]

VOTE TO ACCEPT AND ADOPT CLAUSE 22J of the HERO ACT AUTHORIZING THE CITY TO INCREASE THE ANNUAL AMOUNT OF PROPERTY TAX EXEMPTIONS GIVEN TO VETERANS ON THEIR DOMICILES BY ONE-HUNDRED (100%) PERCENT

The City Council hereby votes to accept and adopt the provisions of Massachusetts General Laws, Chapter 59, Section, Clause 22J which authorizes the City to give an annual increase in the amount of the property tax exemptions given to veterans on their domiciles as granted under Massachusetts General Laws, Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C and Clause 22E by 100% of the exemption amount, subject to the conditions of Clase 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025.

HOLYOKE PUBLIC SCHOOLS
JUNTOS PODEMOS | TOGETHER WE CAN

57 Suffolk Street – Holyoke, Massachusetts 01040
Tel. (413) 534-2000 | Fax. (413) 534-2297

Erin Linville, Chief of Strategy and Turnaround

Date: December 12, 2024
To: City Council
From: Joshua Garcia, Mayor
Anthony Soto, Superintendent
Erin Linville and the New Middle School Naming Working Group
Re: Recommendations on New Middle School Name, Mascot, and Colors

City Council Members --

This memo is in response to Councilor Devine's order, on November 22, 2024, "That the School Receiver send the survey results from the naming of the new Middle School to the City Council" and to keep you informed of decisions on the name, mascots and colors.

Summary

After months of public engagement and several community surveys to choose an identity for the new middle school, on Monday, December 9, the School Committee voted so that the new school will retain the name William R. Peck School, the same name as the school that stood at the site of the new middle school for 50 years—from 1973-2023—before it was demolished almost a year ago to make way for the new one. The recommendation to keep the name William R. Peck School came from the leadership, accountability and measurements subcommittee, which met on December 2. They reviewed the survey results in more detail (available below). If the recommendation had been to change the name of the school to something other than William R. Peck School, the School Committee would have worked collaboratively with the City Council to vote on a name change.

Also on Monday, December 9, Superintendent Anthony Soto and his leadership team determined:

- The school's mascot will continue to be a phoenix—a mythical bird that symbolizes renewal, hope, and transformation—as it was for the original Peck School from 2016 until it closed in 2023.
- The school's colors will be red and black—the same color scheme used by Holyoke STEM Academy's STEM Beats musical group, which will be moving to the new school when it opens in fall 2025.

The leadership team accepted the recommendation of the middle school naming working group, which reviewed survey results and prioritized student voice in their recommendation. HPS published a story on these decisions.

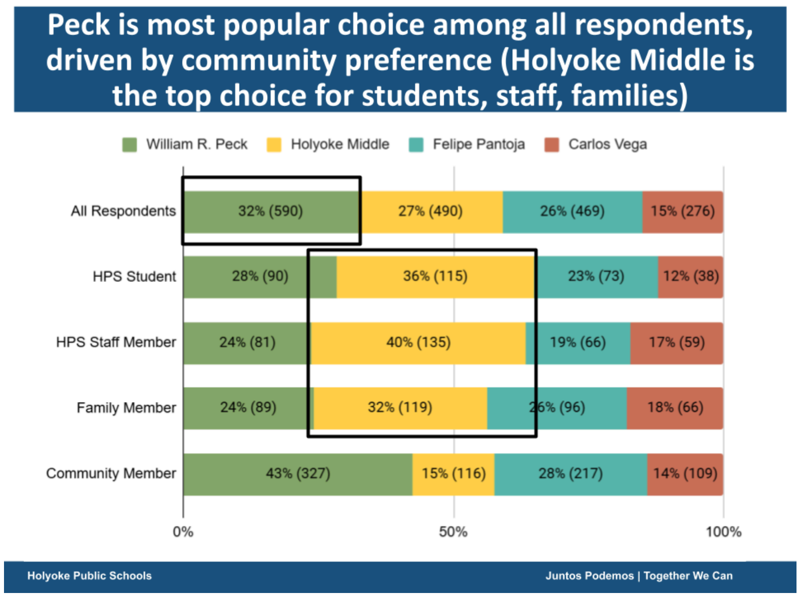
The rest of this memo is the memo that the middle school naming working group sent on November 25, 2024, to Anthony Soto, Superintendent; Joshua Garcia, Mayor, School Committee Chair; and Dr. Yadilette Rivera Colon, School Committee member, Chair of the Leadership and Accountability Subcommittee.

The memo outlines:

- Recommendations and rationale on the name, mascot, and colors for the new middle school
    - The name of the school should be decided by the School Committee and/or City Council, whereas the mascot and colors should be decided by the Superintendent and his leadership team.
    - ***The name, mascot and colors must be decided by January 30*** to ensure on-time ordering of signage.
- The stakeholder input process and results
- Additional recommendation
- Next steps
- The list of people involved

Recommendations and rationale on the name, mascot, and colors for the new middle school

Name. The working group is split on what to name the new middle school: Peck or Holyoke Middle. Two of four members recommended Peck, and two recommended Holyoke Middle. One who was not present deferred to student preference, which is a third recommendation for Holyoke Middle. The graph below summarizes the survey results.

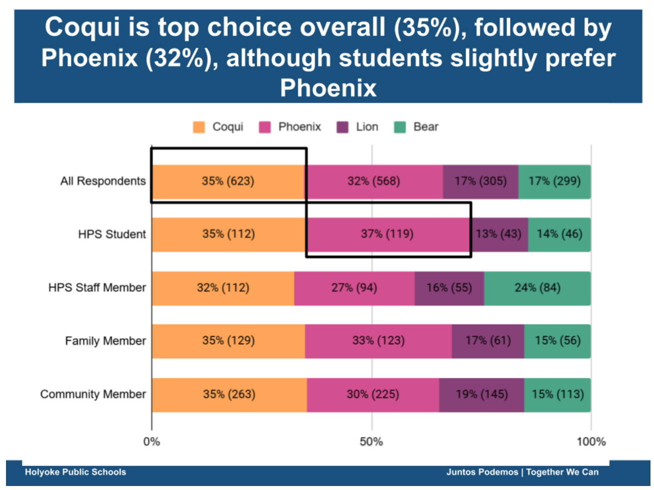


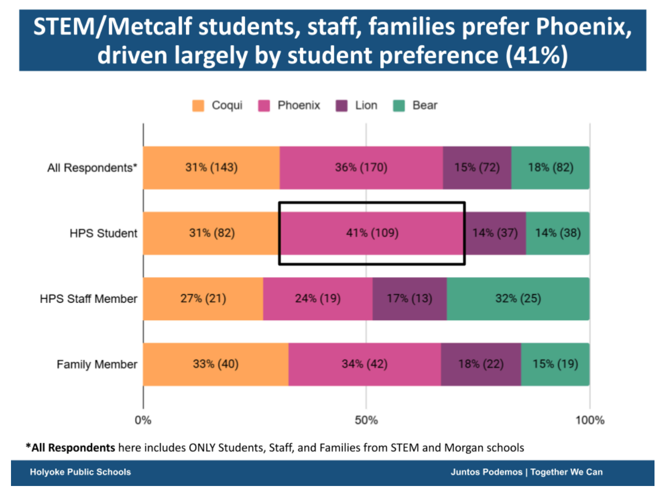
Peck: Dr. William R. Peck is the original school's namesake. The name of the school in this location had been named Peck from 1973 to 2023. Dr. Peck was an HPS graduate, teacher and superintendent and a war veteran. He was the youngest Superintendent in Massachusetts' history and served as the HPS superintendent for 43 years. He passed away in 1970. He was known as a progressive superintendent for his time---advocating for services for students with disabilities and equal pay for female teachers, as well as championing female teachers to continue working after getting married. Peck was the top survey choice, selected by 32.3% of respondents. Peck was the top survey result for community members (43%), who were the largest voting block in the survey (773 of 1825 = 42% of respondents. Both members thought that the choice of Peck best represented the full community's preference and that the school is being made possible as a result of a community wide effort.

Holyoke Middle: Holyoke Middle is a neutral choice, appealing to everyone and describing what the school is. Two members felt like the name Holyoke Middle allows the school to build their identity on their own. The name demonstrates a fresh start. The members felt like student preference for Holyoke Middle was most important since they are the ones who the middle school is built for. Holyoke Middle School was the top preference for students (36%), families (32%), and staff members (40%). And for students who are at Metcalf or STEM, Holyoke Middle was strongly the top preference at 42% vs. 29% for Peck. It was also the top preference for students who will be going to the new middle school. One person questioned if it was a concern that there are two middle schools in Holyoke--the other being Sullivan Middle School--and if that was fair for this new middle school to be called Holyoke Middle. Members felt like Sullivan had a strong enough brand that the name Holyoke Middle doesn't disadvantage Sullivan.

Mascots. The group unanimously agreed that the mascot should be a phoenix--a mythical bird symbolizes renewal, hope, transformation--for the following reasons:

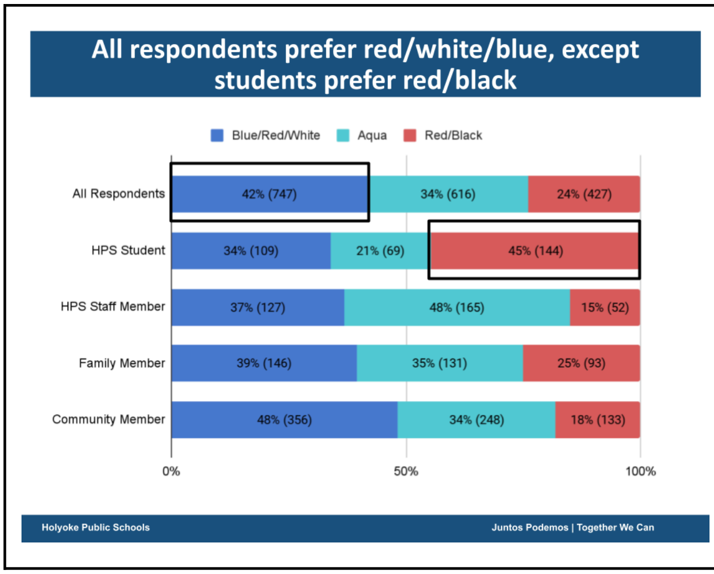
- Top choice for 6th & 7th grade students who are currently at STEM and Metcalf middle school (41%) and top choice for students at Donahue, Morgan, and Lawrence (40%) who will be coming to the new middle school.
- Alignment with the imagery and message of phoenix. One person commented, "from this dilapidated down and out building rises this amazing facility (to educate our students)" and the representation that "from a little, we can accomplish a lot." Another person commented how rising and transforming is highly transferable language to the personal journey we hope our students take.
- And, although not a deciding factor, phoenix was the school mascot from 2016-23.

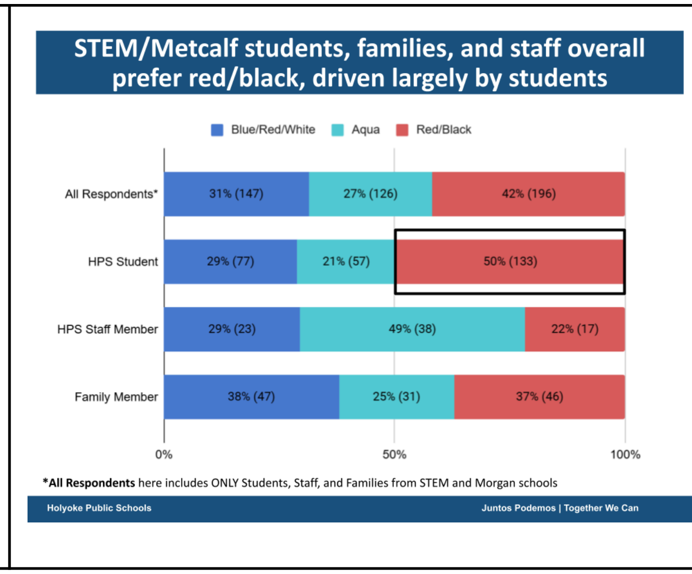




Color. The group unanimously agreed that the colors should be red and black white for the following reasons:

- Top choice for 6th & 7th grade students who are currently at STEM and Metcalf middle school (50%) and the top choice for students at Donahue, Morgan, and Lawrence (43%) who will be coming to the new middle school.
- Red and black are the colors of STEM Beats, a musical group and one of the signature student activities in middle school in Holyoke.





Note, the HPS Director of Communications (who was not part of the working group) advised that white be included in the color palette for designs for logo, print and online documents, and more to increase visible appeal and effectiveness.

The stakeholder input process and results

Dr. Rivera Colon shepherded the process on what to name the new middle school the School Committee and City Council in early 2024. To streamline outreach efforts, Superintendent Soto decided to solicit input on the mascot and colors for the new middle school at the same time. From the directions set forth at this time, HPS staff supported the process by completing the steps listed below. The approach was designed in a way to live out the HPS equity commitment: We seek out and incorporate the voices of those impacted, with a commitment to include those who have been excluded in the past.

- Establish a working group that would review stakeholder input in order to make recommendations to the School Committee and City Council on the name--and to Superintendent Soto and HPS leaders on the mascot and colors. (11 members of the working group met on October 9 as part of the School Committee's diversity, equity and inclusion subcommittee meeting. Since the leadership and accountability subcommittee meeting was canceled twice in November, Erin hosted a meeting with just the working group on November 20. Four people attended and could participate the whole time. Two others attended to mostly listen or type/write-in responses. One couldn't attend due to a funeral but shared their opinion in advance.)
- Issue a survey to solicit input on names and mascots (August/September.) More than 200 people responded. Survey 1 results are available here.
- Issue a second survey with a few choices for name, mascot, and colors (October/November). More than 1,800 people responded. Survey 2 results are available here. The survey data is disaggregated by stakeholder type: community member, student, family, staff.
    - Please note, we want to recognize the staff at Metcalf and STEM who ensured that students would have a voice in their future school by ensuring they understood the choices and had an opportunity to take the survey during school. 271 of 342 6th and 7th grade students (79%) who will be 7th and 8th graders at the new middle school took the survey.

Please note, as write-in comments in the survey, unsolicited emails, and in one-on-one conversations, Superintendent Soto and Ms. Linville received significant feedback that student voice should drive the decisions, especially around the mascot and colors. This feedback aligned with the equipment commitment stated above.

Additional recommendation

Stakeholders and working group members also recommended that HPS leadership consider naming other sections of the school building after many of the notable people who were recommended as considerations. Although the working group didn't go into detail, here are sample suggestions that I'm providing for illustrative purposes:

- The Felipe Pantoja Language Services Room (after Holyoke's first bilingual teacher and bilingual director who founded the Hispanic Institute and first Puerto Rican newspaper).
- The Carlos Vega Family Center (after the HPS alumnus and social justice advocate for affordable housing, education, employment, and safe streets).
- The Hal Blaine Music Room (after the famous Rock-n-Roll Hall of Famer who was born in Holyoke).
- The Anne McHugh Library (after the first woman elected to chair the Holyoke School Committee and the school that was named after her was torn down).
- The Betty Medina Lichtenstein STEM Room (after the first Puerto Rican woman in MA elected to a position and former Enlace Executive Director).

Next Steps

Please note, ***the name, mascot and colors need to be decided by the end of January*** in order to ensure on-time ordering of signage.

Name. The School Committee's Leadership and Accountability subcommittee must meet to discuss and recommend the name. Then, they need to take that recommendation to the full School Committee and then, I believe, the City Council.

Mascot and Colors. The HPS leadership team should meet in December to approve or adjust the recommendation of mascot and colors. Our working group believes that the mascot recommendation would work well with either Peck Phoenix or Holyoke Middle Phoenix.

Other Naming. Superintendent Soto and Ms. Linville should lead a process with HPS leadership, STEM and Metcalf leadership teams and/or teachers, and/or the School Building Committee leadership to name other rooms in the building.

People involved in the Working Group

- Dr. Yadilette Rivera Colon (School Committee)
- Mildred Lefebvre (School Committee)
- Jackie Glasheen (School Building Committee, HPS Cabinet)
- Kevin Jourdain (City Council, School Building Committee)*
- Aaron DiPilla (Music Teacher at STEM)*
- Norm Pacheco (Ethnic Studies Teacher at STEM)*

- Sabrina Bolden (RISE Teacher at Metcalf)*
- Everyln Pabon (Morgan/Metcalf parent) and her two daughters who are Holyoke students
- Jay Nelson (Morgan/Metcalf parent)
- Erin Linville (Cabinet member)*
- Sam Garcia (HPS staff member, Sullivan parent)

*People who attended both meetings.

Mayor Joshua Garcia

City of Holyoke

Office of Planning & Development

Historic Commission

RECEIVED

DEC 04 2024

Holyoke City Clerk's
Holyoke, MA

November 25, 2024

Brenna Murphy Leary, City Clerk
City Hall
Holyoke, MA 01040

Dear Ms. Murphy Leary,

At the Historic Commission meeting on September 9, 2024, the Board elected the following members to serve.

Chair: Christopher Gauthier
Vice-Chair: Joseph Mazzola
Recording Secretary: Zaisha Roberts

Sincerely,

Aaron Vega, Director

20 KOREAN VETERANS PLAZA, SUITE 406 • HOLYOKE, MASSACHUSETTS 01040-5000
PHONE: (413) 322-5575 • E-MAIL: OPED@holyoke.org
Birthplace of Volleyball

Mayor Joshua A. Garcia
City of Holyoke

Holyoke Redevelopment Authority
Aaron M. Vega, Executive Director

December 4, 2024

Holyoke City Council
City of Holyoke
Holyoke, MA 01040

Dear Councilors:

Attached please find copies of Meeting Minutes for the Holyoke Redevelopment Authority (HRA) for September 19th, 2024 and October 16th, 2024 for your review.

As always, please contact me if there are any questions.

Sincerely,

Aaron M. Vega

CITY HALL ANNEX • 20 KOREAN VETERANS PLAZA – SUITE 406 • HOLYOKE, MASSACHUSETTS 01040
PHONE: (413) 322-5655 • E-MAIL: oped@holyoke.org
Birthplace of Volleyball

Holyoke Redevelopment Authority (HRA)

Regular Meeting Minutes - Thursday September 19th, 2024, at 5pm

Join Zoom Meeting https://us02web.zoom.us/j/86356047784

Meeting ID: 863 5604 7784

Or call-in at 1 (929) 205-6099 (with same Meeting ID)

Members Present:
Daphne Board, Chair
Carl Eger, Vice Chair
Jorge Colon, Treasurer
Thomas Creed, Member
Patrick Beaudry, Assistant Treasurer

Staff Present:
Aaron Vega, Executive Director
Jennifer Keitt, Senior Project Manager

Others Present: Assistant City Solicitor Jane Mantolesky; Marco Luzuriaga

1. **Call to Order**

Chairperson Daphne Board called the meeting to order at 5:00 p.m. and announced that the meeting is being recorded and is being held virtually. The Chair stated that the meeting is being held remotely according to Chapter 22 of the Acts of 2022, extending the remote meeting provisions of Governor Healey's March 29, 2023, executive order. The meeting notice contained a link to "GoToMeeting" providing the public with remote access." Matters listed on this agenda are those anticipated by the chair, which may be discussed in the meeting, not all items listed may in fact be discussed and other items not listed may also be brought up for discussion. A roll call followed:

Name	Present	Absent
Jorge Colon	X	
Thomas Creed		X
Carl Eger	X	
Patrick Beaudry	X	
Daphne Board	X	

2. **HRA Board Business**

   a. **HRA Meeting Minutes of 6/4/2024, 6/26/2024 and 8/13/2024**

Carl Eger makes a motion to approve the meeting minutes. Said motion was seconded by Patrick Beaudry. Roll call followed:

Name	Yes	No
Patrick Beaudry	X	
Carl Eger	X	
Jorge Colon	X	
Daphne Board	X	

3. **Request from Canal Row for release of reverter by HRA**

Aaron Vega explains that this request is for a loan subordination agreement which is standard practice due to refinancing needs of companies with existing agreements with the HRA. John Dyjach provided further context on the Canal Row project, detailing the history and current status of the development, including the sale of a small parcel to support their project.

The Board reviewed the updated subordination and partial release of reverter agreement prepared by Attorney Mantolesky, which was different from what was initially included in the meeting packet. The Board expressed support for the request, and a motion to approve the agreement was made by Carl Eger and seconded by Jorge Colon. Roll call followed:

Name	Yes	No
Jorge Colon	X	
Carl Eger	X	
Daphne Board	X	
Patrick Beaudry	ABSTAIN	

4. OCD discussion

Aaron Vega explained that the Office of Community Development (OCD) is doing their triannual survey and information gathering related to allotment of Community Development Block Grant (CDBG) funds. OCD has been partnering for community engagement and outreach. The email received from OCD will be forwarded to all members for review. The discussion will be tabled and OCD will be kept on the agenda for future discussions.

5. Other Business, Updates and Next Meeting

Concerns were raised about the maintenance of 123 Pine Street, with reports of inadequate trash pickup and upkeep. The developer, working with LDS Consulting, applied for Underutilized Property Program (UPP) and Community Preservation Funds (CPA) funds. The importance of maintaining timelines and not extending the current deadlines was emphasized. There has been no direct communication with the developer in the last month or so.

Staff has been in touch with the Board of Health and Jennifer Keitt will attend this year's vacant building registration hearings to obtain updates on 123 Pine Street and other pertinent properties.

The board discussed the need to invite representatives from 37 Appleton to an upcoming meeting to discuss status and clarify recent proposals submitted to other city departments.

Marco Luzuriaga joined the meeting. The Chair advised him of the Agreement passing earlier in the meeting. Mr. Luzuriaga provided a brief update. There is an elevator to be delivered and installed soon as well as the sprinkler system. Mass Humanities will be moving in soon.

John Dyjach provided an update on the progress of Phase 1 of the Winn Development project, indicating that they are on track to start interior work by November. The project has received $500,000 in historic tax credits for Phase 2, which is a positive development for funding.

The board expressed interest in coordinating a tour of the project potentially aligning it with the next HRA meeting.

6. Adjournment

With no further business, a motion was made at 5:24 p.m. by Carl Eger and seconded by Patrick Beaudry to adjourn the Regular meeting. A roll call followed:

Name	Yes	No
Daphne Board	X	
Jorge Colon	X	
Carl Eger	X	
Patrick Beaudry	X	

Respectfully Submitted,

Daphne Board, Chairperson

Holyoke Redevelopment Authority (HRA)
Regular Meeting Minutes - Wednesday October 16th, 2024, at 5pm
City Hall Annex Conference Room 403
Or via Zoom: https://us02web.zoom.us/j/81260155174
Meeting ID: 812 6015 5174
Or call-in at 1 (929) 205-6099 (with same Meeting ID)

Members Present:
Daphne Board, Chair
Carl Eger, Vice Chair
Patrick Beaudry, Assistant Treasurer
Thomas Creed, Member

Staff Present:
Aaron Vega, Executive Director
John Dyjach, Assistant Director
Jennifer Keitt, Senior Project Manager
Kimberly Casiano, Head Economic Development Clerk

Others Present: Hagop Toghramadjian, Winn Development

1. **Call to Order**
Chairperson Daphne Board called the meeting to order at 5:00 p.m. and announced that the meeting is being recorded and is being held virtually. The Chair stated that the meeting is being held remotely according to Chapter 22 of the Acts of 2022, extending the remote meeting provisions of Governor Healey's March 29, 2023, executive order. The meeting notice contained a link to "GoToMeeting" providing the public with remote access." Matters listed on this agenda are those anticipated by the chair, which may be discussed in the meeting, not all items listed may in fact be discussed and other items not listed may also be brought up for discussion. A roll call followed:

Name	Present	Absent
Carl Eger	X	
Patrick Beaudry	X	
Thomas Creed	X	
Jorge Colon		X
Daphne Board	X	

2. **HRA Board Business**

a. **HRA Meeting Minutes September 19th**

Minutes are not finalized. They will be presented to the Board at the next meeting.

3. **Property / Project Updates and Next Steps**

a. **216 Appleton St. update and UPP Extension Request**

Hagop Toghramadjian of Winn Development provided an update. Phase I – almost all the windows have been installed, the first floor slab has been poured and the bridge from Essex St to Appleton St has been built. Approximately 60% of the units are framed and approximately 25% of the units are drywalled. The parking lot to the community building will be poured 11/1/2024. An invitation was extended to the Board to tour the site prior to the November meeting. Phase II – was delayed as they were working on obtaining approval to enter into a loan agreement for the UPP grant monies awarded. Mass Development ultimately advised that entering into a loan agreement to distribute the

UPP monies is not allowed. Mr. Toghramadjian advises that Winn is seeking an extension of the Underutilized Property Program deadline. Phase II cleanup had begun, and the balance of Phase II work will be started in the next couple months. John Dyjach explains that the current deadline is 9/30/2024. The request is to extend the deadline to 6/30/2025. Attorney Mantolesky is currently reviewing the Extension Request. A Motion was made by Thomas Creed to authorize the Chair to sign the Extension Request, including any immaterial changes made, contingent upon legal review. The Motion was seconded by Carl Eger. Roll call followed:

Name	Yes	No
Thomas Creed	X	
Carl Eger	X	
Daphne Board	X	
Patrick Beaudry	X	

b. Beyond Walls License Agreement

Aaron Vega presented the request from Beyond Walls. They're looking to execute a Use Agreement for site activation at Race and Main Street. There will be a separate agreement with the city of Holyoke on the actual programming to be done at the space. The vision is an art related pocket park. Beyond Walls to provide assets including the Bend (an interactive art piece), and perhaps a Conex box with tables/chairs, etc to use for events. The city's Mass In Motion coordinator is working on an art project that may be moved here. The space will be open to the public and reservable for events. The first draft agreement was shared with the Board. Legal is currently reviewing. Concerns were raised regarding the termination language and parcel availability. The Board wants a definitive termination timeframe should interest be shown in the parcel(s) along with signage advertising the parcel(s) availability for development. Mr. Vega will send two links to the Board outlining the work that Beyond Walls has done and is doing. Beyond Walls will be invited to the next meeting.

c. Mass DEP (Massachusetts Department of Environmental Protection) Update

Jennifer Keitt provides a brief update that staff continues to speak with the Massachusetts Department of Environmental Protection regarding properties of interest. There is an inter-departmental meeting next week to discuss possibilities for moving forward. High Street parcel access agreement is still being worked on. A second agreement specific for MassDEP access will need to be executed as well. The owners are still in talks with staff and counsel. There has been some Brownfields funding for the region passed down to MassDEP. Staff will continue working on moving forward.

4. Other Business

a. Board Member Discussion

Aaron Vega acknowledges the resignation of Commissioner Colon and suggests the Commissioners think about any individuals that they may suggest for nomination in addition to what, if any, specific characteristics they would want future nominees to have. There is a preference for someone who lives and/or works downtown as High Street is the Board's next focus area. Suggestion was made to have staff draft a synopsis of the HRA's scope and expectations of its commissioners for dissemination.

The HRA was awarded a $200,000 Site Readiness grant from the One Stop application submitted earlier this year. These funds are for mainly Area 4 of the Urban Renewal Plan (URP).

Staff are awaiting receipt of the grant documents for execution. Upon receipt, they will be forwarded to legal and then presented to the Board for approval.

November 20th will be the Annual HRA meeting. The Annual Report will be ready and presented; officer elections will be held.

There is an interdepartmental meeting scheduled for next week to discuss 37 Appleton Street. The Chair will be in attendance. An update will be provided to the Board.

John Dyjach updates the Board on the recent purchase of 174 Lyman Street by Chris and Christy Elliott. The Elliott's anticipate the ground floor being commercial with fourteen apartments above.

5. **Executive Session (if necessary)**
   None

6. **Adjournment**
   With no further business, a motion was made at 5:55 p.m. by Carl Eger and seconded by Thomas Creed to adjourn the Regular meeting. A roll call followed:

Name	Yes	No
Patrick Beaudry	X	
Carl Eger	X	
Daphne Board	X	
Thomas Creed	X	

Respectfully Submitted,

Daphne Board, Chairperson

Mayor Joshua A. Garcia | **Holyoke Redevelopment Authority**

City of Holyoke | **Aaron M. Vega, Executive Director**

November 26, 2024

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DEC 04 2024

Holyoke City Clerk's
Holyoke, MA

Holyoke City Council
City of Holyoke
Holyoke, MA 01040

Dear Councilors:

Attached please find copies of recently released Executive Meeting Minutes for the Holyoke Redevelopment Authority (HRA) for: May 18, 2022, and May 17, 2023, for your review.

As always, please contact me if there are any questions.

Sincerely,

Aaron M. Vega

CITY HALL ANNEX • 20 KOREAN VETERANS PLAZA – SUITE 406 • HOLYOKE, MASSACHUSETTS 01040
PHONE: (413) 322-5655 • E-MAIL: oped@holyoke.org
Birthplace of Volleyball

Holyoke Redevelopment Authority
Executive Meeting Minutes - Wednesday, May 18, 2022 at 5:00 p.m.

Conference Room 403 or Virtual Zoom:
Meeting ID: 820 1045 2084

Members Present:
Carl Eger, Vice Chair
John Whelihan, Treasurer
Jorge Colon, Member (Virtual)

Staff Present:
Aaron Vega, Executive Director
John Dyjach, Assistant Director
Marie Brazeau, Head Clerk
Jennifer Keitt, Development Specialist
Attorney Mike Bissonnette

Notice is hereby given, in accordance with M.G.L. Chapter 30A, Section 21(a) "Reasons for Convening Executive Session", that the HRA may enter Executive Session to consider the purchase, exchange, lease or value of real estate, if the Chairperson declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

The meeting is being recorded and matters listed on this agenda are those reasonably anticipated by the Chairperson which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

1. Call to order:

Carl Eger called the Executive meeting to order at 5:39pm and announced that the meeting was being recorded.
A roll call followed:

Name	Present
Daphne Board	absent
Thomas Creed	absent
Carl Eger	X
John Whelihan	X
Jorge Colon	X

2. Review of Executive Minutes: Carl Eger read out the list of minutes below and stated that all minutes had already been reviewed and approved by the Board and they would now discuss release of minutes. John Whelihan motioned to release all minutes and was seconded by Jorge Colon. Motion passed unanimously. John Dyjach mentioned that there are still some minutes not yet ready to release but that city staff will continue to monitor them for release as soon as possible.

a. August 21, 2019

b. October 21, 2020

c. January 20, 2021

d. March 2, 2021

e. April 21, 2021

f. May 26, 2021

g. June 9, 2021

h. August 18, 2021

i. September 29, 2021

3. **Real Estate Projects**

a. **South Holyoke Homes:** John Dyjach stated that in preparation for South Holyoke Homes Phase III staff has had several discussions with the new owner of the former Holyoke Machine properties. Due to a continued lack of response to offers city staff has concluded that consideration be given to initiate the acquisition through the eminent domain process. Marie Brazeau shared her computer screen to show the parcel map of the South East Street properties in question. John Dyjach went on to explain that this project would provide 30 units of housing and that staff will continue to update the Board. Carl Eger asked if they would be at this stage of the process before the next meeting and asked the Board if they were comfortable allowing staff to proceed. The Board expressed support to initiate the process. Aaron Vega stated that an appraisal has been done and that staff is working with Attorney Bissonnette to start the legal process.

b. **Canal Row:** Aaron Vega announced that the continued funding gap has led Canal Row to ask for another extension. However, he added that the Canal Row developers would be understanding if another development is proposed. John Dyjach explained some of the history of this project proposal which goes back several years. While staff does think a development by these developers would be ideal as they have already developed the other corner, the lack of funding is a serious roadblock to work starting on this property. Aaron Vega explained that Canal Row also requested that part of their non-refundable deposit could be applied to the sale of Lot 015. Discussion was had over allowing the extension but remaining open to other developers. Carl Eger stated that the benefit of the six-month extension is that it could allow staff time to search for other options so as to be prepared if this development falls through. As to the second request, the Board's sentiment was not to consider for several reasons with one being that the payment for Lot 015 is a pass through as the payment in full is due to Mass DOT. John Dyjach said that we have until June 30th so rather than make a decision immediately the Board could invite the Canal Row developers to the next meeting to discuss in more detail. Aaron Vega added that when considering the extension, it is important to remember that if the Canal Row developers want to reduce cost, this could mean changing the plan enough that it is no longer compatible with the original plan the board approved. Jorge Colon added that he believes that the six months would provide the Board ample time to consider all their options. John Whelihan stated that the TIF agreement for this project needs to be considered as they have been receiving benefits for years now. Further, Whelihan stated that this TIF agreement has helped their finances and yet the developers are still struggling so he feels hesitant towards this project. Jorge Colon seconded these sentiments, saying that the developers have had years to find funding and it should be called into question if another six months will make a difference. Aaron Vega added that the full board should discuss this, but it is important to consider putting the property back out to bid. John Dyjach reiterated that we should discuss with the full board and invite the developers to the next meeting.

4. **Adjournment:** John Whelihan made a motion to adjourn at 6:10pm and was seconded by Jorge Colon. Motion passed.

Respectfully Submitted,

Thomas R. Creed, Chairperson

Holyoke Redevelopment Authority
Executive Meeting Minutes - Wednesday May 17, 2023 at 5:00 p.m.
City Hall Annex Conference Room 403
Or via Zoom: https://us02web.zoom.us/j/87855129209
Meeting ID: 878 5512 9209

Members Present:
Daphne Board, Chair
Carl Eger, Vice Chair
John Whelihan, Treasurer
Jorge Colon, Asst. Treasurer

Staff Present:
Aaron Vega, Executive Director
Jennifer Keitt, Senior Project Manager

1. **Call to Order**

Chairperson Daphne Board called the meeting to order at 5:58 p.m. and states that the HRA is entering Executive Session to consider the purchase, exchange, lease or value of real estate on the determination that an open meeting may have a detrimental effect on the negotiating position of the public body. The Chair further announced that the meeting is being recorded and being held both in person and remotely according to Governor Healey's 2023 supplemental budget bill which extends the temporary provisions pertaining to the Open Meeting Law to March 31, 2025. The meeting notice contained a Zoom link providing the public with remote access.

A roll call followed:

Name	Present	Absent
Carl Eger	X	
Thomas Creed		X (with regrets)
Jorge Colon	X	
Daphne Board	X	
John Whelihan	X	

HRA Board Business

a. Executive Meeting Minutes of April 12, 2023

A motion to approve the executive meeting minutes of April 12, 2023, was made by Carl Eger and seconded by John Whelihan. A roll call followed:

Name	Yes	No
Daphne Board	X	
Jorge Colon	X	
Carl Eger	X	
John Whelihan	X	

2. **Real Estate Projects:**

a. South Holyoke Homes

John Dyjach updates the Board on the acquisition of properties on South East St. for Phase 3 of the project. He said that the one remaining parcel to acquire is owned by Holyoke Millwork and that several discussions have occurred with the owner. Mr. Dyjach said that the owner expressed concerns including the lack of direct street access which prevents him from using the property as he had been. He added that the owner is not interested in the $9,000 previously offered by the Holyoke Housing Authority but countered a firm price of $15,000. Mr. Dyjach explains that a consensual taking is preferable as it avoids litigation and clears the title. Holyoke Housing Authority will pay up to $9,000 then Holyoke Redevelopment Authority (HRA) can pay the difference. HRA will purchase the property and Holyoke Housing Authority (HHA) will pay the HRA back when it acquires the Phase 3 properties. Carl Eger questions what the owner based his $15,000 value. Mr. Dyjach explained that the owner believes the damages should include his loss of use of the property and that the street access was removed due to the road reconfiguration. He said the question will be posed to the owner to understand if there is any further reasoning regarding the price.

A motion to move forward with a consensual taking with damages of up to a $15,000 limit was made by Carl Eger and seconded by John Whelihan. A roll call followed:

Name	Yes	No
John Whelihan	X	
Carl Eger	X	
Jorge Colon	X	
Daphne Board	X	

b. 37 Appleton Street / American Environmental

The Board and staff discussed some of the background including that in addition to demolition the proposed project is to include building an office, a warehouse, a truck terminal, and outdoor storage. The Chair recently went by the site and saw multiple parked tractor trailers, piles of sorted debris that have a transfer station appearance. Carl Eger said he also noticed the same and it appears to be a dumping ground and that the company should be doing what they committed to do. John Whelihan questioned what steps could be taken to enforce the agreement that was approved. After some discussion, the Board directed staff that as an initial step to prepare a letter for the Chair's review and signature which states the HRA's position on the matter and to copy code enforcement officials. Carl Eger agreed and added that an invitation be included to the owner to attend the next HRA meeting to discuss the situation.

4. **Adjournment:**

With no other business, a motion was made at 6:24 p.m. by Carl Eger and seconded by Jorge Colon to adjourn the Executive meeting. A roll call followed:

Name	Yes	No
John Whelihan	X	
Carl Eger	X	
Jorge Colon	X	
Daphne Board	X	

Respectfully Submitted,

Daphne Board, Chairperson

City of Holyoke
Mayor Joshua A. Garcia

Holyoke Redevelopment Authority
Aaron M. Vega, Executive Director

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Holyoke City Clerk's
Holyoke, MA

November 26, 2024

Holyoke City Council
City of Holyoke
Holyoke, MA 01040

Dear City Councilors:

Please find attached the Holyoke Redevelopment Authority (HRA) Annual Report which summarizes activities from November 1, 2023, through October 31, 2024. The report was accepted by the HRA at its annual meeting held this past November.

Please contact me at your convenience if there are any questions.

Sincerely,

Aaron M. Vega, Executive Director
Holyoke Redevelopment Authority

cc: HRA Board of Directors

CITY HALL ANNEX – 20 KOREAN VETERANS PLAZA - SUITE 406 – HOLYOKE, MASSACHUSETTS 01040-5016
PHONE: (413) 322-5655 • E-MAIL: oped@holyoke.org
Birthplace of Volleyball

Mayor Joshua A. Garcia
City of Holyoke

Holyoke Redevelopment Authority
Aaron M. Vega, Executive Director

Holyoke Redevelopment Authority
Annual Meeting Notice and Agenda
Wednesday November 20, 2024, at 5pm
City Hall Annex Conference Room 403
20 Korean Veterans Plaza
or via Zoom: https://us02web.zoom.us/j/83853105705
Meeting ID: 838 5310 5705
Or by call-in at + 929 205 6099 with same Meeting ID

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 2 of the Acts of 2023, notice is hereby given that there will be a regular meeting of the Holyoke Redevelopment Authority. The meeting is being held both in person and remotely according to the provisions of the Executive Order extended by Governor Healey on March 29, 2023. This meeting notice contains the link above providing the public with remote access.

The meeting is being recorded and matters listed on this agenda are those reasonably anticipated by the Chairperson which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

1. Call to Order
2. Annual Meeting Business
   a. Summary of Activities
   b. Financial Report
   c. Election of Officers
3. Other Business
4. Adjournment

Jennifer Keitt

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Birthplace of Volleyball

Holyoke Redevelopment Authority (HRA)
Summary of Activities
November 1, 2023 - October 31, 2024

The annual meeting of the Holyoke Redevelopment Authority (HRA) takes place at the November meeting for the purpose of electing officers, receiving the annual report and for other business as necessary. The fiscal year of the HRA runs in conjunction with the City's Fiscal Year which is from July 1 to June 30^{th}.

The HRA met on 10 occasions from November 1, 2023, through October 31, 2024:

- November 15
- January 17
- February 21
- March 20
- April 17
- April 25
- June 4
- June 26
- August 13
- September 19
- October 16

Summary of Activities

➢ **November 15**

- The Board was joined by representatives from Holyoke Housing Authority (HHA) to provide project updates for South Holyoke Homes. South Holyoke Homes Annual Report was shared. There has been overwhelming support and need for this project. Phase 2 bidding for modular style homes is underway. For Phase 3, the HHA continues to work toward a closing on the land as well as the funding and design.
- The Board discussed the Appleton Mills Apartments/WinnDevelopment project. The Holyoke Redevelopment Authority (HRA) was awarded $600k under the Underutilized Property Program (UPP). Phase 1 groundbreaking occurred November 20th.
- Chairperson Daphne Board convened the annual meeting. Discussion of officers ensued, a slate was nominated and approved as follows:

  › Daphne Board as Chair
  › Jorge Colon as Treasurer
  › Carl Eger as Vice Chair
  › Thomas Creed as Member
  › Patrick Beaudry, Assistant Treasurer

➢ **January 17:**

- The Board was given a brief update on South Holyoke Homes. Phase 2, plans are being finalized. The design is underway and permitting is to start. Phase 3, the acquisition is pending HUD environmental review completion.
- Staff provided update on 216 / 191 Appleton Street (Appleton Mills Apartments / WinnDevelopment) – Update and next steps with Underutilized Property Program Grant. Construction is progressing, but Winn has had to perform remediation at 191 Appleton, incurring additional costs. The project has secured $300,000 in CPA funding and $600,000 in funding from Mass Development. Winn is seeking a letter of support from the HRA for their CPA application and is requesting a loan from the HRA to leverage additional tax credits. An MOU will be executed between Winn and the HRA. Phase 2 of the project is underway, with discussions with the Massachusetts Historic Commission about the future of Buildings 1 and 2. There has been good communication with the project manager.
- The Chair provided a brief update on the efforts to market the Race Street parcels. An appraisal was recently performed, and a Request for Proposals (RFP) is being created. The value of the property has increased since the Holyoke Redevelopment Authority (HRA) took ownership.
- The Chair provided an update that staff had met with the owner of 123 Pine Street, who plans to install permanent windows in the building's upper floors possibly in February. It was suggested that the developer's request an extension soon. Upon extension request, further clarity on the status of the project will be requested.
- Allen Dunn, project manager for American Environmental, met with staff and provided an update about the construction of a business facility and gas station at the site. The main building would be the company headquarters and a fleet repair facility. DEP clean-up has finished, and they were finalizing financing with their bank. PDS Engineering and Construction was selected for the project.
- OneHolyoke requested a license extension request from Race St. parcel 030-06-002 where the tiny house is currently located. Consensus agreement to support extension provided proof of insurance is received.
- A proposed modification to the Center City Liquor License Program was presented to the Board. There is no policy change requested, only an expansion to High Street area which could benefit current and future developments. The board unanimously approved the updated map area. It will go to City Council for approval and then to the state for approval.

➢ **February 21:**

- The Board welcomed Sarah Meier-Zimbler of the Holyoke Housing Authority (HHA), who provided an update on Phase 3 home ownership properties. Each property will be a 3 story, 3-bedroom modular duplex. There will be a total of 40 rental units and 4 home ownership properties. HHA will need to submit for a zone change and requested the HRA's authorization. The Board voted unanimously to authorize and support filing for a DR (Downtown Residential) zone change.
- Staff reports that bi-weekly meetings with staff and Winn have resumed, Project Manager Matthew Robayna is leaving Winn and will be replaced by Hagop

Toghramadjian who will be the point person for the HRA. Winn needs to provide an updated scope of work for the $600k Underutilized Property Program Grant (UPP). Continued follow-up on the loan-to-grant piece. The project continues to move forward. The Board voted unanimously to approve a new Access Agreement.

- Staff updates on the revised Notice of Sale for the Race Street parcels and verifies that the transfer of Lots 4, 5, and 6 had previously been approved for transfer but had not yet been completed. Aaron Vega explains that there has been discussion on the possibility of temporary use and/or site activation. The Board voted unanimously to approve the transfer of parcels 4, 5 and 6 to the HRA.
- Staff provides an update that the 2-year reverter deadline was coming up on 123 Pine Street and that a request for an extension is expected. Staff will continue to work to obtain an update.
  Staff advises the Board that an update on the 37 Appleton Street project was requested from American Environmental and we are awaiting a response.
- The Board was informed that an order has been sent to City Council for proposed modifications to expand the area of the Center City Liquor License Program. Upon approval from the Council, the request will be forwarded to State Representative Duffy to initiate the State process.
- The HH Richardson Train Station was toured by staff last week. Numerous renovations have been made to both buildings. There is a fully equipped professional kitchen, tavern, and event area. Many of the historical characteristics have been preserved. The Board is informed by staff that internal talks about the redevelopment of High Street are ongoing with City Departments, MassDevelopment, and other stakeholders. Staff will update the Board as these initiatives proceed.
- Staff shares that discussions are ongoing regarding the potential for the Holyoke Redevelopment Authority (HRA) to apply for grant funding in the future. This will also help to streamline the process and establish additional working relationships with more State entities.

➢ **March 20:**

- An update is given by WinnDevelopment's Hagop Toghramadjian. The project is moving along nicely. A few unforeseen challenges that surfaced were the $2.5 million structural steel project, the $800,000 cleanup cost for asbestos found in the parking lot soil, and the $200k electric connection fee from Holyoke Gas & Electric. Winn requested HRA support for a new Underutilized Properties Program (UPP) grant application. Winn is ready to finalize the current UPP award including the grant to loan documents. Keith Construction is ready to begin upon execution of the Access Agreement. Winn is requesting a letter allowing them to amend the historic tax credit paperwork to split the project into 2 phases. Separating the project with MHC allows the acquisition of additional credits and the deadline clock to restart. A tour of the project will be scheduled for the Board in the near future. The first amendment to the phase 2 agreement, that needs approval, states that if Winn leases the property instead of buying it then they shall pay rent in the amount of the total purchase price ($100k) on the date any lease is executed. The Board voted unanimously to approve the first amendment to the Phase 2 agreement.

- The annual insurance renewal quote is being reviewed and updated. The Board voted unanimously to approve the expenditure with the caveat that the HRA tries to leverage its position to inquire about a possible discount.
- The Chair introduces Anthony Cicero of Anchor Church who wants to create a drop-in center with a chapel that focuses on music, recreation, and leadership at the Armory, 163 Sargeant Street. Further discussions regarding the submitted proposal will be had in the April Executive Session.
- The Chair acknowledges receipt of an updated project schedule from CAN Properties, LLC regarding 123 Pine Street. Timeline and financing concerns were expressed, and further discussions will be had in the April Executive Session.
- The Chair provides a brief update on 37 Appleton Street. The project seems to have stalled after personnel changes and the Board may need direction from legal on available options at this point.
- Additional updates include staff vacancies and changes. High Street continuing to be a priority focus, particularly the Haberman/Hapco buildings. Conversations ongoing with the Massachusetts Department of Environmental Protection (DEP) and the Environmental Protection Agency (EPA) regarding Brownfields funding and assessments.

➢ **April 17:**

- The Board toured the Appleton Mills redevelopment and saw 30% completion. Winn sought approval to submit an Expression of Interest (EOI) to the State's OneStop Program to fund unexpected costs and provide construction flexibility between phases. The Board wants to see the Expression of Interest prior to submission. The Board voted unanimously to approve submission of an EOI. Winn requested board approval to separately apply for historic tax credits for Phases 1 and 2. Questions were raised and satisfactorily answered around ensuring both phases receive sufficient funding and credits. The Board voted unanimously to formally approve the separation of phase 1 and phase 2 subject to legal counsel review.
- A hearing is scheduled regarding the zone change for Phase 3 of South Holyoke Homes and an ANR for Phase 2 is scheduled before the Planning Board. Holyoke Housing Authority (HHA) hopes to have Phase 2 done this calendar year.
- A Request for Proposals (RFP) has been released for the Race Street parcels. The deadline is April 28th. Transferring the properties to HRA control is also being worked on.
- American Environmental, 37 Appleton Street, is finalizing a contract with their general contractor. They had planned to relocate most operations from Canal Street to 37 Appleton Street by year's end but that has been put on hold. Updates will be provided to the board on contractor selection and construction plans. Further discussions to be had in executive session.
- Carrie Naatz of CAN Properties updated the board on financing challenges for the 123 Pine St. project and proposed that the Board consider extending the timeline to 2026. They are seeking grant opportunities which could accelerate the project,

but state the project is not dependent on receipt of the grant funding. Further discussions to be had in executive session.

- The Board was advised that WinnDevelopment asked for and received letters of support for their requests for congressional funding.
- A Waiver of Transfer for the properties at 736-738 Dwight Street is presented. The City released a Request for Proposals, selected a developer and is in the process of selling the property. Upon title examination, it was discovered that the land had previously been approved for transfer to the HRA by the City council, this agreement would relinquish the HRA's rights to the transfer that the City had approved, allowing the project to proceed. Seeking approval to waive the transfer, which will allow the City to transfer the property to the developer.
- The Board adjourned to executive session.

➢ **April 25:**

- The Board announced that the Reverter Extension Agreement for 123 Pine Street was discussed under Executive Session and unanimously approved.
- Additional proposed modifications to the Center City Liquor License Program were discussed, with a focus on balancing incentives for private investments and market support. The newly proposed map encompasses two blocks on Main Street and all of North High Street. The Board unanimously voted to approve the extensions. An email to be sent to City Council to inform them about the newly adopted map that includes the requested expansion.

➢ **June 4:**

- 123 Pine Street reverter discussions. Revised reverter wording was transmitted to the Naatz', who claim they submitted an alternate timeline to the construction agency. A meeting to be scheduled between OPED staff and building department staff to discuss further. The Naatz' were also connected with LDS Consulting to help them apply for an Underutilized Property Program (UPP) grant. An update to be provided next month.
- WinnDevelopment will be submitting an Underutilized Properties Program (UPP) application for 216 Appleton Street Phase 1. Staff and WinnDevelopment continue to meet biweekly. Discussions to continue regarding Pioneer Valley Railroad and Phase 2 which includes buildings 1 and 2. Winn is awaiting confirmation of bifurcation of the project into two phases for historic tax credit purposes. The project continues to move forward. The Board voted unanimously to accept and support the submission of the UPP grant application.
- The High Street Redevelopment OneStop grant application was supported by the Board. The grant would help fund site due diligence, including environment assessment, to determine the viability of High Street sites for redevelopment.

➢ **June 26:**

- WinnDevelopment/Appleton Mills project updates: community building is fully framed, half of the windows have been installed in the main building, foundation slab to be poured, remaining windows and permanent roof being installed by the end of summer. Underground pipes were recently fixed, and the building is drying out inside. Winn is working to have a fully enclosed building heading into the fall.

Mid-summer/August 2025 is the goal for the finished Phase 1 project. The leasing website is now live. The apartments range from 30% AMI to 80% AMI. Hagop Toghramadjian confirmed submittal of the UPP funding request, he also advised that they had submitted for a Congressional funding request. Ongoing conversations between Winn and Pioneer Valley Railroad about the future of the adjacent land currently used for staging.

- South Holyoke Homes update: Phase 2, all twenty units are being done at the same time, on four different lots. August 2024 is the anticipated construction start timeframe. The modular units will be delivered in October. Hoping for a March start for sale of the units. Applications will be available beginning September 2024 with the lottery being held in January 2025. Phase 3 will be a multi-story building with community space on the first floor. There will be 40 units total, all 1-, 2- and 3-bedroom units. Site plan review will be requested next week. Hoping to close this week on the Phase 3 lots. The Phase 3 lots will use modular construction.
- American Environmental update: staff had an onsite meeting in mid-May with the company's owner and the CFO to learn the status of the project. Plans for a warehouse-repair-office building on the northern end of the property were provided. Staff will periodically check in with the company and monitor progress. The Board expressed concerns over the lack of movement on the site and believes that follow-up needs to be done. An invitation was extended to American Environmental for the July meeting to obtain some definitive answers on the status and timeline of the project.
- 123 Pine Street updates: recently submitted schedule is the correct schedule and the same as submitted to the City Building Department. CAN Properties is seeking approval for the amended reverter extension in accordance with the new schedule. Underutilized Property Program (UPP) grant application has been submitted and the floor plan drafting is completed. They confirmed that the project will proceed even if they do not receive the UPP grant funding. The Board voted unanimously to approve the reverter extension.
- Race Street parcels were discussed briefly. The site activation originally anticipated to occur early this summer is being pushed out; therefore, we need to come up with a plan for maintenance of the lots. Staff obtained a quote from Witman Properties, Inc. for temporary maintenance of the lots. The Board voted unanimously to approve up to two thousand dollars ($2,000) for ongoing maintenance of the Race Street lots.
- Main Street parcel 033-07-016, a very small section of a former railroad spur, which makes up a portion of the front sidewalk in front of the entrance to the Witman Properties office, is proposed to be sold to Witman Properties. All proceeds go back to MassDOT per a previous agreement. The buyer will be required to combine the parcel with their abutting property within 3 years and the parcel will remain taxpaying. The Board voted unanimously to authorize the Chair to sign the disposition agreement.
- The format of HRA's Financial and Real Estate Update is being updated to a more concise format. Staff will also compile the property tracking document and other HRA documents in a Google drive folder for member access.

- It was explained that there have been inquiries on several parcels of land and appraisals are needed. Staff requested that the Board approve funding to have appraisals performed in South Holyoke, specifically the Cabot Street/Southeast Street area. The Board unanimously voted to approve up to five thousand dollars ($5,000) for appraisals on South Holyoke properties as needed.

➢ **August 13:**
- Request from Jackson Canal, LLC for loan subordination by HRA. An updated intercreditor agreement and loan subordination agreement are requested by Jackson Canal, LLC in order to access additional bank financing to fund for property improvements. The Board voted unanimously to approve the request.

➢ **September 19:**
- Request from Canal Row, LLC for the partial release of HRA's reverter interest in Race St. Parcel 030-06-015. This action is needed to allow Canal Row to access additional funding to support completion of the development.. The Board unanimously voted to approve the request.

➢ **October 16:**
- An update on 216 Appleton Street was provided. The majority of windows have been installed, the first-floor slab has been poured and the bridge over the railroad line from Essex Street to Appleton Street is nearing completion. Approximately 60% of the units are framed and approximately 25% of the units are drywalled. The pouring of the community building parking lot will be done in early November. WinnDevelopment is seeking an extension of the Underutilized Property Program (UPP) deadline to 6/30/2025. The Board voted unanimously to approve the extension.
- Aaron Vega presented the Board with a request from Beyond Walls to execute a Use Agreement for site activation of the HRA-owned vacant lots at Race and Main Street. A separate agreement with the City of Holyoke on the actual programming will be worked on in the future. The space will be open to the public and reservable for events. Concerns were raised regarding the need for stronger termination language and parcel availability advertising signage. Edits will be made to the draft document and presented to the Board at a later date. Mr. Vega will send two links to the Board outlining the work of Beyond Walls and they will be invited to the next meeting.
- Staff continues discussions with the Massachusetts Department of Environmental Protection regarding brownfield assessment funding for properties of interest in the URP areas.
- Aaron Vega acknowledges the resignation of Commission Jorge Colon. A synopsis of HRA's scope and expectations for commissioners will be drafted to elicit interest in the open seat.

Attachments:
- HRA Financial and Real Estate Notes
- South Holyoke Homes Annual Report

HOLYOKE REDEVELOPMENT AUTHORITY
Annual Financial Update
November 20, 2024

1. HRA Available Funds: $474,000.83
   (Available Funds as of June 2024 update: $475,221.93)

2. Notable Transactions Since Last Update
   a. $990: Paid to Hampden County Registry of Deeds for recording fees
   b. $475: paid to Witman Properties for Race St. land maintenance
   c. $2,046.08: bank interest since June

3. Note receivable:
   a. Jackson Canal, LLC (Aegis Energy) - $74,418.40 principal mortgage balance due. 10-year term at 2.45% interest. Monthly payments of $3,056.39. (Loan issued 12/9/2016 and original amount was $400,000 with a $75,000 payment made at closing.)

4. Note Payable
   a. HEDIC - $89,700.35 (principal + interest) due to HEDIC for the Parsons project funding (HRA to transfer principal and interest payments bi-annually to HEDIC).

5. Real Estate Notes
   a. Transfer completed for 15 parcels from HRA to HHA from South Holyoke Homes Phases 2 and 3.
   b. Active Request for Proposals (RFPs) for Main and Race Street Block and for Armory Property at 163 Sargeant Street.

SOUTH HOLYOKE
HOMES

Annual Report

OCTOBER 2024

Prepared by the

Holyoke Housing Authority

HHA
HOLYOKE HOUSING AUTHORITY

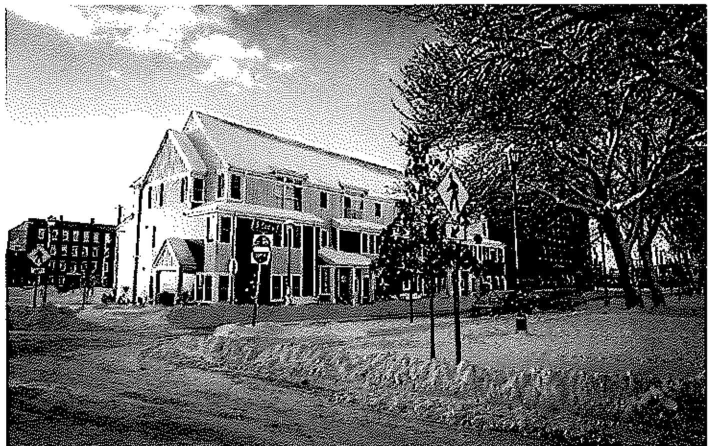
Holyoke REDEVELOPMENT

For the

Holyoke Redevelopment Authority

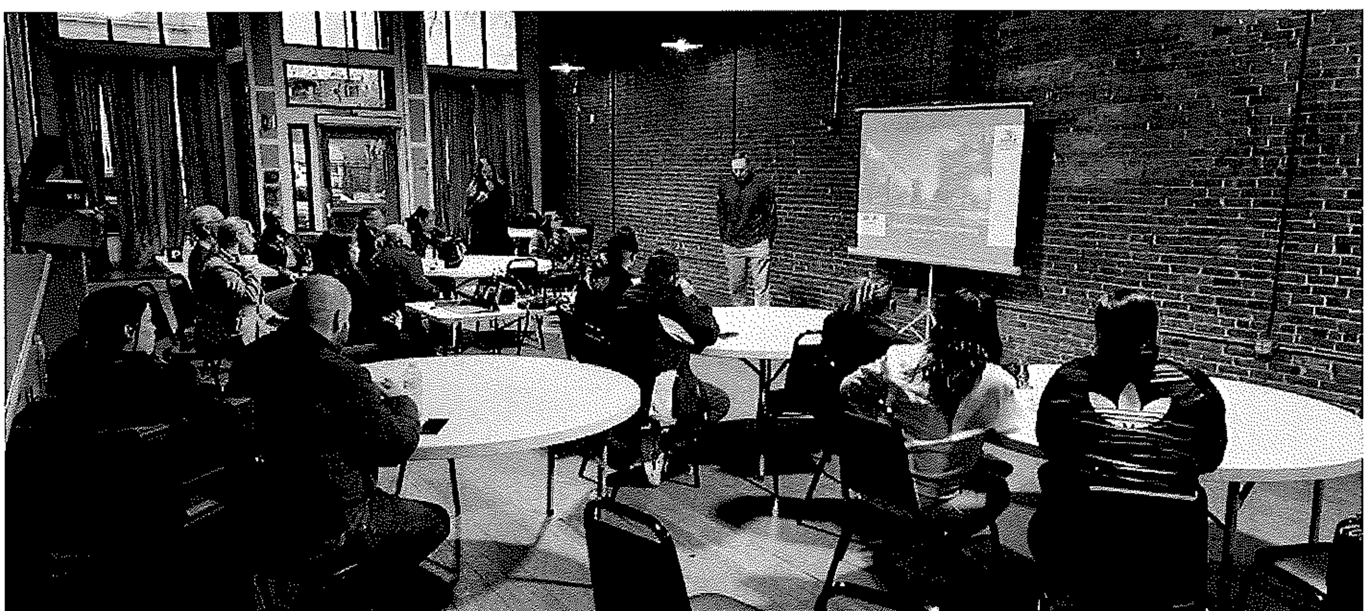
Development Update

The Holyoke Housing Authority (HHA) is proud to partner with the Holyoke Redevelopment Authority (HRA) on the ambitious and much needed goal of providing outstanding housing in South Holyoke. Since the HRA designated the HHA as lead developer of the project in 2018, we have been advancing the goals that are defined in the Urban Renewal Plan for Area 8, which include: redeveloping vacant property, adding more density, improving housing options, improving housing stock, and increasing home ownership opportunities.



Phase 1, a 12-unit rental building has been fully occupied since 2023

We are very proud of the work we have accomplished since our last annual report, most importantly starting construction on Phase 2 which will bring much needed homeownership opportunities to the community. With Phase 1 and the MassWorks Infrastructure work complete, we have turned the idea of developing housing around Carlos Vega Park into a reality. None of it would have been possible without the input and support of the community and local stakeholders. We look forward to our continued work together to bring the entire plan to fruition.

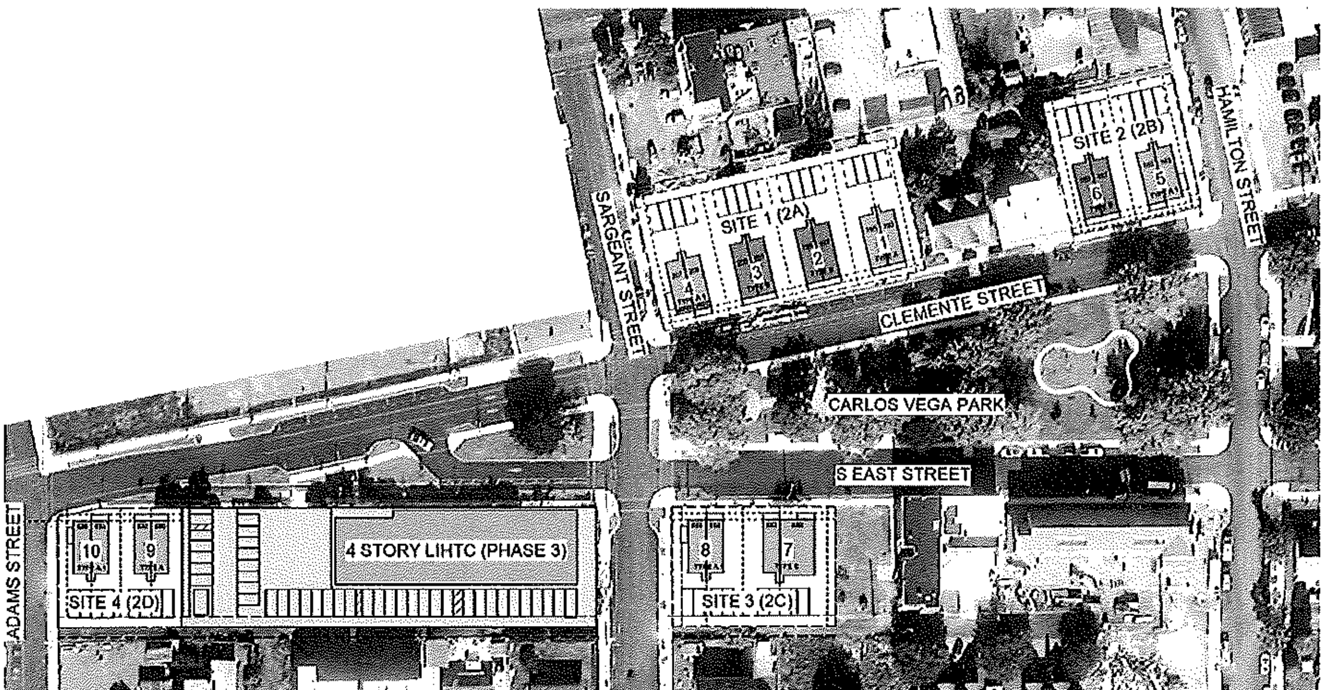


HHA Executive Director Matt Mainville provides updates at a March 2024 Community Meeting

Phase 2 Updates

The Holyoke Housing Authority has been pursuing the construction of affordable homeownership opportunities around Carlos Vega Park since being selected as developer by the HRA. We are thrilled to have begun construction in October 2024 on an ambitious plan to build affordable homeownership units on the vacant lots. It is particularly gratifying as multiple iterations of our plans had to be scrapped due to extremely high construction pricing but we are finally moving forward!

After going out to bid unsuccessfully in 2022 and 2023, we re-grouped and brought on Western Builders as a General Contractor to help us with value engineering. With additional ARPA funding to support the efforts, as well as additional funding available from MassHousing's CommonWealth Builder Program, we expanded the scope of our project. Instead of starting on just one site, we included all four sites that were identified in the Master Plan to give us more economies of scale and bring down the overall cost of the project.

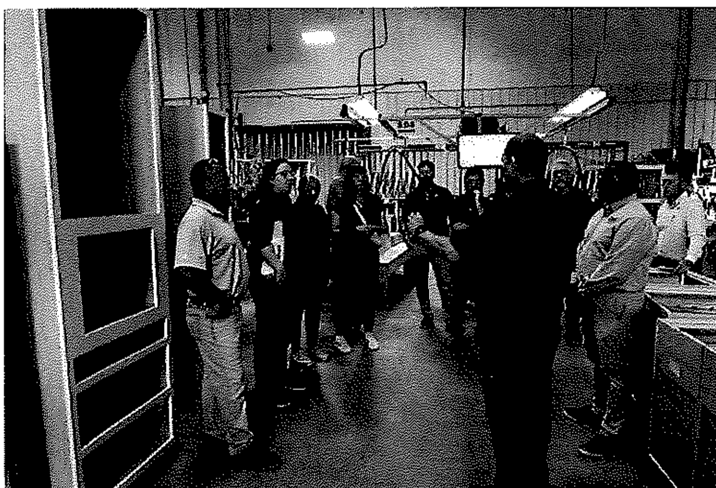


Phase 2 site map with the four sites and 10 duplexes identified

The project now consists of 20 units of affordable homeownership: ten duplexes on four sites. The 20 units will include 3- and 4-bedroom units as well as one fully accessible unit. The 3-story buildings will have parking in the rear, a private patio and a shed for storage. Most of the units will be sold to families who make less than 80% of the Area Median Income (AMI) and a smaller number to families who make less than 100% of the Area Median Income. Exact pricing of the units will be available early next year.

Modular Construction

In an effort to reduce costs, we made the important decision to pursue modular construction as an alternative. In modular construction, the building is constructed off-site in a factory and transported to the site in boxes. This type of construction is cost effective and saves a lot of time. Western Builders selected Ritz-Craft Commercial as the modular company. HHA staff, joined by architects from ICON Architecture as well as Western Builders traveled to visit Ritz-Craft to see the product for ourselves. We had a good visit at the Ritz-Craft factory, and the whole team feels confident that they can deliver a great product. We are planning for the modular boxes to arrive in Holyoke in early 2025.



Above left, touring the Ritz-Craft Factory. Right, architects from ICON Architecture select cabinet colors as Western Builders President looks on. Below, a rendering of the Phase 2 duplexes.

Preparing First-Time Homebuyers

We have continued to keep the community in the loop on our plans with community meetings and social media posts, but a large focus has turned from community engagement to preparing First-Time Homebuyers. To this end, we have continued offering First Time Homebuyer classes in English and Spanish along with credit classes. These classes are offered multiple times a year and we bring in a variety of experts to share their knowledge with the class.

Above, Attorney Nikos Berkowitz presents to a FTHB Workshop
Below, class participants receive their certificate of completion

As construction progresses we will be working to implement a strong marketing plan to ensure that the homes are sold to income-eligible families as soon as construction is complete. We are currently planning for applications to be available in February with a lottery held in April 2025 and full occupancy by the end of the year. Despite the challenges, we have been committed to building affordable homeownership in South Holyoke, and are excited to see our plans become a reality.

Phase 3

We are grateful to HRA staff for their efforts in securing site control for Phase 3. This was a multi-year effort that ultimately was successful and will result in 44 new housing units on the block.

We are planning a Low Income Housing Tax Credit project with 40 units of rental housing on the corner of Sargeant and South East Streets. The four-story elevator building will have 1- , 2- and 3-bedroom apartments and serve low- and extremely-low income individuals and families, just as our Phase 1 project has done on the opposite corner of Carlos Vega Park. The all-electric building may employ solar panels (we are currently exploring the possibility with federal incentives) and will have indoor and outdoor community spaces. A parking lot behind the building will provide one spot for each unit.

The block was originally zoned industrial, which would not have supported a large multi-family building and so our first step was to request a zone change to Downtown Residential (DR). We were very pleased that the City Council unanimously supported the zone change application. We then submitted a Site Plan Review application to the Planning Board as well as an application to the Stormwater Authority which were both successful. The project is now fully-permitted.

Rendering of the Phase 3 project, on the corner of Sargeant and South East Street

We applied for pre-development funding from the Community Economic Development Assistance Corporation (CEDAC) and were awarded $100,000. We also applied for Brownfields funding from MassDevelopment and have a commitment letter from Mayor Garcia for City of Holyoke HOME funds.

We are targeting an application to the Executive Office of Housing and Livable Communities (EOHLC, formerly DHCD) for tax credits in early 2025. If our funding application to EOHLC is successful, construction could start in 2026, with occupancy anticipated in 2027. However, as tax credits are extremely competitive, it is unlikely that we would be awarded on the first round. We will remain optimistic and put forth our best possible application next year.

Next Steps

Our immediate next step is to finish construction on Phase 2 and sell the 20 units to income-eligible first-time homebuyers. We anticipate that construction will finish in June of 2025 and we plan to have all 20 units sold by the end of 2025. With the completion of Phase 2, all of the vacant lots around Carlos Vega Park will be fully occupied.

As construction progresses on Phase 2, we will simultaneously be working on Phase 3 to bring more quality rental housing to the area. We will submit an application to EOHLC and continue to pursue funding opportunities for energy incentives and Brownfields clean-up. When Phase 3 is built, the HHA will have completed the vision for the area.

Touring the Ritz-Craft modular factory.
HHA could pursue more modular construction in the future

There are still several vacant City-owned lots that were identified in the South Holyoke Homes Master Plan. Habitat for Humanity would be interested in building on any available land. We have worked with Habitat in the past in the Churchill neighborhood and they have a strong track record of providing affordable homeownership opportunities as a much lower construction cost as they rely on volunteer labor.

We will continue to work, phase by phase, to transform the vacant lots into a dense, urban neighborhood that fits the needs and maintains the strength of the local community. We look forward to continuing to work with the HRA to advance our shared goals.

Thank you to our partners!

Holyoke
REDEVELOPMENT

COMMONWEALTH OF MASSACHUSETTS
HOUSE OF REPRESENTATIVES

NUEVA ESPERANZA

City of Holyoke
MASSACHUSETTS

WB
WESTERN BUILDERS
GRANBY, MA

The South Holyoke Neighborhood Association
La Asociación de la Comunidad de South Holoke

METROPOLIS OF BOSTON
HOLY TRINITY GREEK ORTHODOX CHURCH
HOLYOKE, MA

Greater Springfield
Habitat
for Humanity®

N
W
E
S
HOLYOKE
SAFE NEIGHBORHOOD
INITIATIVE

OneHolyoke CDC
Housing • Development • Community

VALLEY
OPPORTUNITY
COUNCIL
VOC

Providence Ministries
Nourishing hope. Rebuilding lives,
Since 1980

ICON
ARCHITECTURE

HOLYOKE PUBLIC SCHOOLS
A PATHWAY FOR EVERY STUDENT

Berkshire
Design
Group

ABACUS [ARCHITECTS+PLANNERS]

RECEIVED

DEC 09 2024

Holyoke City Clerk's
Holyoke, MA

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF HOLYOKE
CITY CLERKS OFFICE
536 DWIGHT ST. HOLYOKE, MA 01040
TEL: (413) 322-5520 – FAX: (413) 322-5521

APPLICATION FOR RENEWAL OF A HOME OCCUPATION:

Date October 19, 2024 Fee $100.00

In accordance with the provisions of City Ordinances, Appendix A, Section 4, Paragragh 8.2, I hereby apply for a Special Permit for a Home Occupation for the below named premises located at the following address:

Name of petitioner Karen a Spear

Address 778 Homestead Ave. Holyoke MA 01040

Telephone 413-538-9605 Type of Business Nail Salon

Owner of Record of Building Karen a Spear

Address of Owner of Property Same Telephone ____________

Business name New York Nails - 413-535-2527

Signature of Petitioner Karen A Spear Date 10-19-2024

COMMENTS:

INSTRUCTIONS:
1) Make Check payable to: City of Holyoke
2) Return check and application to: City Clerk, 536 Dwight St. Holyoke, MA 01040
3) Obtain letter from Tax Collector and City Treasurer

OFFICIAL USE ONLY:
Date of renewal notice ____________ Date fee paid ____________ Fee paid ____________

Date of Expiration ____________

Laura E. Wilson
Tax Collector

Rory Casey
Treasurer

City of Holyoke

Form A – Tax Compliance Form

DATE: 12/9/24

In accordance with Section 82-3 of the City Ordinance, specifically:

(c) In addition to the requirements of [M.G.L.] c. 40 § 57, every city board, department, authority, or commission issuing licenses or permits in the city shall certify with the **Tax Collector** and the **Treasurer** that all taxes, fees, and assessments are current, prior to issuing any license or permit, and that all tax agreements are being complied with.

Please bring this form to City Hall and obtain each signature as required below or mail the form to the Tax Collector's Office with a stamped, self-addressed envelope. Please do not submit a Business Certificate application to the City Clerk's Office prior to completing Form A.

I state that I have reviewed the following and as of the date of this letter, the following is true and accurate.

Current	Type
✓	Real Estate
N/A	Personal Property
✓	Excise
N/A	Payment Plan

Comments:

Applicant: Karen Spear - DBA New York Nails

Address: 778 Homestead Ave

Property Owner: Karen Spear

Respectfully,

Laura Wilson
Tax Collector
413.322.5530

Samuel J. Marty
City Treasurer
413.322.5560

City of Holyoke

Request for Appropriation Transfer
Between Classifications

Dept. Name OPED   Date 12/12/24

Use as a basis for preparing a financial order to be placed in front of City Council. I hereby respectfully request that the following amounts be transferred **between two or more** of the following indicated (**X**) appropriation classifications and as further detailed below:

Personal Services_____ **Expenses** X **Capital Outlay**_____

Account No. Organization	Object	Account Name	$ Amount From	To
26011	10400	TNC Rideshare	(7,712)	
11752	53010	Contracted Services	( )	7,712

Reason for request:
Pay Holyoke Admin fee share for Valley Bike Share Program
→ attach invoice, MOU, Aug + Sept Bike data, Valley Bike Press Release

Head of Department   Mayor

Form TR-1 (6/92)

The City of Northampton
Office of Planning & Sustainability
210 Main St, Northampton, MA 01060

5/14/2024

Invoice for
City of Holyoke
City Hall Annex, Room 406
20 Korean Veterans Plaza
Holyoke MA 01040
Planning & Economic Developement

Project
FY2024 Valley Bike MOU Dues

Payable to
City of Northampton
Planning & Sustainability
210 Main St
Northampton, MA 01060

Invoice #
FY2024-02

Due date
Upon Receipt

Description	Total price
FY2024 ValleyBike Administration Fees	$7,712.00
	$0.00
	$0.00
	$0.00

Notes:

Subtotal	$7,712.00
Adjustments	$0.00

$7,712.00

Memorandum of Understanding for *ValleyBike* Share
By and between all participating Municipalities, UMass-Amherst, and PVPC

In accordance with M.G.L. c 40, Section 4A, this Memorandum of Understanding ("MOU") is agreed to by and among the municipalities of Amherst, Chicopee, Easthampton, Holyoke, Northampton, Springfield, South Hadley, West Springfield, and such other municipalities that join later, and the Pioneer Valley Planning Commission and the University of Massachusetts, Amherst, each a "Party" and, collectively, the "Parties." This MOU creates a shared regional collaboration for purposes of managing and operating a bike share system ("*ValleyBike*"), serving the member communities, as described more particularly herein.

WHEREAS, *ValleyBike* is an integrated bike share system that extends the public transit system, reduces single-occupancy vehicle trips, provides short-range commuting and travel alternatives, provides affordable mobility, provides opportunities for exercise, and reduces vehicle miles traveled and greenhouse gas emissions; and

WHEREAS, as part of broader goals to create more sustainable communities and promote healthy non-motorized transportation alternatives, the Parties wish to implement and operate *ValleyBike*; and

WHEREAS, the Parties have recognized the funding and sponsorship opportunities and the service and efficiency benefits from a collectively managed system reduce costs to all Parties; and

WHEREAS, it is the intent of the Parties that this Memorandum of Understanding supersedes all prior MOUs pertaining to the operation of *ValleyBike; and*

WHEREAS, the Parties have agreed to work together to seek grants, sponsorship, and other funding to implement and expand *ValleyBike*. The contracts between the City of Northampton, as the lead community for *ValleyBike* and the *ValleyBike* vendor or vendors, as may be amended from time to time, are available at www.northamptonma.gov/1599/ValleyBike, and are attached hereto by reference. Said contracts are not binding on communities that are not signatories thereto. Said contracts provide the background required to understand the obligations each community must make under this MOU to participate in *ValleyBike*, including obtaining the necessary local approvals, procuring and installing concrete pads and electrical supplies, describing the ownership of bike share equipment in each community, and commitments to *ValleyBike* through December 1, 2026. In addition, such documents designate Northampton as the lead community for *ValleyBike* by virtue of the previous MOU and its contracts with the Vendor and as any new contract with a Vendor(as defined below) and its receipt of MassDOT Congestion Mitigation and Air Quality Bike Share funding ("CMAQ"); and

WHEREAS, it is the hope, but not the obligation, of the Parties that *ValleyBike* will continue for as long as there is a public need for services provided by the program, with maintenance, operations, and regular equipment replacement covered by the Vendor, funded by user fees and sponsorships, with no additional costs to local communities; and

NOW, THEREFORE, the parties agree to work together to advance *ValleyBike* as follows:

1. Purpose of Memorandum
The purpose of this MOU is to organize the implementation and operation of *ValleyBike* and provide for a mutual agreement on the operation of that system.

2. *ValleyBike* Vendor ("Vendor")

The Lead Community (as defined below) will contract with a Vendor to operate *ValleyBike* in accordance with the scope of services approved by MassDOT and Federal Highway Administration (see above link for contacts). The contract provides the legal detail, but in summary the Vendor will deploy bike share bicycles at stations along rail and transit lines, and other areas of dense population or employment, and other key destinations located in its member municipalities and other entities. The Vendor will provide bicycles for use by program members (e.g. memberships may be daily, weekly, and annually) from unattended stations, incentivizing short-term use (e.g. up to 45 minutes). The bicycles will be tamper and vandalism resistant and will employ radio-frequency identification smartcards and wireless and internet technologies to coordinate and track bicycle pick-up, drop-off, and subscriber information. This advanced technology system will track user demand and provide a mechanism to maintain a balanced distribution of bikes within each host community, at the Service Level Agreement threshold in the contract of bikes and spare parking within each station. The Lead Community after consultation with ValleyBike Advisory Group representatives of the communities can determine the naming rights to the system for a non-partisan system-wide named sponsor.

3. *ValleyBike* Advisory Group ("advisory group")

a. The Parties agree to work together through a *ValleyBike* advisory group that will make recommendations including but not limited to *ValleyBike* policy decisions, CMAQ scope of services, Vendor Requests for Proposals, Vendor selection, Vendor contracts and contract amendments, level of sponsorship and naming rights, the activities of the parties, and otherwise the implementation and operation of *ValleyBike* in coordination with the Lead Community.

b. The advisory group will have one designated representative and one alternate representative (who acts in the absence of the designated member) appointed by the Chief Executive or authorized officer from each Party.

c. Each Party will establish its own internal decision-making processes for managing its components of *ValleyBike* consistent with the approved contracts and scope of services (see above link for contracts and scope), and this MOU.

d. The advisory group shall hold such meetings as it deems necessary, with meetings coordinated by the Program Administrator (as defined below).

e. Notwithstanding the above, the advisory group shall make only non-binding recommendations to the Lead Community with the MassDOT CMAQ contract, the contract with the Vendor, and the fiduciary and legal responsibilities under those contracts (see above link for contracts).

f. The Parties understand that the advisory group has already approved the 2023 CMAQ scope of services, and the MassDOT/Northampton contract.

g. The advisory group shall use good faith efforts to reach consensus in resolving all matters. For matters involving contracts with the Lead Community, the Lead Community shall have final say, provided that the Lead Community may not make new financial and policy commitments beyond that included in this MOU without amending this MOU with approval of all of the Parties or other advance written agreement.

4. Responsibilities of Municipalities and Entities Hosting *ValleyBike* stations

a. Role of Lead Community and Program Administrator
Northampton is designated to serve as Lead Community, and the Program Administrator will be the Northampton Director of Planning & Sustainability or their designee. As Lead Community for *ValleyBike*, Northampton will oversee the CMAQ grant contract, the vendor contract, along with

other contracts and vendors hired using CMAQ, the funding identified in this MOU, and other potential funding sources. The Lead Community has the right to transfer its Lead Community to another municipal, Joint Powers Entity, or regional not-for profit entity, subject to input and majority vote from the MOU parties, if that entity agrees to take on all of its responsibilities and obligations under this MOU, with the sole reason for a no vote being that the criteria in this sentence are not met.

b. Role of all MOU parties and signatories
(1) Each Party agrees to commit to participating in *ValleyBike* as herein provided until December 1, 2026, to accepting ownership of bicycle share station and bicycle equipment designated for and agreed to by that community, to coordinating with other municipal or university agencies (including but not limited to building, public works, police, fire, and risk manager) with the understanding that the equipment is owned by that Party accepting the equipment, subject to the terms of this MOU and the contracts that it references.

(2) Subject to the annual appropriation of adequate funding, each party agrees to pay to the City of Northampton annually and upon execution by signature of this MOU:

- their respective administrative fee share (see table below) of $60,750 in annual funding for each fiscal year 2024 to 2026 with caveats noted below to the Lead Community to fund necessary Program Administrator staff time, direct costs, and consultants (but not to include member municipality/university direct costs of staff, station design, capital costs, electricity, etc.). Springfield, and any other Party with approval of the Lead Community, may make its payments in the following fiscal year of the table below, provided that all payments are due and paid on or before July 31st immediately following the fiscal year set forth in the table (below). Annual funding responsibilities for each municipality and funding entity will be adjusted on an FY basis (or immediately for new municipalities) as new municipalities join and/or stations within existing municipalities are created. It is based upon a formula of total number of jurisdictions, and stations per jurisdiction. The 2024 FY payments are:

Municipality and UMass-Amherst	**Annual Amount Due FY2024 through FY2026**
Amherst	$ 6,148
Chicopee	$ 4,873
Easthampton	$ 5,510
Holyoke	$ 7,712
Northampton	$9,891
South Hadley	$ 4,873
Springfield	$10,610
West Springfield	$ 4,554
University of Massachusetts-Amherst	$ 5,829
TOTAL	$60,750

- their respective share of Vendor's operating costs as shown in the table below based on percentage of total system stations, and as identified in the Vendor contract signed by Lead Community with Drop Mobility.

Municipality	% of System (approx.)	Year 1 (assuming up to 500 Bikes - $1,200/bike/ yr)	Years 2 & 3★ (assuming up to 750 bikes - $1,200/bike/year
Springfield	27%	$157,800	$236,400
Northampton	24%	$145,600	$217,900
Holyoke	15.5%	$91,000	$136,400
Amherst	9%	$54,500	$82,000
UMass	8%	$48,500	$72,800
Easthampton	6.5%	$36,200	$54,500
Chicopee	3.5%	$24,250	$36,325
South Hadley	3.5%	$24,250	$36,325
West Springfield	2.5%	$18,200	$27,275

★Does NOT account for any incoming revenues from memberships, sponsorships or publicly allocated funding for operations that would reduce these obligations. Except when particular sponsors stipulate specific allocation arrangements for their sponsorships, any revenues (sponsorships, memberships, funding etc.) will be deducted from the total contractual obligation, with remaining contractual obligation divided according to percentages above.

(3) Each party is responsible for the local coordination and implementation of bicycle share elements within its respective jurisdiction including:

- Choosing and/or advising the vendors on kiosk and bike share station sites. The Vendor, Program Administrator, and host municipality or other entity must agree to each bike share station site prior to locating any station or kiosk.
- For each new bike share station, the host municipality or entity shall ensure that:
  - The station is on public property, public ways, or other land controlled by a public use easement or right-of-way agreement extending at least to the end of this MOU.
  - The concrete station pad and electric supply, and all on-going electric costs are provided for and paid by that host, comply with the Vendor's specifications, are built in accordance with applicable prevailing wage and public procurement and bidding requirements, and have all necessary permits.
- Engaging local stakeholders, promoting, and marketing *ValleyBike,* in coordination with the Vendor.
- Assisting the Vendor and the Program Administrator in identifying and soliciting local sponsors and grants to financially support and expand the system, promote and engage the community to promote *ValleyBike* membership.

c. Role of Pioneer Valley Planning Commission ("PVPC")

PVPC will serve the following roles:

(1) For as long as there is available funding in the Pioneer Valley Metropolitan Planning Organizations Unified Planning Works Program, PVPC will provide advice and recommendations and serve on the advisory committee and will provide the annual reports to MassDOT in compliance with CMAQ reporting requirements. The Lead Community/Program Administrator shall do this work if PVPC does not receive funding.

(2) The Lead Community may hire PVPC as a Vendor to *ValleyBike* when funding is available for that work. A separate scope of services shall be developed for any such work.

(3) PVPC may also serve as a vendor/consultant to help guide and manage *ValleyBike* if funding is available and it is formally requested by the lead community and the *ValleyBike* advisory group.

d. Role of Vendors

The Vendor and its sub-contractors, and other vendors hired by the Lead Community with CMAQ and other funding under this MOU will develop and implement *ValleyBike*, including hardware, software, operation, maintenance, , and any other implementation steps. The Vendor(s) will sign a contract with the Lead Community on behalf of all Parties which delineates all responsibilities and obligations. These obligations may include full role or supporting role in marketing, sponsorship, advertising. The Vendor and its sub-contractors shall at all times be independent contractors and are not to be classified or interpreted as employees of any of the Parties

5. Financial Management

The Lead Community will manage all funds from CMAQ funding, from contributions from the signatories to program administration expenses, and from other grants to the Lead Community on behalf of ValleyBike. The Lead Community will contract and select the primary and any other Vendors to assist it in the bike share implementation to the extent that Funding exists. The Lead Community shall maintain financial records and other required reports required under the terms of its MassDOT-CMAQ contract and its standard financial practices. Said financial records and reports shall be made available by the Lead Community to any of the parties upon request.

6. Implementation Policies

a. The parties agree that if any Party fails to sign this MOU, provide the station locations, station pads and electric supply, funding required under this MOU, or fails to exercise good faith efforts to make *ValleyBike* viable, the Lead Community and Program Administrator will not allocate that Party with bicycles or bicycle share stations. The advisory committee may suggest reallocating station and bicycle sharing to another host community, with such distribution being done, to the extent possible, to other remaining partners based on each party's existing and FY2024-FY2026 CMAQ funded bike share stations out of the overall *ValleyBike* System.

b. The parties agree that if a specific bicycle location/station is underperforming, the Vendor, after consultation with the host community and Lead Community, can reallocate the equipment to a higher demand area within that host community.

7. Withdrawal from MOU and/or Commitment to Participation

The Parties understand that ownership of bicycles and stations will be by the host community or institution. This ownership comes with responsibilities to MassDOT, the Federal Highway Administration, and all the signatories to this MOU to maintain their system, as detailed in the following paragraph.

The parties acknowledge that in signing this MOU and accepting bicycles and bicycle share stations and commitments, they are obligated to each other, to the Lead Community, to MassDOT and the Federal Highway Administration, and to the Vendor to remain part of ValleyBike to December 1, 2026. Early withdraw or lack of the annual payments set forth in Section 4 (above) will make communities solely responsible for the obligations to MassDOT, to Federal Highway Administration, and to the Vendor, as set forth in the MOU. The Parties acknowledge that under the CMAQ contracts, regardless of the Vendor contract, they are obligated to operate those bicycles and stations until December 1, 2026 and if they cease to so operate they shall be solely responsible for their share of any MassDOT or Federal Highway claw-back or value recapture and are vulnerable to penalties, damages, torts, or claims from the Lead Community as a result of leaving *ValleyBike* before the obligation outlined in this section. Liabilities under the contract with the Vendor shall not apply if a party ceases to operate the *ValleyBike* system due to the Vendor's failure to perform or comply with any material term of its contract with the Lead Community with respect to that party and such failure is not cured within a reasonable period of time after written notice thereof is provided to the Vendor. The three-year liability under the MassDOT contract, however, shall remain even if the Vendor fails to perform.

8. *ValleyBike* Understanding

It is the signatories' expectations that all efforts will be made to achieve the following objectives to keep *ValleyBike* costs manageable:

- The parties, in their best judgement, will support all efforts to seek corporate sponsorships, advertising and grant funds to defray operating costs to the extent feasible. This includes agreement to allow naming rights to change the name of ValleyBike based on sponsorship level offered and approved by the Lead Community with input from the advisory group.
    - Sponsorships include naming a station or a portion of a station/kiosk, and bicycle equipment.
    - Advertising for brand awareness is considered sponsorship.
    - Different equipment (e.g., digital screens with such limits as a community imposes- monochrome, slow rate of movement, like Soofa wayfinding signs in Amherst and Northampton may be used).
- The parties will provide technical, staff, and leadership support to the Vendor in its effort to promote the system, safeguard equipment, and operate a successful bike share program.
- In signing this MOU, the signatories represent that they have funds for the 2024 calendar year. Any future obligations of the municipal parties shall be subject to appropriation of funds and compliance with any and all applicable laws, rules and regulations. The parties acknowledge that they will no longer be able to participate in ValleyBike if they do not provide the funding required under this agreement, but that a lack of funding does not in any way relieve Parties of their obligations to MassDOT, Federal Highway, or the Lead Community as a result of leaving *ValleyBike* before the obligation as outlined above.

9. Amendment of MOU

This MOU is a legal contract and may only be amended upon written agreement from all of the parties and upon approval by the authorized municipal or institutional signatory in accordance with M.G.L. c. 40 Section 4A.

In order to attract sponsors, to ensure that *ValleyBike* remains financially viable, and thereby to reduce community obligations, it is the intention of the parties, to extend this MOU beyond 2026 with another three or five year term. This intention, however, creates no obligations on the signatories.

10. Authorization/Effective Date

This MOU has been authorized by approval of the Mayor, Town Council or the Select Board, as applicable, in accordance with the MGL Chapter 40, Section 4A, and by vote of the Pioneer Valley Planning Commission and the University of Massachusetts.

11. Termination

This MOU, if not superseded by a subsequent agreement in writing, shall terminate on December 1, 2026.

This MOU may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute the same instrument.

	August 2024	September 2024	Total to date
User KPIs			
# Of signups	1,789	1,012	2,813
# Of active users	742	849	1,591
Utilization KPIs			
Total # trips	2,142	3,244	5,386
Trip length (total miles)	0	5,742	5,742
Average trip length in miles (trips bet	0	1.77	0.44
Trip duration (total minutes)	7,583	87,848	95,431
Average trip duration in minutes (trip	3.54	27.08	7.65
Trips by type			
Post pay	1,041	1,340	2,381
Member	1,097	1,888	2,985
Voucher	4	16	20
Trips by product			
Bewegen Ebike	2,139	3,236	5,375
Drop Ebike	3	8	11
% 4/5 star trips	80.68%	77.39%	39.52%
Calories burned (estimate)	63,192	732,067	795,259
Financial KPIs			
Total revenue $ (Gross)	$19,024.68		$19,024.68
Total revenue $ (Net less refunds, cc	$14,958.81		$14,958.81
24 Hour Passes			
# of passes	0	0	0
Gross revenue (may not include refu	$0	$0	$0
Memberships			
# Of memberships	249	143	396
Gross revenue (may not include refu	$7,751.53	$2,906.76	$10,658.29
Fines & Holds			
# of fines	0	0	0
Fines revenue	$0	$0	$0

name	started	ended
Agawam	0	0
Chicopee	80	36
Easthampton	436	366
Florence	150	122
Hadley	0	0
Holyoke	108	102
Northampton	1359	1237
South Hadley	19	10
Springfield	322	235
UMASS / Amherst	1723	1483
Westfield	0	0

Holds captued	2	0	2
Holds revenue	$20	$0	$20
Operational KPIs			
Staff scans	1,666	1,681	3,347

MAYOR GINA-LOUISE SCIARRA

City of Northampton
Office of the Mayor
210 Main Street Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275
mayor@northamptonma.gov

For Immediate Release - July 23, 2024

ValleyBike Share to Restart in August

NORTHAMPTON - Mayor Sciarra, Northampton's Planning and Sustainability Office, and partner communities are excited to announce that **ValleyBike Share** is relaunching in the Pioneer Valley on Monday, August 12, 2024. The system restarts in partnership with Drop Mobility, who was selected as the vendor to bring ValleyBike back to the streets, serving 10 municipalities including the University of Massachusets Amherst. The relaunch will feature 300 existing bikes and 50 Drop e-bikes.

Drop Mobility operates bike share systems for municipal organizations across North America, in 50+ communities. Drop Mobility, the City of Northampton, and its system partners believe strongly in sustainability and were able to repurpose existing bikes and docks, moving them from the former system to the Drop platform and further expanding the system by adding Drop e-bikes and docks.

"We are so excited to bring back this popular micromobility program that has been so important serving transportation needs of our residents," shared Mayor Sciarra, "I warmly invite all ValleyBike Communities and residents to join us in the celebration of this launch at noon in Pulaski Park on August 12th, here in downtown Northampton."

The program aims to provide healthy, sustainable, and equitable transportation options for the residents and visitors of the following municipalities: Northampton, Amherst, University of Massachusetts Amherst campus, Chicopee, Easthampton, Hadley, Holyoke, Springfield, South Hadley, and West Springfield. To encourage safe riding, ValleyBike will be giving away free helmets at the launch event to the first 15 people to arrive. Helmets will also be available to borrow for those who want to test ride the bikes. ValleyBike encourages helmet use for all ages, wearing helmets has been shown to reduce head injury by as much as 85%.

Details around pricing, equity memberships, and pre-sale deals will be live online at ValleyBike.org beginning August 1st.

The partners of ValleyBike Share wish to especially thank those previous sponsors of ValleyBike and those businesses and sponsors who have been hosting vacant stations throughout the Valley while we have regrouped for this relaunch. In Northampton, these include Big Y, Cooley Dickinson Hospital, Colvest Group, Coopers Corner, Lilly and Forbes Libraries, Smith College, and the Hampshire Regional YMCA.

For businesses and community members interested in partnerships/sponsorship opportunities and bulk membership purchases, please contact isabel@dropmobility.com. Opportunities include branding visibility on bikes, stations, the mobile app, and website.

Bikes will start arriving at their stations on Saturday, August 10, 2024, and will be available to rent beginning Monday, August 12, directly following the ribbon-cutting event. Community members are invited to join the relaunch party on Monday, August 12, 2024, at noon in Pulaski Park, where Mayor Sciarra will officially kick off the system's relaunch. Historically, the system operated from April to the end of November, with a successful winter trial in 2021-2022. We will be exploring options to restart year round operations at a later date.

drop

City of Holyoke

Request for Appropriation Transfer

Within a Classification

Dept. Name Fire Date 11/19/24

I hereby respectfully request that the following amounts be transferred *within* one of the following indicated (X) appropriation classifications within my department and as further detailed below:

Personal Services X Expenses ____ Capital Outlay ____

Account No. Organization	Object	Account Name	$ Amount From	To
12201	51103	Captain	(3,663.90)	
12201	51104	Lieutenants	(3,142.74)	
12201	51180	IOD	( )	6,806.64
			( )	
			( )	
			( )	
			( )	
			( )	
			( )	
			( )	

RECEIVED DEC 13 2024 By

Reason for request: PP #12

Ledoux , R Ortiz

Head of Department

Mayor

Form TR-1 (6/92)

19.

City of Holyoke

Request for Appropriation Transfer
Within a Classification

Dept. Name: Police Date 12-9-24

I hereby respectfully request that the following amounts be transferred *within one* of the following indicated (X) appropriation classifications within my department and as further detailed below:

Personal Services **X** Expenditures ____ ___

Account No.			$ Amount	
Organization	Object	Account Name	From	To
12101	51104	Lieutenants	3708.84	
12101	51105	Sergeants	3567.68	
12101	51107	Patrolmen	19,643.59	
12101	51180	Inj. On Duty		26,920.11

IOD: V. HEREDIA, MONAGHAN, SMITH, MARTINEZ, SANTANA, WHALEN, TOURVILLE, GLASHEEN, ABELLA, CHATEL, MURPHY, HERNANDEZ

Isaias Cruz

Head of Department
Isaias Cruz, Chief of Police

Mayor

Form TR-1 (6/92)

HOLYOKE POLICE DEPARTMENT CORRESPONDENCE

TO: Mayor Joshua Garcia

FROM: Interim Chief Cruz

DATE: 12/09/2024

Mayor Garcia,

The Holyoke Police Department has been awarded the FY 2024 BJA FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program from the Office of Justice Programs (OJP), in the amount of 35,099(NO MATCH). This Grant is intended to improve and support our department's equipment purchases to include a new department-wide phone system, radios and other upgrades throughout the station allowing for efficient and effective operations.

We are requesting your acceptance as well as the city council's acceptance of this grant. We are also requesting that a new fund be established to efficiently and effectively manage the grant for the year of the grant period and continue with a transparent grant management process.

As always, I thank you for your cooperation and consideration on this matter.

Respectfully,

Isaias Cruz
Interim Chief of Police

Joshua Garcia
Mayor, City of Holyoke

Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Name and Address of Recipient:	CITY OF HOLYOKE 536 DWIGHT ST
City, State and Zip:	HOLYOKE, MA 01040
Recipient UEI:	G1H4KQZ18HD1
Project Title: Equipment	**Award Number:** 15PBJA-24-GG-04978-JAGX
Solicitation Title: BJA FY 24 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation	
Federal Award Amount: $35,099.00	**Federal Award Date:** 12/6/24
Awarding Agency:	Office of Justice Programs Bureau of Justice Assistance
Funding Instrument Type:	Grant
Opportunity Category: O **Assistance Listing:** 16.738 - Edward Byrne Memorial Justice Assistance Grant Program	
Project Period Start Date: 10/1/23	**Project Period End Date:** 9/30/27
Budget Period Start Date: 10/1/23	**Budget Period End Date:** 9/30/27

Project Description:

The Holyoke Police Department (HPD) seeks funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2024 Local Solicitation to upgrade critical equipment and enhance operational efficiency. This funding will allow the department to replace outdated radio consoles, improving communication between officers and the records department, which is vital for timely emergency responses. HPD also aims to install a new department-wide phone system to enhance public access and communication. Additional purchases include six new office chairs, improving comfort and productivity for staff, and portable work lights with rechargeable batteries, which will provide necessary lighting at nighttime crime scenes, allowing for safer and more effective investigations.

Furthermore, HPD intends to invest in two desk converters to improve workspace ergonomics and a cradlepoint cellular backup system, ensuring uninterrupted internet service for the department's online records management system. Finally, three label printers will be purchased to streamline the tracking and inventorying of evidentiary items.

This equipment is essential to HPD's mission of enhancing officer and public safety, improving department operations, and increasing the overall effectiveness of investigations and communication. The project will result in enhanced readiness, improved emergency response, and better community engagement, directly contributing to HPD's goal of providing a safer and more secure environment for the residents of Holyoke.

Award Letter

December 6, 2024

Dear Joseph Zurheide,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by CITY OF HOLYOKE for an award under the funding opportunity entitled 2024 BJA FY 24 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation. The approved award amount is $35,099.
Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Brent J. Cohen
Acting Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) enforces federal civil rights laws and other provisions that prohibit discrimination by recipients of federal financial assistance from OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW).

Several civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance (recipients) to give assurances that they will comply with those laws. Taken together, these and other civil rights laws prohibit recipients from discriminating in the provision of services and employment because of race, color, national origin, religion, disability, and sex or from discriminating in the provision of services on the bases of age.

Some recipients of DOJ financial assistance have additional obligations to comply with other applicable nondiscrimination provisions like the Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of religion in addition to race, color, national origin, and sex. Recipients may also have related requirements regarding the development and implementation of equal employment opportunity programs.

OCR provides technical assistance, training, and other resources to help recipients comply with civil rights obligations. Further, OCR administratively enforces civil rights laws and nondiscrimination provisions by investigating DOJ recipients that are the subject of discrimination complaints. In addition, OCR conducts compliance reviews of DOJ recipients based on regulatory criteria. These investigations and compliance reviews permit OCR to evaluate whether DOJ recipients are providing services to the public and engaging in employment practices in a nondiscriminatory manner.

For more information about OCR, your civil rights and nondiscrimination responsibilities, how to notify your employees or beneficiaries of their civil rights protections and responsibilities and how to file a complaint, as well as technical assistance, training, and other resources, please visit www.ojp.gov/program/civil-rights-office/outreach. If you would like OCR to assist you in fulfilling your civil rights or nondiscrimination responsibilities, please contact us at askOCR@ojp.usdoj.gov or www.ojp.gov/program/civil-rights-office/about#ocr-contacts.

Memorandum Regarding NEPA

NEPA Letter Type

OJP - Ongoing NEPA Compliance Incorporated into Further Developmental Stages

NEPA Letter

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party.? Accordingly,?prior to obligating?funds for any of the specified activities, the grantee must first determine if any of the specified activities will be?funded by the grant.

?

The specified activities requiring environmental analysis are:

a. New construction;

b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c.? A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d.? Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see https://www.bja.gov/Funding/nepa.html.

NEPA Coordinator

First Name	Middle Name	Last Name

Orbin	no value	Terry

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name
CITY OF HOLYOKE

UEI
G1H4KQZ18HD1

Street 1
536 DWIGHT ST

Street 2

City
HOLYOKE

State/U.S. Territory
Massachusetts

Zip/Postal Code
01040

Country
United States

County/Parish
no value

Province
no value

Award Details

Federal Award Date
12/6/24

Award Type
Initial

Award Number
15PBJA-24-GG-04978-JAGX

Supplement Number
00

Federal Award Amount
$35,099.00

Funding Instrument Type
Grant

Assistance Listing Number	Assistance Listings Program Title
16.738	Edward Byrne Memorial Justice Assistance Grant Program

Statutory Authority

Pub. L. No. 90-351, Title I, Part E, subpart 1 (codified at 34 U.S.C. 10151-10158); see also 28 U.S.C. 530C(a).

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2024 BJA FY 24 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

Awarding Agency
OJP

Program Office
BJA

Application Number
GRANT14265595

Grant Manager
Lesley Walker

Phone Number
202-307-0863

E-mail Address
Lesley.Walker@usdoj.gov

Project Title
Equipment

Performance Period Start Date
10/01/2023

Performance Period End Date
09/30/2027

Budget Period Start Date
10/01/2023

Budget Period End Date
09/30/2027

Project Description

The Holyoke Police Department (HPD) seeks funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2024 Local Solicitation to upgrade critical equipment and enhance operational efficiency. This funding will allow the department to replace outdated radio consoles, improving communication between officers and the records department, which is vital for timely emergency responses. HPD also aims to install a new department-wide phone system to enhance public access and communication. Additional purchases include six new office chairs, improving comfort and productivity for staff, and portable work lights with rechargeable batteries, which will provide necessary lighting at nighttime crime scenes, allowing for safer and more effective investigations.

Furthermore, HPD intends to invest in two desk converters to improve workspace ergonomics and a cradlepoint cellular backup system, ensuring uninterrupted internet service for the department's online records management system. Finally, three label printers will be purchased to streamline the tracking and inventorying of evidentiary items.

This equipment is essential to HPD's mission of enhancing officer and public safety, improving department operations, and increasing the overall effectiveness of investigations and communication. The project will result in enhanced readiness, improved emergency response, and better community engagement, directly contributing to HPD's goal of providing a safer and more secure environment for the residents of Holyoke.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Condition 1
Meaningful access requirement for individuals with limited English proficiency

The recipient, and any subrecipient at any tier, must take reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to their programs and activities to comply with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of national origin, including discrimination against individuals with LEP. Such steps may require providing language assistance services, such as interpretation or translation services. The Department of Justice guidance on compliance with this requirement may be found at "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed. Reg. 41455-41472) (https://www.federalregister.gov/d/02-15207) and is incorporated by reference here.

Condition 2
Compliance with general appropriations-law restrictions on the use of federal funds (FY 2024)
The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at https://ojp.gov/funding/Explore/FY24AppropriationsRestrictions.htm, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

Condition 3
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 states that recipients may not use direct Federal financial assistance from the Department to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. In addition, Part 38 states that a faith-based organization that participates a Department of Justice funded program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, please see https://www.ojp.gov/funding/explore/legaloverview2024/civilrightsrequirements.

Condition 4

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

Condition 5

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

Condition 6
Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

Condition 7
Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

Condition 8
Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

Condition 9
Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

Condition 10
Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

Condition 11
Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

Condition 12
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

Among other items, 28 C.F.R. § 42.106(d), 28 C.F.R. § 42.405(c), and 28 C.F.R. § 42.505(f) contain notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

Condition 13
Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at https://ojp.gov/funding/Explore/Interact-Minors.htm (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

Condition 14
Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

Condition 15
Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

Condition 16
Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

Condition 17
Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

Condition 18
Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

Condition 19
OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees.

Condition 20
Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, $250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed $250,000)), and are incorporated by reference here.

Condition 21
Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

Condition 22
Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2021, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2021, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at https://onlinegfmt.training.ojp.gov/. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

Condition 23
Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

Condition 24
Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

Condition 25
Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

Condition 26
Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

Condition 27
Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Condition 28
Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

Condition 29
Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

Condition 30
All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

Condition 31
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

Among other items, 28 C.F.R. § 54.140 contains notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

Condition 32
The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

Condition 33
Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at https://justicegrants.usdoj.gov/training/training-entity-management.

Condition 34
FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of $30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than $30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Condition 35
Body-worn cameras, policies and procedures

In accepting this award, the recipient agrees not to use award funds for purchases of body-worn cameras or related expenses for any agency unless that agency has policies and procedures in place that reinforce appropriate agency Use of Force policies and training and address technology usage, evidence acquisition, data storage and retention, as well as privacy issues, accountability and discipline.

Condition 36
Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: https://nij.ojp.gov/topics/equipment-and-technology/body-armor. In addition, if recipient uses funds under this award to purchase body armor, the recipient is strongly encouraged to have a "mandatory wear" policy in effect. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Condition 37
The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

Condition 38
Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

Condition 39
Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

Condition 40
Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

Condition 41
The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

Condition 42
Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

Condition 43
Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of $650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

Condition 44
The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

Condition 45
Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

Condition 46
Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https:/ / it.ojp.gov/ gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

Condition 47
Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

Condition 48
In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT)

unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

Condition 49
Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

Condition 50
Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

Condition 51
Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at https://bja.gov/Funding/nepa.html, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

Condition 52
Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

Condition 53
All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two ($25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than $25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website: https://bjapmt.ojp.gov/. For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage (https://bjapmt.ojp.gov/help/jagdocs.html). Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

Condition 54
Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

Condition 55
Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2022

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2022), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum--(1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Condition 56
If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. With the exception of Forensic Genetic Genealogy, no profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

Condition 57
Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (https://www.justice.gov/olp/page/file/1204386/download), and must collect and report the metrics identified in Section IX of that document to BJA.

Condition 58
Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

Condition 59
Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

Condition 60
Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the

full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.

Condition 61
Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

Condition 62
Exceptions regarding Prohibited and Controlled Equipment under OJP awards

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards," the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs" and the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs" do not apply to this award.

Condition 63
Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

Condition 64
Initial period of performance; requests for extension.

The recipient understands that for award amounts of less than $25,000 under JAG (Category 1), the initial period of performance of the award is two years. The recipient further understands that any requests for an extension of the period of performance for an award of less than $25,000 will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

Condition 65
Withholding of funds for proposal narrative

The recipient may not expend or draw down any award funds until the recipient submits, and OJP reviews and accepts, the proposal narrative for this award, and an Award Condition Modification has been issued to remove this condition.

Condition 66
Withholding of funds for Budget narrative or information

The recipient may not expend or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and an Award Condition Modification has been issued to remove this condition.

Condition 67
Withholding of funds for Required certification from the chief executive of the applicant government

The recipient may not expend or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and an Award Condition Modification has been issued to remove this condition.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Acting Assistant Attorney General	Brent J. Cohen	12/1/24 5:18 PM

Authorized Representative

[ ] no value

Entity Acceptance

Title of Authorized Entity Official
no value

Signed Date And Time
no value