

AGENDA FOR THE CITY COUNCIL
APRIL 1, 2025

PUBLIC HEARING

PUBLIC COMMENT

REGULAR AND PENDING EXECUTIVE SESSION MINUTES

1. From City Clerk Brenna Murphy Leary and Admin Assistant Jeffery Anderson-Burgos, meeting minutes from March 18, 2025
2. -- November 1, 2022, December 5, 2023, and February 6, 2024 Executive Session Minutes - Reviewed and partially released as of September 4, 2024
3. -- January 22, 2024 and June 11, 2024 Executive Session Minutes - Reviewed and withheld in entirety as of September 4, 2024
4. -- November 19, 2024 Executive Session and December 9, 2024 Finance Committee Executive Session Minutes - Yet to be reviewed

LAI D ON THE TABLE

5. From City Clerk Brenna Murphy Leary and Admin. Assistant Jeffery Anderson-Burgos, minutes of February 18, 2025 meeting.
6. The Committee on Charter and Rules to whom was referred an order With community support, order that the following section of our Codes of Ordinances and charter be updated to reflect use of email as sufficient for special meeting notice:
Sec. 12. – Special meetings of city council.
The Mayor or City Council President may at any time call a special meeting of the city council by public posting through the city website along with written notifications thereof, together with a statement of the subjects to be considered thereat, to be deposited in the post office, postpaid and addressed to the persons to be notified, at least forty-eight hours before the time appointed for such meeting, or to be left at the usual place of residence of each member of the council, by email at least forty-eight hours before the time appointed for such meeting. (Acts 1965, c. 187; Acts 1992, c. 189)
Awaiting disposition
7. The Committee on Ordinance to whom was referred a Zone change application - Tiago Martins & Jeffrey Dias at 736 Dwight St from BL to DR to develop properties with duplex/triplex apartments.
Recommended that the zone change be granted.
8. The Committee on Ordinance to whom was referred a Zone change application - Tiago Martins at 712-718 Dwight St from BL to DR to develop properties with duplex/triplex apartments.
Recommended that the zone change be granted.

9. -- The Committee on Ordinance to whom was referred an order that if someone is putting in an RFP through the city for a property that is up for sale and the applicant has outstanding issues with the Board of Health, Building Department, or any other city department having to do with other properties they own, that they are not eligible to win the bid for the RFP.
Recommended that the order be adopted.
10. The Committee on Ordinance to whom was referred an order Sec 86-6 be updated from \$200 to \$1000 for consistency with state law.
Recommended that the order be adopted.
11. The Committee on Ordinance to whom was referred an order Ordinance be created that requires the police to report all damage to city property greater than \$1,000 from a motor vehicle accident to the City Council, Mayor and Law Dept. Further, that the DPW, Mayor and Law Dept have an affirmative duty to pursue collection action against the insurance carrier and/or operator or other responsible party to make the City whole for damage to city property resulting from motor vehicle accidents. City needs to have an ordinance establishing a policy in this matter to help ensure uniformity of enforcement.
Recommended that the order be adopted.

COMMUNICATIONS

12. From Mayor Joshua Garcia, letter reappointing Ms. Marilyn Sanabria of 20 Resnic Blvd. Ms. Sanabria will serve a five year term, expiring April 1, 2030.
13. From City Solicitor Lisa Ball communication regarding Litigation and PILOT payments at 11 Yale St
14. From Assistant City Solicitor Jane Mantolesky, Ltr re Special Permits
15. From Assistant Solicitor Jane Mantoleskey- Ltr re Administrative Leave Ordinance
16. From Assistant Solicitor Jane Mantoleskey- McGonigle v. Governor, 418 Mass. 147
17. From Assistant City Solicitor Kathy DegnanHaynes Construction Wayfinders Temporary License Agreement
18. From City Auditor Tanya Wdowiak: Grant Completion Form FY24 Student & Senior SAFE Fund 1686
19. From Councilor Linda Vacon, OML Complaint
20. From Councilor Meg Magrath-Smith-E-bike battery explodes in Holyoke apartment, prompting fire officials to issue safety advisory
21. From MacMillan Law Offices, Refund of Community Impact Fees Paid Pursuant to HCA with Holyoke 420 LLC
22. From Jenny MacKay, Partner from SVP Employee Benefits Consulting, communication regarding Health Insurance Broker

23. From Board of Fire Commissioners, meeting minutes from February 24, 2025
24. From Health Benefit Trust meeting, meeting minutes from December 4, 2024, January 13, February 24, and March 10, 2025

PETITIONS

25. Petition from Thomas Lucchsesi of 300 College Highway Southampton, renewal of 17 pool tables
26. Petition of Eco ATM for a renewal of Second Hand License at 250 Westfield Rd.
27. Petition of Eco ATM for a renewal of Second Hand License at 2261 Northampton St.
28. Petition of Eco ATM for a renewal of Second Hand License at 50 Holyoke St.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

29. The Committee on Ordinance to whom was referred an order CC establish by ordinance a minimum sewer fee to be paid to the City upon the sale of any real estate closing. Currently none exists though a \$5.00 fee was the norm. The present actual rate is \$7.50/1000 gallons. Refer to Ordinance. Copy Board of Public Works, Legal for their input. FYI - this is not to be a revenue raiser but would be monies to cover city expenses to coordinate this time-consuming work.
Recommended that the order be adopted.
30. The Committee on Ordinance to whom was referred an order The City of Holyoke develop a personnel policy for the handling of administrative leave and codifying the rules into Ordinance as recommended by the Personnel Dept including but not limited to when employees should or should not be placed on paid leave or unpaid leave. The current process appears lacking objective standards. Taxpayers should also be protected to ensure people who should not be out on paid administrative leave are placed on unpaid administrative leave.
Recommended that the order be referred to the full Council without recommendation.
31. -- The Committee on Ordinance to whom was referred an order that the no parking sign at 14 Arthur St please be removed. Per DPW must go to ordinance.
Recommended that the order be denied.
32. -- The Committee on Ordinance to whom was referred an order Request the implementation of a three-way stop at the intersection of Mosher and Bowers Streets.
Recommended that the engineer's recommendation to not implement a three way stop be accepted.
33. The Committee on Ordinance to whom was referred an order The DPW install a crosswalk for the city parking lot on N. Canal St. across from GTI.
Recommended that the order be referred to the Department of Public Works, and a letter be sent to the mayor requesting an appropriation from impact fee funds if allowed.

34. -- The Committee on Ordinance to whom was referred an order That the DPW/Engineer consider putting stop signs at Joanne/Bemis, Drake/Bemis, Mt. Tom/Bemis and West Meadowview/Bemis.
Recommended that the engineer's recommendation to not install the stop signs be accepted.
35. -- The Committee on Ordinance to whom was referred an order Per constituent requests, that a right turning lane be designated on Hamden at the corner of Pleasant St in an effort to enhance traffic flow.
Recommended that the engineer's recommendation to close out the order be accepted.
36. The Committee on Ordinance to whom was referred an order That a Legal opinion be issued to clarify allowed uses of marijuana impact fee money. For example, if odor from a facility is a problem in the community can the money be used for mitigation?
Recommended that the order be given a leave to withdraw.
37. The Committee on Ordinance to whom was referred a communication From Mayor Joshua A. Garcia, letter of Veto regarding order on reporting damages:
The Committee on Ordinance to whom was referred an order That an ordinance be created that requires a department head to report (with an incident report explaining the cause) of any loss in their department over \$250 in value to the City Council and Mayor within 30 days Recommended that the order be adopted, as amended for losses over \$500.
Recommended that the order has been complied with.
38. The Committee on Ordinance to whom was referred an order that the setting of the sewer rate be returned from the City Council to the DPW Commission where it had been previously determined.
Recommended that the order be given a leave to withdraw.
39. The Committee on Ordinance to whom was referred an order That the DPW Commission return to reviewing and setting the Sewer Rate.
Recommended that the order be given a leave to withdraw.
40. The Committee on Ordinance to whom was referred an order that Hampden Street Streetscape Improvements from Waldo St to Nonotuck St block are made based on the recommendations of the city engineer, with necessary changes made in Ordinance to support necessary upgrades.
Recommended that the order be adopted.
41. -- The Committee on Ordinance to whom was referred an order for the city engineer to install 2 raised crosswalks on Samosett St., neighbors are complaining about speeding up and down Samosett St.
Recommended that the order be given a leave to withdraw.
42. The Committee on Ordinance to whom was referred an order By constituent requests, order that crosswalks be installed from the parking lot on canal serving businesses in the block between Water and Appleton streets.
Recommended that the order be given a leave to withdraw.

43. The Committee on Ordinance to whom was referred an order that the City accept Lynn Ann Drive and Richard Eger Drive as public ways.
Recommended that Richard Eger be accepted as a public way and Lynn Ann Drive be accepted as a public way, pending recommendation of the Board of Public Works.
44. The Committee on Public Service to whom was referred a communication From Mayor Joshua Garcia, letter appointing Mr. Denis Luzuriaga of 6 Pinehurst Rd., to serve as a Commissioner of the Holyoke Housing Authority. Mr. Luzuriaga will replace Mr. Jose Maldonado-Velez and will serve the remainder of his term expiring April 1, 2029.
Recommended that the appointment be confirmed.
45. The Committee on Public Service to whom was referred a communication From Mayor Joshua Garcia, letter appointing Mr. Samuel Mateo, Jr. of 26 Orchard St to serve as a Commissioner of the License Board. Mr. Mateo will replace Mr. Michael Moriarty. His term will expire on October 1, 2026.
Recommended that the appointment be confirmed.
46. -- The Committee on Public Safety to whom was referred an order That tapestry please consider providing (at minimum) quarterly needle collection data to the city council in communications. Constituents continue to find needles on the sidewalk surrounding Lawrence school and its playground.
Awaiting disposition
47. The Committee on Public Safety to whom was referred an order that board of Health and tapestry reps come into public safety and discuss the importance of Narcan.
Awaiting disposition
48. The Committee on Public Safety to whom was referred an order that Health Commissioners representing the board of health come into DGR and discuss the Tobacco license issuance policy and how it may or may not align with the city's economic development plans around supporting small business growth and tourism.
Awaiting disposition
49. The Committee on Public Safety to whom was referred an order That the board of health/ health Commission please be invited to attend to discuss if changes are possible to the changes to the Tobacco license issuance policy that supports common sense economic growth on a case-by-case basis and also protects public health.
Awaiting disposition
50. -- The Committee on Public Safety to whom was referred an order Per constituent requests, please conduct a traffic study on Hamden to help mitigate use as a truck route, and to address heavy traffic volume on Hamden.
Constituents have difficulty entering/exiting driveways. Also, houses shake when trucks pass. Constituents are concerned there may be infrastructure related safety issues.
Awaiting disposition
51. -- The Committee on Public Safety to whom was referred an order Per constituent requests, please address safety concerns of motorists traveling on the Locust St (between Hampshire St and Cabot St.) to the corner of Cabot St. Parking to corner on Cabot in front of Health Center obstructs the view of vehicles crossing or turning on to

Cabot.
Awaiting disposition

52. -- The Committee on Public Safety to whom was referred an order that the City Engineer investigate the installation of pedestrian safety measures at the crosswalk located on Northampton Street at Winthrop Street. This may include installations of curb extensions (aka "bump outs") and a Rectangular Rapid Flashing Beacon (RRFB).
Awaiting disposition
53. -- The Committee on Public Safety to whom was referred an order the City Engineer and/or VEOLIA suggest improvements to the sidewalk and catch basin near 5 Martin St. (at the corner of Westfield Rd and Martin). Owner's contractor noted the sidewalk is too high and the design causes water to pool on parking lot; the catch basin is above-grade is not catching storm water. Owner very willing to confer with City Engineer on this matter.
Awaiting disposition
54. -- The Committee on Public Safety to whom was referred an order that representatives of the Holyoke mall come into public safety and talk about what they are doing to address safety concerns of residents regarding the back upper parking deck. Residents have been complaining of feeling the deck shake, and as of recent noticing a gap between cement panels that seems to be growing.
Awaiting disposition
55. -- The Committee on Public Safety to whom was referred an order That the city engineer draft the costs and feasibility of installing two raised crosswalks on Main Street adjacent to Springdale Park.
Awaiting disposition
56. -- The Committee on Public Safety to whom was referred an order City Engineer consider the following road improvements on Main St. in Springdale: in lieu of replacing the traffic light, install a raised crosswalk and solar-powered pedestrian signal.
Awaiting disposition
57. -- The Committee on Public Safety to whom was referred an order The City Engineer look at on-street parking at the top of Fairmont Ave. and recommend available suggestions to relieve congestion.
Awaiting disposition
58. -- The Committee on Public Safety to whom was referred an order that HPD create a publicly visible calendar of speed trailers so that communities know when they can expect to see requested actions in their neighborhoods.
Awaiting disposition
59. The Committee on Public Safety to whom was referred an order DPW conduct the following on the 'way finder' signs in Smith's Ferry: fix the damaged 'Holyoke Country *Club' sign on the southbound side of Rt 5 and install a new sign on the northbound side of Rt 5 as it's been missing now for a few years.
Awaiting disposition

60. The Committee on Public Safety to whom was referred an order DPW install "warning" sign to motorists of 3-way STOP signs at Charles St. // Washington Ave.
Awaiting disposition
61. The Committee on Public Safety to whom was referred an order DPW, Emergency Management, HPD and Mayor's office determine a safety plan to better warn truckers traveling on Main St. of the iron R/R bridge at Lyman St. Yet another collision occurred last week. Consider checking out the flashing beacons and warning signs on East Mountain Rd, Westfield.
Awaiting disposition
62. The Committee on Public Safety to whom was referred an order DPW install TEMPORARY NO PARKING signs on the South side of the South St. X-walk from Elmwood Towers. Please do so immediately so that seniors have a clearer pathway to see vehicles prior to crossing. Leave them installed until the Pedestrian Traffic light is repaired.
Awaiting disposition
63. The Committee on Public Safety to whom was referred an order that the City install a few signs: "No Trucks", "Slow Down, Children", and "No Parking Anytime" on the block across from 320 Elm St.
Awaiting disposition
64. The Committee on Public Safety to whom was referred an order that the Mayor, Engineer, and DPW Director update the Council on the status of completing Northampton Street between Lincoln Street and the Mount Tom Access Road, including fully paving the road to include a bike lane, and replacing sidewalks. In many places, the sidewalks are deteriorated or blocked by utility poles.
Awaiting disposition
65. The Committee on Public Safety to whom was referred an order Request to prioritize Homestead Ave. from Westfield Rd to Lower Westfield Rd be re-paved due to high truck traffic volume & many rough repairs on the roadway.
Awaiting disposition
66. -- The Committee on Public Safety to whom was referred an order The city engineer review the signaling at the Maple St / South St. / Parenteau Dr intersection. Multiple accidents and near-accidents have occurred there over the years as motorists from Maple St turn Left against oncoming traffic on South St (heading downtown). The intersection is proximate to the former Whole Donut and the Fitzpatrick Ice Rink.
Awaiting disposition
67. -- The Committee on Public Safety to whom was referred an order The HPS now runs two schools, side by side, on the west side of Northampton Street between Hitchcock and Lawler St. and now is the time for DPW, City Engineer, HPD, and the Mayor's office to review and monitor this area and make some public safety decisions. Parents, Teachers and Administrators have called about derelict drivers, etc.
Awaiting disposition

68. The Committee on Public Safety to whom was referred an order that the Mayor in conjunction with the HPD and disabilities commission give an update on making the HPD building handicap accessible.
Awaiting disposition
69. -- The Committee on Public Safety to whom was referred an order that a flashing beacon signal be installed by the Fire dept. at Springdale and Main for pedestrians crossing into the park. This will provide a fix as we await the results of a traffic study to address the traffic light. Fire already has them available and this would have zero cost on the city as Fire install themselves. Fire has been excellent in dealing with this issue.
Awaiting disposition
70. The Committee on Public Safety to whom was referred an order that the DPW please provide the City Council a copy of our current agreement for the receipt of our recycling materials with the Materials Recycling Facility (MRF)? Please also provide the City Council with the statistical data on our recycling program. How much recycling plastics/glass/metal vs paper in CY 2018, CY 2019, CY 2020, and CY 2021 has the city received in and recycled with the MRF during these time periods. Please also provide these statistics for any of our recycling that has been brought to places other than the MRF such as another vendor, straight into the landfill as trash, or other possibilities if any? Please provide us the statistics of regular trash we have collected during these time periods by way of comparison to see what percentage recycle is vs the total volume of all collections. Please provide these reports the City Council and come in to City Council and discuss the current state of the city's recycling program.
Awaiting disposition
71. -- The Committee on Public Safety to whom was referred an order With community support, Order that initiatives be discussed and created to encourage convenience store and fast food store owners to install trash receptacles and sponsor trash collection throughout the city of Holyoke. It is clear that much of our city's trash is from fast food restaurants and corner stores. These entities must be invited to be a part of the community they profit from by supporting quality of life initiatives that increase business support.
Awaiting disposition
72. -- The Committee on Public Safety to whom was referred an order the city of Holyoke work with its state delegation and federal partners to develop protective barriers along Route 91 proximate to ISO-New England. The most recent issues concern bullet holes found at ISO-NE that appear to emanate from motorists traveling on 91. The MSP and HPD are investigating and Shot-spotter detected the gunfire, according to an ISO-NE official. There is a possibility that there exists a private source of funding for the barriers and government officials are now being made aware of the potential private funds via this Order. Please note that it's very likely that an easement from the Commonwealth would be required to build.
Awaiting disposition
73. The Committee on Public Safety to whom was referred an order The fencing around the Fitzpatrick Rink – especially along the N-side of Parenteau Dr. – is disgraceful and in desperate need of repair. Please notice the glorious Commonwealth of Massachusetts

and the vendor operating the rink. The vendor to its credit as done great work to repair the fence along S. Elm St. Awaiting disposition

74. The Committee on Public Safety to whom was referred an order DPW work with MA DOT to remove the dead trees by the US Route 91 overpass at Westfield Rd. This area is in need of some attention.
Awaiting disposition
75. The Committee on Public Safety to whom was referred an order ORDER: At the 1-91 dedicated exit lane to the mall, consider the installation of flexible lane delineators to prevent people from illegally crossing the solid line across the bike lane.
Awaiting disposition
76. The Committee on Public Safety to whom was referred an order 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.
Awaiting disposition
77. -- The Committee on Public Safety to whom was referred an order that the DPW please draft a plan or update on current actions taken on the Emerald Ash Borer tree infestation emergency affecting South Holyoke's Green Ash trees.
Awaiting disposition
78. The Committee on Public Safety to whom was referred an order that the Fire Chief communicate a written plan for supporting firefighters to successfully complete their EMT Certifications, especially for those who have previously failed to pass the exams required and are approaching the two year deadline
Awaiting disposition
79. The Committee on Public Safety to whom was referred an order ORDERED: That the Mayor issue an Executive Order temporarily suspending all fines related to 110.7 Periodic Inspection of the MA State Building Codes for a 6 month period until all records have been completely reviewed by the Building and Law Departments.
Further ordered that all current fines already paid should be rescinded or held in escrow until all records have been reviewed by the Building and Law Departments.
Awaiting disposition
80. The Committee on Public Safety to whom was referred an order DPW // City Engineer please consider providing suggestions on entering WESTFIELD RD from both WOODLAND ST and HITCHCOCK ST. Mirrors have previously been suggested and dismissed so please provide an alternative solution. These are constituent requests.
Awaiting disposition
81. The Committee on Public Safety to whom was referred an order The DPW install a protective wraparound barrier (lattice, wire) the Holyoke Railroad platform. Unfortunately people are using this for protection from the elements but it is a very dangerous location and I don't want anyone to stumble onto the rail tracks as recently happened in Northampton.
Awaiting disposition

82. The Committee on Public Safety to whom was referred an order that the DPW Director and Parks and Rec Director come into Council to give a report on addressing the issue of the Pulaski Park wall deteriorating, the trees and shrubbery behind the wall not being removed due to issues with Mass DOT and various railroad companies, and what progress is being made in returning Pulaski Park to the "view park" it was designed to be.
Awaiting disposition
83. The Committee on Public Safety to whom was referred an order The public safety committee invite the DPW Superintendent and City Forester to a future meeting to discuss tree trimming, tree stump removal, tree planting, and Holyoke's tree nursery.
Awaiting disposition

MOTIONS, ORDERS AND RESOLUTIONS

84. Ocasio- Order that the DPW and Engineer take a look at the Playground on Auther St. Branches are breaking and falling down.
85. Ocasio- Ordered that the DPW and Engineer replace back the curb that was there before they paved Rt 5. Behind 61 Author St. there is water running going on to the property from Rt. 5 and there is no drain
86. Ocasio- Ordered that DPW or Park and Rec replace the picnic table at South Bridge Park.
87. Ocasio- Ordered that the DPW or Park and Reck put a dog poop station at South Bridge St Park.
88. Ocasio- Order that the Board of Health and Fire Dept do an inspection on the Water Front on Main St. due to LA Familia Food truck being close to fence near Dog Day Care at 514 Main St
89. Ocasio- Ordered that the DPW clean up branches and debris on 5 Owen St. It is a fire hazard.
90. Ocaiso- Ordered that the DPW and Engineer pave Owen Pl. and install a drain. Currently there is no drain.
91. Ocasio- Ordered that the City have the owner or of 5 Owen Place come in and give us an update on this property.
92. Ocasio- Order that the city and/or owner of 5 Owen Pl come in and discuss who is responsible for the damage on the back fence of 544 Hampden St.
93. I. Rivera - Ordered that an ordinance be adopted authorizing newly hired employees to be paid above the mid range upon approval of the City Council.
94. Devine, Sullivan - Ordered that the Board of Public Works be invited into a Finance meeting to discuss roof repair projects
Sec. 37.of Title VII states The board of public works shall have cognizance, direction and control: ... (b) of the construction, alteration, repair and care of public buildings; ...

The Board is aware of some challenges and issues associated with this project. These include interior damage due to roof leaks and the presence of mold. Before the contract closes out, and with acknowledgment of our responsibility, we propose a discussion with the Finance Committee and all City representatives to the project to assure that work meets all expectations.

95. Devine- ORDERED that a public hearing be held inviting the Planning Department, Health and Conservation Departments and the Ordinance Committee to hear the “Pros and Cons” of the possibility of including any additional wording to the “Keeping Backyard Hens” ordinance.
96. Devine- Ordered: that the Mayor be authorized to exceed the medium range hiring salary for the purpose of hiring a new Director of Public Works. This authorization shall expire upon said hiring and shall apply to no other positions.

97. 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
PP#18	TOTAL \$6,806.64

98. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SEVEN THOUSAND THREE HUNDRED SEVENTY THREE AND 59/100 Dollars (\$7,373.59) as follows:

FROM

12201-51103 CAPTAIN	\$3,663.90
12201-51104 LIEUTENANTS	3,709.69
TOTAL	\$6,806.64

TO:

12201-51180 INJURED ON DUTY	\$7,373.59
PP#19	TOTAL \$7,373.59

99. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWELVE THOUSAND AND 00/100 Dollars (\$12,000) as follows:

FROM

12201-51105 FIREFIGHTERS	\$12,000
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TOTAL

TO:

12201-51302 HAZ MAT OVERTIME	\$ 7,000
12201-51910 HAZ MAT TEAM	5,000
TOTAL	\$12,000

100.

Devine-Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "EOEEA MUNICIPAL VULNERABILITY PREPAREDNESS (MVP) 2.0 PLANNING GRANT, \$102,420, 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.

101.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY EIGHT THOUSAND SIX HUNDRED AND 00/100 Dollars (\$38,600) as follows:

FROM

13003-58000 SCHOOL CAPITAL OUTLAY	\$38,600
TOTAL	\$38,600

TO:

15412-52500 COA R&M BUILDING	\$38,600
TOTAL	\$38,600

102.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SEVENTY EIGHT THOUSAND AND 50/100 Dollars (\$78,000.50) as follows:

FROM

13003-58000 SCHOOL CAPITAL OUTLAY	\$78,000.50
TOTAL	\$78,000.50

TO:

12203-58002 FIRE- CAPITAL OUTLAY EQUIPMENT	\$78,000.50
TOTAL	\$78,000.50

103. Givner- Handicap application for Ageorgina Reyes of 292 Pine St. #3
104. Magrath-Smith, I. Rivera, Murphy-Romboletti — Ordered, that the City of Holyoke accept and adopt the provisions of Massachusetts General Laws Chapter 43C, Section 12, entitled "Optional Forms of Municipal Administration", for the purpose of creating a Finance Department as outlined in the statute. Said acceptance shall be subject to implementation by city ordinance and any necessary amendments to the City Charter. This order shall be referred concurrently to Charter and Rules and Ordinance to be considered jointly, with recommendations regarding implementation to be reported back to the City Council jointly. See attached: Municipal Modernization Act of 2025.

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

REGULAR MEETING OF THE CITY COUNCIL

March 18, 2025

The meeting was called to order by Acting President Jourdain at 7:08 p.m.

The Clerk called the roll. Absent Members: 2 (Givner, Murphy-Romboletti) Present Members in person 10 (Anderson-Burgos, Bartley, Devine, Greaney, Jourdain, Magrath-Smith, Ocasio, I. Rivera, J. Rivera, Sullivan). Present Members on Zoom: 1 (Vacon)

The Pledge of Allegiance was recited.

Acting President Jourdain stated that there were special guests in attendance in advance of the St. Patrick's Day Parade as well as the road race taking place the following weekend, including the Caledonian Pipe Band, the Grand Colleen with the Colleen Court, as well as dignitaries from the St. Patrick's Parade Committee.

The chambers were filled with celebratory bagpipe music, to the enjoyment of all.

Councilor Bartley introduced Joe O'Connor, President of the Ancient Order of Hibernians.

J. O'Connor stated that the AOH was first chartered in Holyoke in 1850, adding that they were an Irish Catholic organization that assisted many other community organizations. He then introduced Mary Kate O'Connor, President of the Ladies AOH.

M. O'Connor introduced their 2025 Woman of the Year, Cheryl Dupont. She then stated that Ms. Dupont had been responsible for their recent fundraiser.

Jourdain presented a proclamation on behalf of the City Council to Ms. Dupont.

C. Dupont offered thanks for the award and recognition, stating that she was overwhelmed.

J. O'Connor introduced their 2025 Man of the Year, Dan Murphy. He then stated that Mr. Murphy was someone who did not know how to say no and was often the first to sign up for events, first to show up, and the last to leave.

Acting President Jourdain presented a proclamation on behalf of the City Council to Mr. Murphy.

D. Murphy quipped that as a lifelong Springfield resident, he had never been invited to their City Hall. He offered his thanks to the people of Holyoke. He also noted that he had not missed a parade or road race in many years.

J. O'Connor introduced their 2025 Christan Charity Award winner, Owen Donahue. He then stated that Mr. Donahue could be found teaching basketball at Sacred heart gym every fall and winter. He added that Mr. Donahue was someone who gave everything back to the community.

Acting President Jourdain presented a proclamation on behalf of the City Council to Mr. Donahue.

O. Donahue stated that in addition to the Colleens who played in their program at Lady Guadalupe, he acknowledged several coaches in the room serving on the City Council, along with parents whose kids played at Lady Guadalupe. He added that Councilor Devine was one of the founders of Lady Guadalupe CYO. He then offered his thanks to everyone in the community.

Councilor Bartley introduced Parade Committee President, John Beaulieu, to introduce their award winners. He also offered thanks to Councilor Devine for her calligraphy work on the proclamations.

J. Beaulieu announced that their Grand Marshal was Jim Lavelle, the Citizenship Award winner was Father Bob Gentile, the Rohan Award winner was Devin Sheehan, the O'Connell Award winner was Jeff Walsh, and the Gallivan Award winner was James Meenaghan. He then introduced Grand Colleen, Moira Reardon.

M. Reardon introduced the members of her Colleen Court, Maura Joseph - also this year's Miss Congeniality - Erin Gauthier, Erin O'Donnell, and Abigail Huebner.

J. Beaulieu stated that he was going to be proud to lead everyone down the street for the parade as a Frech kid leading an Irish parade.

The Caledonian Pipe Band led the dignitaries out of the room.

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. Motion adopted.

Motion was made and seconded to allow the senior member to serve as interim president.

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

PUBLIC HEARING

(22:45)

Motion was made and seconded to open the public hearing.

HGE Pole Petition Corser St

UNDER DISCUSSION:

Vincent O'Connell, HG&E Electrical Engineer, stated that they were petitioning for a pole on the corner of Corser and Isabella to be used as a support pole for another pole on the street. He explained that abutting customers had been notified of the pole and feedback from them had not been received.

Acting President Jourdain asked Councilor Anderson-Burgos, as the area's ward councilor, if he was okay with this.

Councilor Anderson-Burgos stated that he was.

Councilor I. Rivera asked if it would be considered a double pole.

V. O'Connell stated that it would not. He then explained it would be around 50 feet away from the existing last pole on Corser, right on the corner of Isabella near the entrance to the hospital. He added there would not be any high voltage or low voltage facilities on the pole, and was only to be used for support of another pole to prevent it from leaning over.

No members of the public sought to be heard.

Motion was made and seconded to close the public hearing.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2
(Givner, Murphy-Romboletti).

PUBLIC COMMENT

(26:05)

No members of the public sought to be heard.

REGULAR AND PENDING EXECUTIVE SESSION MINUTES

(26:20)

From City Clerk Brenna Murphy Leary and Admin Assistant Jeffery Anderson-Burgos, meeting minutes from the Special Meeting on February 24, 2025 and the March 4, 2025 meeting.

---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 3, 4, and 5 as a package.

November 1, 2022, December 5, 2023, and February 6, 2024 Executive Session Minutes - Reviewed and partially released as of September 4, 2024.

---> Laid on the table.

January 22, 2024 and June 11, 2024 Executive Session Minutes - Reviewed and withheld in entirety as of September 4, 2024.

---> Laid on the table.

November 19, 2024 Executive Session and December 9, 2024 Finance Committee Executive Session Minutes - Yet to be reviewed.

Councilor Bartley suggested that they be tabled for future discussion on how to move these forward.

---> Laid on the table.

Motion was made and seconded to suspend the necessary rules to take up items 13, as well as late files orders 67 and 68 as a package.

From Sean Sheedy, Maintenance Administrator, MSBA SOI Communication
---> Received.

Devine - Resolved: Having convened in an open meeting on March 18th, prior to the SOI submission closing date, the City Council of the City of Holyoke, in accordance with its charter, by-laws, and ordinances, votes to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 13th, 2025 for the Lt. Elmer J. McMahon Elementary School located at 75 Kane Road Holyoke MA 01040 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future under priority #5 for the replacement of the windows and doors in the courtyard portion of the building; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Holyoke to filing an application for funding with the Massachusetts School Building Authority.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Givner, Murphy-Romboletti).

Devine - Resolved: Having convened in an open meeting on March 18th, prior to the SOI submission closing date, the City Council of the City of Holyoke, in accordance with its charter, by-laws, and ordinances, votes to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 13th, 2025 for the Maurice A. Donahue Elementary School located at 210 Whiting Farms Road Holyoke MA 01040 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future under priority #5 for the replacement of the windows and doors in the 1989 portion of the building; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Holyoke to filing an application for funding with the Massachusetts School Building Authority.

UNDER DISCUSSION:

Motion was made and seconded to suspend the necessary rules to take final action on items 67 and 68.

Motion was made and seconded to suspend the necessary rules to allow Sean Sheedy to address the Council.

S. Sheedy stated that the MSBA required a formal vote for each school applying for a statement of interest using their specific vote language. He noted that the items were packaged into one item during the special meeting.

Acting President Jourdain recalled that more than 2 were voted on at the special meeting.

S. Sheedy clarified that the special meeting was held mainly for 5 roofs that were accepted for the schematic design portion, and the MSBA would now be giving an OPM (owner's project manager) and

designer for those projects. He then explained that these items were to give him permission to submit these projects into the MSBA portal. He added that everything else required before asking for permission had been done.

Councilor Bartley stated that each vote should be taken up and voted on individually. He then asked if they needed to be a roll call.

Acting President Jourdain stated that they did.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Givner, Murphy-Romboletti).

LAID ON THE TABLE

(36:55)

Motion was made and seconded to remove item 6 from the table.

From City Clerk Brenna Murphy Leary and Admin. Assistant Jeffery Anderson-Burgos, minutes of February 18, 2025 meeting.

Acting President Jourdain asked to leave this tabled, noting that it would be the subject of an April 2nd Charter and Rules meeting.

---> Laid on the table.

Motion was made and seconded to remove item 7 from the table.

The Committee on Charter and Rules to whom was referred an order With community support, order that the following section of our Codes of Ordinances and charter be updated to reflect use of email as sufficient for special meeting notice

Sec. 12. – Special meetings of city council.

The Mayor or City Council President may at any time call a special meeting of the city council by public posting through the city website along with written notifications thereof, together with a statement of the subjects to be considered thereat, to be deposited in the post office, postpaid and addressed to the persons to be notified, at least forty-eight hours before the time appointed for such meeting, or to be left at the usual place of residence of each member of the council, by email at least forty-eight hours before the time appointed for such meeting. (Acts 1965, c. 187; Acts 1992, c. 189)

Recommended that the order be adopted.

Councilor Magrath-Smith asked that item 7 remain tabled.

---> Laid on the table.

COMMUNICATIONS

(39:10)

Motion was made and seconded to suspend the necessary rules to take up items 8 and 9 as a package.

From Mayor Joshua Garcia, letter reappointing Ms. Patricia Normand of 36 Pleasant St to serve as a member of the Conservation Commission. Ms. Normand will serve a three year term expiring February 1, 2028.

---> Received and appointment confirmed.

From Mayor Joshua Garcia, letter reappointing various individuals to serve as members of the Parking Advisory Board.

---> Received and appointments confirmed.

From Mayor Joshua Garcia, letter appointing Ms. Dalila Hyry-Dermith of 37 Longfellow Rd. to serve as a Commissioner of the Board of Health. Ms. Dalila Hyry-Dermith will serve a three-year term expiring

Acting President Jourdain noted that the appointment will expire February 1, 2028.

Councilor Bartley noted that while the order stated it was an appointment, the letter stated it was a reappointment.

City Clerk Leary stated that she believed it was a new appointment.

Acting President Jourdain noted that the agenda said new appointment, but the letter stated it was a reappointment.

City Clerk Leary stated that she would go by what the letter stated.

---> Received and appointment confirmed.

From City Solicitor Lisa Ball, City of Holyoke Law Department Business Report 24-25

Councilor Bartley stated that the communication listed several litigation matters. He then asked when the Council would get its next review of litigation matters from the Law Department. He added that at least 13 cases in litigation, around 30 cases in tort claims, and another 30 matters in housing court. He then stated that there was a matter in land court was not on the list. He then questioned if all of them items would be read.

Acting President Jourdain stated that had traditionally not been done as the document was quite lengthy. He added that it was available to the public.

Councilor Bartley asked where it was available.

Acting President Jourdain noted that the administrative assistant confirmed it was on the website. He added that there would be a litigation update on April 15th to review the items.

---> Received.

From Assistant City Solicitor Kathleen Degnan-Open Meeting Law Complaint for Councilor Linda Vacon

Councilor Devine stated that this was filed against Murphy-Romboletti as well as herself, emphasizing that the document stated there was no violation of the Open Meeting Law.

Councilor Bartley stated that the petitioner had a right to appeal that opinion to the Attorney General's office.

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

From Alicia Zoeller, Office of Community Development, American Rescue Plan Act Grant Update

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

From Murphy-Romboletti- letter regarding municipal finance reform update

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

From City Councilor Kevin Jourdain-School Budget Advisory Report 1 from School Budget Advisory Group

Acting President Jourdain noted that the president appointed him to sit on this committee, adding this was the report from the first of 3 planned meetings.

--> Received and referred to the Joint City Council and School Committee.

Westfield City Councilor Dan Allie, Lithium Fire Poses Risk to CT Valley

Councilor Bartley suggested that Mr. Allie could be invited to a subcommittee meeting.

Councilor Greaney noted that the property abutted Holyoke and was a matter of interest to the city.

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

Motion was made and seconded to suspend the necessary rules to take up items 18 through 21 as a package.

From Holyoke Redevelopment Authority, meeting minutes for the HRA January 22, 2025

--> Received.

From Historical Commission, meeting minutes from January 13, 2025.

--> Received.

From Board of Fire Commission, meeting minutes from February 12, 2025

--> Received.

From HEDIC, minutes from January 23, 2025 meeting

Councilor Bartley noted that in the HEDIC minutes, OPED Director explained his understanding that the Sports Complex group was continuing its due diligence efforts for the site located on 11 acres of HEDIC-owned wooded area while they explored other opportunities within the city. He added that Mr. Vega stated that HEDIC's contract with USA Volleyball International included language that stated their deposit

would become nonrefundable in April. He then suggested caution in reading that as a hard and fast time limit that would have the deposit going to HEDIC, emphasizing that it was unlikely USA Volleyball would just let their deposit go.

--> Received.

PETITIONS

(53:30)

Petition from Marisol Figueroa, application for a renewal of a Home Occupation for a nail salon at 222 West Franklin St.

Acting President Jourdain noted that taxes were marked as current.

Councilor Devine expressed confusion, noting that the applicant already had a special permit with conditions prohibiting signage but they were displaying signage. She added that she believed there was a condition prohibiting parking in the driveway. She also expressed her understanding the salon had a separate entrance.

City Clerk Murphy Leary stated that this may be a different nail salon than the one being referred to.

Councilor Devine stated that it was the same address.

Acting President Jourdain asked for clarification if the thinking was the applicant may have another permit.

Councilor Devine stated that it was apparently expired, and the Building Department informed them that they could not have signage or a special entrance. She noted the application did not specify conditions.

Acting President Jourdain stated that the ordinance relative to home occupations made those points.

Councilor Devine suggested making sure that the applicant understood she could not have those things.

Councilor Bartley made a motion to approve the special permit with all present conditions included. Councilor Anderson-Burgos seconded the motion.

Acting President Jourdain stated that it could also include anything the ordinance would require, noting there were rules on signage and other items.

Councilor Bartley suggested that did not need to be stated since it was understood someone had to comply with the law, but renewals should be approved as still subject to the conditions initially invoked. He added that the permit should also be referred to the Building Commissioner to ascertain compliance.

Councilor Magrath-Smith asked if the terms of the renewal of a special permit would normally be provided to the Council.

Acting President Jourdain stated that they frequently would not be, adding that the generic statement would be made to maintain the original conditions, but he recognized the point was good. He then suggested it could be tabled to allow Admin Asst Anderson-Burgos to research the conditions.

Councilor Magrath-Smith stated that she hated voting on something without knowing the conditions.

Acting President Jourdain questioned why there would have been a misunderstanding about signage if they knew they couldn't have it.

Councilor Devine stated that she could support voting for the permit but emphasized that the applicant needed to know the conditions.

Councilor Bartley stated that he would not vote to table the application as this was a small business doing the best they could. He added that regarding the conditions, the permit had already been through a public hearing and the matter was not being relitigated. He then suggested that while the Clerk could add a page explaining the conditions, the statement that all previous conditions applied should be good enough.

Acting President Jourdain stated that the administrative assistant found the prior conditions approved on October 3, 2023, which included:

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

Councilor I. Rivera asked if not relitigating the issue meant that the Council did not have the power to deny the permit.

Acting President Jourdain stated that the Council had the right to doing their due diligence in deciding whether they would approve of these every time they come up.

Acting President Jourdain explained that the current motion on the floor was to approve it with the 3 previous conditions.

Councilor Bartley expressed disagreement with the interpretation regarding whether or not to approve, emphasizing that the Council could not amend a permit without holding a new public hearing.

Acting President Jourdain expressed his opinion that the Council could eliminate any of the conditions or add new conditions.

Councilor Bartley questioned how that could be done without a public hearing.

Acting President Jourdain stated that it did not require a public hearing.

Councilor Bartley emphasized that there needed to be a public hearing to start, and questioned how a condition could be added without a new public hearing.

Acting President Jourdain stated that the Council was not voting on it, adding that conditions were added all the time post public hearings.

Councilor Bartley stated that would be unfair to the applicant.

Acting President Jourdain stated that permits were given by the Council's legislative grace.

Councilor Bartley stated that was correct, but under a public hearing process. He then questioned being able to amend them.

Acting President Jourdain reiterated that the Council could add conditions.

Councilor Bartley stated that it could not. He added there needed to be notice and opportunity.

Councilor Greaney asked to move the question.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2
(Givner, Murphy-Romboletti).

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

Petition from William F. Councilor Sullivan for a renewal of a Junk Dealer License at 107 Appleton St.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2
(Givner, Murphy-Romboletti).

Petition from William F. Councilor Sullivan for a renewal of a Junk Dealer License at 1-3 Jed Days Landing

Acting President Jourdain noted that taxes were checked as current.

Councilor I. Rivera asked if the preexisting conditions could be provided, if possible.

Acting President Jourdain noted the applicant had these licenses for a long time.

Councilor Magrath-Smith suggested having conditions provided any time a special permit was being renewed.

City Clerk Leary stated that it shouldn't be a problem.

---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2
(Givner, Murphy-Romboletti).

PRESIDENT'S REPORT

(1:07:45)

Acting President Jourdain stated that the Tourism Advisory Committee was approved by the Mayor and Council President for an exemption to 2-421 to hold a meeting on March 18th at 4 p.m. He also stated there would be an employee appreciation at City Hall outside the old Tax Collector's office on Friday, March 21st, at 8 a.m., and councilors were welcome to attend. He also stated that the Holyoke St. Patrick's Parade would be held on March 23rd. He added that anyone attending the Ambassador's Breakfast would be able to take a shuttle from Wyckoff to the plaza. He added that the parade would step off at 11:10 a.m. and any councilor not attending the breakfast should plan to arrive by 10:30 a.m. and meet up with Admin Asst Anderson-Burgos to get their boutonniere at the plaza exit near Paramount Pizza.

Councilor Anderson-Burgos asked for a moment of silence in honor of a good friend and longtime Holyoker, Edward Hernandez.

A moment of silence was observed in honor of Mr. Hernandez.

Acting President Jourdain asked for a moment of silence in honor of Richard Houle, longtime Holyoke resident who made it to his mid 90's. He added that Mr. Houle was a gregarious and good humored guy. He noted that Mr. Houle's wife, Carol, and a pillar of the community helping seniors and involved in the senior luncheon.

A moment of silence was observed in honor of Mr. Houle.

Councilor Greaney asked for the administrative assistant to help with finding car transportation in the parade for councilors unable to walk the entire parade.

Councilor Devine noted that the breakfast started at 8 a.m.

Councilor J. Rivera offered an invitation to councilors to attend the Enlace de Familias Egg Hunt on April 5th at 1 p.m. - 4 p.m. She noted they would begin setting up at 10 a.m. for anyone looking to help volunteer.

Councilor I. Rivera stated that signups were open for Holyoke Girls Softball and Holyoke Youth Baseball. He expressed concern that youth sports was dying off because nonprofits were struggling to keep the doors open for the leagues.

Acting President Jourdain emphasized that youth sports was important, adding that they could lead to scholarships.

Councilor Anderson-Burgos noted that the Blue Sox were looking for families to host players during their seasons. He noted that only one family in Holyoke was currently hosting a player.

Acting President Jourdain offered a wish of safe travels to President Murphy-Romboletti as well as Councilor Givner safe travels back from Ireland.

REPORTS OF COMMITTEES

(1:13:35)

Motion was made and seconded to suspend the necessary rules to take up items 25 through 30 as a package.

The Committee on Ordinance to whom was referred a Zone change application - Tiago Martins & Jeffrey Dias at 736 Dwight St from BL to DR to develop properties with duplex/triplex apartments.

have considered the same and Recommended that the zone change be granted.

Committee Members:

Israel Rivera
Linda L. Vacon
Meg Magrath-Smith
David K. Bartley
Jenny Rivera

---> Laid on the table.

The Committee on Ordinance to whom was referred a Zone change application - Tiago Martins at 712-718 Dwight St from BL to DR to develop properties with duplex/triplex apartments.

have considered the same and Recommended that the zone change be granted.

Committee Members:

Israel Rivera
Linda L. Vacon
Meg Magrath-Smith
David K. Bartley
Jenny Rivera

UNDER DISCUSSION:

Councilor I. Rivera stated that Mr. Martins and Mr. Diaz had recently rehabbed a different building on Dwight Street, and this was adding to their portfolio. He then explained that they would be developing 2 and 3 family duplex homes. He noted that questions were addressed around parking and lighting. He added that the committee appreciated the investment in adding more needed homes to the community.

Acting President Jourdain asked if zone changes required first readings.

Councilor I. Rivera expressed his understanding that they had in the past.

City Clerk Leary explained zone changes also needed legal form.

Acting President Jourdain stated they would need to be tabled.
---> Laid on the table.

The Committee on Ordinance to whom was referred an order that if someone is putting in an RFP through the city for a property that is up for sale and the applicant has outstanding issues with the Board of Health, Building Department, or any other city department having to do with other properties they own, that they are not eligible to win the bid for the RFP.

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

Committee Members:

Israel Rivera
Linda L. Vacon
Meg Magrath-Smith
David K. Bartley
Jenny Rivera

UNDER DISCUSSION:

Acting President Jourdain noted that the legal form was not yet available for this item.
---> Laid on the table.

The Committee on Ordinance to whom was referred an order that Sec 38-73 (6) of our ordinances be amended for the hours to read 10pm instead of 11pm and 8am instead of 7am.

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

Committee Members:

Israel Rivera
Linda L. Vacon
Meg Magrath-Smith
David K. Bartley
Jenny Rivera

UNDER DISCUSSION:

Councilor I. Rivera stated that this was changing the timing of the noise ordinance.

Councilor Bartley stated that the committee sought to ensure the ordinance change was disseminated to the Holyoke Police Department.

---> Report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays--

Yeas 11--Nays 0--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Ordinance to whom was referred an order Sec 86-6 be updated from \$200 to \$1000 for consistency with state law.

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

Committee Members:

Israel Rivera
Linda L. Vacon
Meg Magrath-Smith
David K. Bartley
Jenny Rivera

UNDER DISCUSSION:

Councilor I. Rivera stated that this was amending section 86-6 to update it to be consistent with state law, adding that it was straightforward.

Acting President Jourdain explained that it used to be \$200 when the ordinance was adopted in the 1970's, adding that the state had changed the threshold to \$1,000 since then.

---> Report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays--
Yeas 11--Nays 0--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Ordinance to whom was referred an order Ordinance be created that requires the police to report all damage to city property greater than \$1,000 from a motor vehicle accident to the City Council, Mayor and Law Dept. Further, that the DPW, Mayor and Law Dept have an affirmative duty to pursue collection action against the insurance carrier and/or operator or other responsible party to make the City whole for damage to city property resulting from motor vehicle accidents. City needs to have an ordinance establishing a policy in this matter to help ensure uniformity of enforcement.

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

Committee Members:

Israel Rivera
Linda L. Vacon
Meg Magrath-Smith
David K. Bartley
Jenny Rivera

UNDER DISCUSSION:

Acting President Jourdain noted that the legal form was not yet available for this item.

---> Laid on the table.

(1:24:15)

The Committee on Finance 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.

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine noted that the item wasn't technically a Finance Committee matter as it was already in Ordinance. She then explained that Finance took it up and discussed it with the Police Chief and the Crime Analyst to get questions addressed.

Acting President Jourdain noted that there was a technical problem in that only 2 of the 5 councilors had signed the committee report so there was not yet a majority report before the body.

Councilor Devine asked who the two were.

Acting President Jourdain stated that it was Councilor Devine and Councilor Sullivan.

Councilor Devine asked why the other 3 had not.

Acting President Jourdain stated that one was not in attendance and the other two voted no. He then stated that as only two had signed the committee report, the item technically stayed in committee. He also stated that this was the second step in the process and the first step had not happened.

Councilor Devine stated that the first step would be going through Ordinance.

Acting President Jourdain stated that they would have to pass the ordinance to allow the Council to take a vote on this. He then explained this was a request to pass an exemption to pay the Crime Analyst beyond \$70,000 to be at \$78,000. He further explained that before passing the exemption, an ordinance needed to be passed to allow for an exemption. He added that current law did not allow for an exemption.

Councilor Devine asked if she would be able to read anything from the meeting explaining what the Crime Analyst did in the job.

Acting President Jourdain stated that as the committee report was not before the Council, the meeting report should not be considered at the time.

Councilor Devine stated that it was a 3-2 vote in committee, with Councilor Devine, Givner, and Councilor Sullivan voting in favor, and then Acting President Jourdain and Councilor Ocasio voting against it.

Councilor I. Rivera suggested tabling the item anyway with the understanding that an ordinance to change the policy would need to be passed first.

Councilor Vacon made a motion to refer the order back to Ordinance. She then recalled that the order had already come out of Ordinance, was tabled in City Council, and then sent to Finance. She then stated that Ordinance did not currently have an order unless this got sent back to them.

Councilor Devine stated that this was only sent to Finance because the committee had more time to get questions answered.

Acting President Jourdain suggested that a motion could be made to remove it from the Finance Committee and send it back to Ordinance.

Councilor Magrath-Smith emphasized that the order was already given a positive recommendation in Ordinance and sent to Council where it then died. She added that Ordinance already had a conversation about it, processed it, and language was already presented to make the change. She then questioned what more Ordinance could do, reiterating that the body already had the form.

Acting President Jourdain suggested that it could be put on an agenda in committee and send it back out.

Councilor Anderson-Burgos asked if the item could be acted on without one of the councilors in attendance.

Acting President Jourdain explained that it could not be as an agenda item, but the suggestion was to motion to remove it from committee and then send it to Ordinance.

Councilor Magrath-Smith asked if the motion could be to remove it from committee and then allow the body to take it up without the committee report.

Acting President Jourdain stated that it could be taken from committee and then tabled. He then suggested that the two items should remain together, emphasizing that nothing could happen with this order until Ordinance voted the other one out anyway.

Councilor Magrath-Smith questioned the rationale for discussing the item again when Ordinance had already done the work.

Acting President Jourdain stated that the full Council would send it back to Ordinance, and they could then get the legal form or have it amended.

Councilor Greaney asked that this just get done.

Councilor I. Rivera stated that while he understood the argument but was concerned about waiting long because there was a time crunch. He then explained that the employee needed to make a decision whether or not to continue working with the city if they didn't get the raise. He suggested leaving it to be tabled with the full Council.

Acting President Jourdain reiterated the item was still in Finance. He then suggested it either stay there or be sent to Ordinance.

Councilor Magrath-Smith made a motion to suspend the necessary rules to remove the order from the Finance Committee and bring it into the full body.

Councilor Devine emphasized that Councilors Givner and Murphy-Romboletti were not in attendance, and this was so important that everyone should be here.

Acting President Jourdain stated that moving it to Council would not make it any faster because the other item needed to be adopted first.

Motion was made and seconded to remove the order from the Finance Committee and refer it to the Ordinance Committee.

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

Motion was made and seconded to suspend the necessary rules to take up items 32 and 34 as a package.

The Committee on Finance to whom was referred an order hat there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND Dollars AND 00/100 Dollars (\$5,000) as follows:

	FROM	TO
12101 5119 POLICE RESERVE	5,000	
0010 57200 OUT OF STATE TRAVEL		5,000
	5,000	5,0000

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Anderson-Burgos, Givner, Murphy-Romboletti).
Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND Dollars AND 00/100 Dollars (\$5,000) as follows:

	FROM	TO
12101 5119 FIRE FIGHTER LINE	5,000	
0010 57200 OUT OF STATE TRAVEL		5,000
	5,000	5,000

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine stated that the transfers were for a Munis conference several employees were attending in May. She added that the information would be brought back to teach to other department heads.

Acting President Jourdain stated for the record that he believes there should be a vote on both the first and second reading, but recognized the president had a different perspective.

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Anderson-Burgos, Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND Dollars AND 00/100 Dollars (\$5,000) as follows:

	FROM	TO
1421 51102 DPW HOISTING EQUIP OPERATOR	5,000	
01010 57200 OUT OF STATE TRAVEL		5,000
	5,000	5,000

have considered the same and Recommended that the order be referred to the full Council without recommendation.

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Sullivan stated that he was against this transfer because DPW funds were being used. He noted that the positions hadn't been filled and then questioned taking money from those line items. He added that a strong statement needed to be sent about the need to fill those positions. He also noted that there had been a lot of recent discussion about the existing road conditions, vehicle conditions, attrition of

employees leaving for other cities and the private market because of low pay. He emphasized that he agreed with the training the funds were to be used for but believed the funds should come from somewhere else. He then expressed his expectation that another order with an alternative source of funds would have been on the agenda.

Councilor I. Rivera stated that while he agreed with the points about bringing up salaries to fill the positions, he understood that the unused funds would go back to the general fund at the end of the fiscal year.

Acting President Jourdain stated that was correct.

Councilor I. Rivera stated that without this transfer, they would need to find another source for the funds. He then asked what would happen if they didn't find an alternative source. He then stated that he would support this as there currently was no other plan to provide the funds. He then reiterated his agreement with the need to pay people more. He also stated that while he agreed with just leaving the funds in this account, he wished that practice was consistent across the board.

Councilor Vacon expressed a procedural objection to this being a second reading, especially since there was not a recommendation from committee.

Acting President Jourdain reiterated he shared the same objection, adding that Section 22 was clear on this point.

Councilor Sullivan stated that those who presented this transfer were asked to provide an alternative and nothing was being offered. He suggested that there were plenty of funds available in other departments with unfilled positions. He added that the Munis conference was not until May.

Councilor Bartley expressed agreement with Councilor Sullivan and would also vote against the transfer. He then stated that he misheard the motion on the reading and asked for the chair to make a ruling.

Acting President Jourdain stated that his opinion was well known, but clarified that the motion had been to pass the second reading and adopt the transfer.

Councilor Bartley asked if that was in order.

Acting President Jourdain stated that he did not believe so but chose to be nice as the President pro tempore by recognizing that the full time president had a different opinion. He noted that the matter would be discussed in committee. He then expressed his preference to continue doing it the old way until they discussed it, but he was choosing to let it go for now.

Councilor I. Rivera explained that while the conference was in May, there was currently an early bird special price that would be increasing significantly if they waited until May. He then expressed respect for councilors being able to agree to disagree.

---> Report of Committee passed the second reading and denied on a call of the roll of the yeas and nays--Yeas 6--Nays 5 (Bartley, Greaney, Ocasio, Sullivan, Vacon)--Absent 2 (Givner, Murphy-Romboletti).

Motion was made and seconded to suspend the necessary rules to take up items 35, 36, and 37 as a package.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, ELEVEN THOUSAND TWO HUNDRED THIRTY FIVE AND 00/100 Dollars (\$11,235) as follows:

FROM
11521-51102 PERSONNEL ASSISTANT \$11,235
TOTAL \$11,235
TO:
11522-53009 PROFESSIONAL SERVICES \$11,235
TOTAL \$11,235
PERSONNEL DEPT

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine stated that the transfer was to hire someone with Munis experience to teach department heads.

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 1 (Bartley)--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY FIVE THOUSAND AND 00/100 Dollars (\$25,000) as follows:

FROM
11381-51102 ASSISTANT CPO \$25,000
TOTAL \$25,000
TO:
11382-53010 PROFESSIONAL SERVICES \$25,000
TOTAL \$25,000
PURCHASING DEPT

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan

Kevin A. Jourdain
Linda L. Vacon

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 1 (Bartley)--Absent 2 (Givner, Murphy-Romboletti).
Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY THOUSAND AND 00/100 Dollars (\$20,000) as follows:

FROM

11451-51125 ADMINISTRATIVE ASSISTANT \$11,000

11451-51132 PAYROLL SPECIALIST 9,000

TOTAL \$20,000

TO:

11452-53010 PROFESSIONAL SERVICES \$20,000

TOTAL \$20,000

CITY TREASURER'S OFFICE

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Acting President Jourdain explained that all 3 transfers were to provide Munis consulting services for training, computer work, and other implementations.

Councilor Devine recalled in the past, some departments had refused to do Munis but that would not happen this time. She added that every department head agreed, and the mayor was requiring them all to use it.

Councilor Vacon asked if the consultant would be doing different work than what those attending the conference would be trained to do.

Acting President Jourdain stated that they would be.

Councilor Bartley raised a point of order, asking when the first reading was.

Acting President Jourdain stated that the argument was that the first reading happened when the items first appeared on an agenda, and there was not a requirement for a vote.

Councilor Bartley stated that he had read the case law and disagreed with the Law Department's determination. He then stated that it had been standard that there had always been a first and second reading vote. He then questioned throwing it all out because the Law Department's opinion wanted to upset the apple cart. He then suggested the opinion was not in order and he could not support voting for these orders.

Acting President Jourdain stated that there would be a meeting on this topic in early April in the Charter and Rules Committee.

Councilor Devine stated that at the last meeting, President Murphy-Romboletti ruled that reading the item constituted the first reading. She added that it should be finalized one way or the other after the discussion in Charter and Rules.

Acting President Jourdain stated that some councilors had the long held view that Section 22 of the charter required a vote on both the first and second reading.

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 1 (Bartley)--Absent 2 (Givner, Murphy-Romboletti).
Approved by the Mayor.

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "BYRNE STATE CRISIS INTERVENTION PROGRAM, \$84,458.79, 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.

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine stated that the grant for the Police Department would allow them to partner with Roca for research projects to help adults fill out applications for job or for schooling. She noted there would be a police officer with them to make sure the grant was administered in the correct way. She added that it was a mentoring program. She also stated that it included driving instruction.

Acting President Jourdain noted that it would be in addition to their duties and would not add overtime expenses to the department or take any slots that would need to be backfilled.

Councilor I. Rivera asked if this would take a police officer off the street and put them into a civilian role.

Acting President Jourdain stated that it would in that capacity.

Councilor I. Rivera expressed concern that there were already issues with having enough officers. He then stated he was familiar with Roca and understood they already had workforce development coordinators and those who helped people get their driver's license. He then questioned taking an officer off the street to put them into a civilian role when Roca already had different positions doing this. He added they got Shannon grant funds to support their work. He also asked how the officer would be replaced on the street.

Councilor Devine stated that this was a police grant, and the committee was told the officer would be in an acting position more than in an operational position. She also reiterated that they would not be getting overtime for this, and it would be an assignment they were given.

Councilor I. Rivera expressed concern with taking an officer off the street when the department was already struggling to get up to 95 officers. He added they would be doing work that a social worker would already be doing. He added that the department was still working on getting a traffic squad and addressing other needs. He also recalled that the audit encouraged the department to get away from giving officers civilian duties. He then questioned how the one officer would be replaced, even while the grant meant that the funds would not be paid for by the city. He then stated he would be voting against it.

Acting President Jourdain clarified that that Sgt. Zurheide explained the officer would be working their normal shift and this would be them working additional hours outside of their scheduled duties.

Councilor Anderson-Burgos asked for clarification that they would still be working their full shift.

Acting President Jourdain confirmed that was accurate and they would be working extra hours not at overtime.

Councilor Anderson-Burgos stated that he then would not have an issue. He then stated he would have been concerned if there would have been additional expenses such as health insurance of if they were injured.

Councilor I. Rivera stated the city would have to pay that.

Councilor Anderson-Burgos expressed his understanding that the officers would work and get paid for their regular shift and this would be like a second job. He then stated it would be an issue for him if this was moving them off the streets.

Acting President Jourdain stated that was the point the police made to the committee.

Councilor Devine explained that they would be partnering with Roca, and the work would benefit 14 young adults. She added that one officer would meet with them once a week to mentor them on driving school, getting a job, or going to Holyoke Community College. She added that the grant was for \$84,000.

Councilor I. Rivera stated that even if it was one day they were not on duty, it was still an issue. He then expressed concern that with injured on duty already being an issue, this was asking them to work more hours. He added that this was still removing an officer from the duties they would normally be doing. He then questioned how this mitigated public safety issues. He also expressed concern with making sure officers were not overworked.

Councilor Anderson-Burgos expressed a hypothetical that if an officer got a second job, they would not be working for the city during that time and it would not be the responsibility of the city to pay if they got hurt on that second job. He then asked if that was correct.

Acting President Jourdain suggested that if they were injured while doing this work, they likely would be considered as injured in the line of duty. He noted that people had been injured on grant work before. He emphasized they were still working as city employees when they're operating under a city grant.

Councilor Anderson-Burgos noted that \$84,500 was a lot for one officer. He then asked if the grant was fulfilling multiple years, as this would be a lot for one officer to work one day a week.

Councilor Devine clarified that the 14 young adults would be involved in the grant, and they would be the ones getting paid. She added that an officer would be assigned to Roca one day a week to check in on them.

Councilor Greaney expressed support for a program that was going to help 14 young kids.

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

Councilor I. Rivera stated that participants at Roca was already getting paid. He then stated that he understood the programming, but was trying to understand the position that the officer would be handling and how their regular position as an officer would be filled during those hours.

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

Councilor Anderson-Burgos asked how many officers there were on staff.

Acting President Jourdain stated there were 89.

Councilor Anderson-Burgos stated that he did not think it was a big deal, outside of the potential of injury, adding that this would going to help 14 individuals. He then emphasized the main focus was that the grant was going to make a positive impact.

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

Councilor Devine stated that it would be one officer assigned to Roca on one day to check in, and then likely go back to their regular job.

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 1 (I. Rivera)--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY FIVE THOUSAND AND 00/100 Dollars (\$25,000) as follows:

FROM

8811-10400 CAPITAL STABILIZATION \$25,000

TOTAL \$25,000

TO:

12103-58003 HPD CAP OUTLAY- BUILDING IMPROVEMENTS \$25,000

TOTAL \$25,000

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine stated that the transfer was to make the Police Department building handicap accessible, emphasizing that the doors were heavy, and this would allow the doors to be opened by a push of the button.

Councilor Bartley stated that this was good news, as was the existence of a capital stabilization account. He then asked what the current balance of that account was.

Acting President Jourdain stated that the account had \$227,007.35 after the approval of this transfer.

Councilor Bartley asked when the account was last capitalized with a transfer into it.

Acting President Jourdain stated that several transfers in, including a transfer from a sewer subsidy of \$927,778. He added that it had also been accumulating interest.

Councilor Greaney stated that it was a positive to help disabled people.

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that City Council review CPA Committee recommendations and approve funding for FY25 CPA projects.

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

Committee Members:

Patricia Devine
Kocayne Givner
Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine stated that the projects were explained by the CPA chair, Jason Ferreira.

Acting President Jourdain stated that the 6 projects totaling \$661,595 included \$100,000 for improvements to the Flats Community Building, \$50,000 for improvements to Lawrence School, \$50,000 for construction of a tiny home on East Dwight Street, \$130,000 to install the Holyoke pickle ball courts, \$150,000 for improvements to the Gloutak Playground, as well as \$165,000 for work on the stained glass windows at City Hall.

Councilor Magrath-Smith stated that the CPA committee reviewed several applications. She noted that the housing projects were particularly complicated with many that were asked to apply in future years. She then explained that one matter they discussed was that the committee didn't have the capacity to have oversight over housing projects, and those in the past tended to come up significant state and federal resources that came with oversight bodies to check in on them. She added that smaller projects were different in that respect, so they were able to get help from the Office of Community Development to provide oversight for local projects moving forward. She then explained that the tiny home on East Dwight Street would help to preserve open space for gardens on either side of it. She noted that with regard to Lawrence School, they had never been asked to fund a school's project before. She added that setting this precedent led to them to question if it was something they wanted to be doing, as well as recognizing it would likely lead to future requests from schools.

Councilor I. Rivera expressed concern with the investment in Gloutak Park, noting that there may not be many people utilizing the space to make the investment worth it. He added that he agreed with CPA funds being used as a vehicle for investing in the parks but believed there were other parks that were more frequently used.

Councilor Vacon stated that she was happy to see the park improvements recommended. She noted many younger families were moving into the area and it would be a good complement to the nearby walking trail that students recently worked on.

Councilor J. Rivera stated that she appreciated the funding of projects in Ward 1 as it would enhance the neighborhood and have a positive impact.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWO THOUSAND THREE HUNDRED THIRTY SEVEN AND 50/100 Dollars (\$2,337.50) as follows:

FROM

15101-51203 SUBSTITUTE NURSE	\$1,500.00
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15101-51850 AUTO ALLOWANCE	837.50
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TOTAL \$2,337.50

TO:

15101-51201 BOARD MEMBERS – BOARD OF HEALTH	\$2,337.50
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TOTAL \$2,337.50

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

Committee Members:

Patricia Devine

Kocayne Givner

Michael Sullivan

Kevin A. Jourdain

Linda L. Vacon

UNDER DISCUSSION:

Councilor Devine stated that the Board of Health Director discovered that the chair of the commission had not been paid.

Councilor Greaney asked if there was any money left for the substitute nurse as it was a critical position to have.

Councilor Devine stated that they normally would not transfer down to \$0 so there was likely still money there. She added that it was important to see the chair being paid was they were due.

Acting President Jourdain emphasized that the Auditor could not legally sign off on a transfer if there was not enough salary funds remaining to pay for anyone being paid out of that line. He then suggested that would mean there was enough in the line to transfer the funds out and still pay what they need out of it. He also noted that the Board of Health Director reports that he had not been using the substitute nurse line where the funds were coming out of. He also noted that the animal control officer would no longer need the auto allowance since he was no longer using his own truck.

---> Report of Committee passed the second reading and Adopted on a call of the roll of the yeas and nays--Yeas 9--Nays 2 (Bartley, Greaney)--Absent 2 (Givner, Murphy-Romboletti).

Approved by the Mayor.

(2:28:40)

The Committee on Development and Governmental Relations to whom was referred an order In the interest of transparency, order that the Collins Center for Public Management present its findings, working with Holyoke's Government Restructure Advisory Council, on Payments In Lieu of Taxes, PILOTs. Some cities and towns (Boston, Brookline) developed formal PILOT policies where the municipality asks the nonprofit to pay a portion of the taxes their tax-exempt property would have paid if it wasn't tax-exempt.

Springfield and Concord are exploring the need for PILOT policies. Holyoke has hundreds of tax-exempt properties including group homes, charities, drug recovery agencies, hospitals, health centers, churches, schools, colleges, and more that were included in the study.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

UNDER DISCUSSION:

Councilor Sullivan stated that the report was a good start. He emphasized that there were 938 non-taxpaying entities in the city. He added that some had millions in funds, with one that would otherwise be paying over \$900,000 in taxes was instead only paying \$80,000 a year. He further explained that the program would be looking for 25% of what a normal business would be paying based on valuations.

Councilor Greaney emphasized that many of the nonprofits had substantial salary commitments, and it was time they started to pay their fair share.

Councilor Bartley recommended caution, noting that it couldn't be put into ordinance to put force behind it and was at the mayor's discretion. He added that similar programs had been successful in other communities. He also noted that of those listed, there were sizable college commitments including the HCC Foundation. He then expressed hope that they would recognize their place in the community and offer to help rather than needing to be asked. He also emphasized that the reports showed that 11 Yale Street had not paid a dime even though they were under obligation of a PILOT agreement. He then questioned who was enforcing these.

Councilor I. Rivera stated that he was on the HCC Foundation and would be willing to file an order to have them come in and discuss the potential to support the city. He also noted that many of the organizations on the list were religious entities. He suggested approaching this in an equitable way so that those who may not be able to pay a PILOT were not being unfairly targeted.

Councilor Devine stated that she was on the PILOT committee. She recalled that PILOT agreements had been made years ago but were often done on a handshake.

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

The Committee on Development and Governmental Relations to whom was referred a communication Holyoke Draft PILOT Report.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

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

Motion was made and seconded to suspend the necessary rules to take up items 44, 46, and 47 as a package.

The Committee on Development and Governmental Relations to whom was referred an order The Parks Commission forward the proposed lease between the City and the Blue Sox to city council for its review and approval asap (ie preferably prior to the start of the 2025 baseball season).

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

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

The Committee on Development and Governmental Relations to whom was referred a communication From Parks and Rec-02.28.25-Elms College Contract 2025

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

UNDER DISCUSSION:

Councilor Bartley noted that this was a 10% increase from previous years.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Anderson-Burgos, Givner, Murphy-Romboletti)..

The Committee on Development and Governmental Relations to whom was referred a communication From Parks and Rec Commission-02.28.25 Blue Sox Contract 2025 season.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

UNDER DISCUSSION:

Councilor Sullivan stated that the contracts looked good.

Acting President Jourdain read from the details of the contracts, which included the Blue Sox rental for 22 regular season games for \$111,000 and Elms College having a flat rate contract of \$4,000 for the spring 2025 season and \$3,000 for the fall 2025 season.

Councilor Bartley stated that he believed this was a reasonable fee and a fair deal for the city. He added that it was good to see the field being used.

Councilor I. Rivera asked if the past 4 contracts could be provided to him for comparison. He then asked if Holyoke Youth Baseball was still using the field for their Junior League Division. He recalled getting to play on the field when he was a kid.

Councilor Magrath-Smith asked if there was information on how much it cost for the forester to man these games, and if it was more or less than the cost of providing the service.

Acting President Jourdain stated that it was a fair question, noting that the electricity likely was not cheap.

Councilor Bartley suggested that all of that was contemplated in the contract.

Councilor Greaney emphasized that the entertainment the Blue Sox provided to the city was a worthy thing.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 0--Absent 3 (Anderson-Burgos, Givner, Murphy-Romboletti).

Acting President Jourdain noted that it was now 4 minutes away from coming up to the 10 p.m. rule. He then asked for a motion to extend the meeting.

Councilor Devine made a motion to extend the meeting until 10:15 p.m. Councilor Magrath-Smith seconded the motion. Motion adopted.

The Committee on Development and Governmental Relations to whom was referred an order The DGR committee invite the Valley (Holyoke) Blue Sox owner/president (Matt Drury) and its new manager (Endy Morales) to a future meeting to preview the Summer 2025 season. Matt's in his 3rd season as owner and

this will be Endy's first season as the Blue Sox' head coach. Endy wore #40 when playing for the Blue Sox and that number is retired.

Motion was made and seconded to extend the meeting until 10:15 p.m.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

UNDER DISCUSSION:

Councilor Sullivan stated that Mr. Drury offered a video presentation. He added that Mr. Morales was unavailable. He then emphasized that the team was still looking for host families. He also stated that there were players that ended up playing the majors.

Councilor Devine noted that Endy Morales was related to City Hall janitor, Papo.

Councilor Bartley stated that he wanted to specifically acknowledge Mr. Morales as a Holyoke kid who was going on to do big things. He also emphasized that there were players in the double digits that had gone on from the Blue Sox to the majors.

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

ORDERS AND TRANSFERS

(2:52:05)

I. Rivera - Order that the chief give us an update or a plan as to how what the approach is to begin tackling issues outlined in MRI audit.

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

Motion was made and seconded to suspend the necessary rules to take up items 49, 50, and 51 as a package.

I. Rivera - Order that the honorable city council develop a vision statement that outlines the council's goals and aspirations for the community.

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

I. Rivera - Order that the honorable city council develop a list of core values that is developed and supported by all individual councilors.

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

I. Rivera -Order that the honorable city council develop a mission statement focused on key priorities such as:

Community focus: Prioritizing the needs and quality of life for all residents.

Inclusive decision-making: Ensuring representation and consideration of diverse perspectives.

Fiscal responsibility: Managing public funds wisely.

Transparency and accountability: Open communication with the public.

Sustainable development: Planning for the future with environmental considerations

Councilor Devine suggested that an ad hoc committee could be put together to go through these.

Councilor I. Rivera stated that he was not against that idea but wanted to see it go through Public Service.

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

Bartley- City of Holyoke staff our municipal garages over Parade weekend. Years ago, I presented and we approved a parade weekend parking fee of \$10/car for daily parking. DPW should staff the entrances Saturday and Sunday mornings. Refer to Matt Sokop, copy HPD.

Councilor Bartley recalled that this has been instituted several years ago. He then noted there had been a lull for a couple years but the DPW was back on to have it staffed. He then stated that he has asked Mr. Sokop for a report after the weekend was done.

Councilor I. Rivera asked if the funds collected could be put into parking related expenses.

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

Motion was made and seconded to suspend the necessary rules to take up items 53 and 54 as a package.

Bartley- City Council Rule 4 is hereby amended as follows: Add the following paragraph to the end of Rule 4.B. – For the sake of public transparency, Late Filed orders (as defined herein) may be added to the already published Regular Agenda and presented (a) to the members at the Regular Meeting by offering printed copies and by remittance to the members by way of electronic mail and the same shall be sent no later than 1 PM on the day the Regular meeting is scheduled and (b) to the Public via the City website and the same shall be posted no later than 1 PM of the day of a Regular City Council meeting. In any event, late -filed orders may not be appended the Regular Agenda unless for good cause and so long as written approval from both the Clerk and the President is presented to the members before the Regular meeting. Said writing shall be presented to the members at the Regular meeting and shall include reasons explaining the 'good cause' and signatures of both the Clerk and the President.

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

Bartley- City Council Rule 4 is hereby amended as follows: Add the following sentence to the end of the first paragraph of Rule 4.B. – So long as it is in a writing to the Clerk, any member may opt out of having his/her agenda sent via U.S. mail and instead may have the agenda sent via electronic mail, personal delivery by the Administrative Assistant or not at all. Said decision shall remain in force until the Clerk is otherwise notified, in writing, by the member.

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

Bartley, Greaney - ORDER That the Law Dept immediately update City Council on its legal action to take the Begley-Lawler seven acre property for tax title. The matter is pending in Land Court (see Docket No. 2023TL00052, City of Holyoke v. David Begley of the Begley Family Realty Trust, et al). This concerns a wooded parcel located in Ward Three. FYI to the public - the seven acre parcel nearly abuts the 11-acre HEDIC-owned parcel that is now under a purchase & sale contract between HEDIC and USA International Sports Complex Inc.. I say nearly abuts because the Parks Dept. owns the 4.5 acre parcel that splits the HEDIC-owned and BEGLEY-owned parcels. Please provide City Council with as much detail as possible on the lawsuits merits, costs, legal expenses and ultimately its benefit to the City Taxpayers.

Councilor Greaney asked to be added to the order.

Councilor Sullivan noted that item 11 was an update from the Law Department that did not have any land court cases but this represented a land court case.

---> Received and Adopted. Copy to Law Department for a response within 45 days.

Givner-Per business owner request, order that a 10am-6pm loading zone, with signage, be created at 414 High St.~DGR copy to Ordinance

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

Motion was made and seconded to suspend the necessary rules to take up items 57 through 64 as a package.

Magrath-Smith - ordered that the Ordinance Committee make necessary changes in order for us to align city ordinances to the revised notification procedure for regular, sub-committee, and special meetings recently drafted in Charter and Rules.

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

Magrath-Smith - ordered that the role of the Public Service and Human Resources Committee as described in Section 9B.iv and 9L and 9M be reviewed and revised.

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

Magrath-Smith - ordered that Charter and Rules holistically review and reorganize how information on sub-committees is presented in the rules for the sake of clarity in Section 9.

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

Magrath-Smith - ordered that Rule 1C be revised to align with modern practices. 1C reads: "All 'Rules and Orders of the City Council' shall be read by the President of the Council to every newly elected City Council during the first meeting of that newly elected Council or at any time prior to said first meeting if the City Council so agrees."

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

Magrath-Smith - ordered that Rule 4E be revised to create a system that assigns a specific number to each order, allowing for better tracking across multiple committees and over time. Rule 4E is "All city council orders introduced to the City Council shall be numbered consecutively, and a log of all orders be kept by the City Clerk and the Council's Clerk of Committees showing the order number, the date the order was brought before the City Council, the action taken by the City Council on the order, or the

Council Committee or city department the order was referred to, the date the order was referred back from the committee or department, and the final action taken by the City Council."

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

Magrath-Smith - ordered that Rule 4F be revised to align with modern practices. Rule 4F is "Co-signers of City Council orders must call the City Clerk to confirm that they do, in fact, want their name on that specific order."

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

Magrath-Smith - ordered that a procedure for tracking updates in Municode be created for Ordinances similar to the grant reporting procedure established by Councilor Bartley.

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

Magrath-Smith - ordered that revisions to Section 7A of our rules be considered. Section 7A reads:7. AGENDA A. At every regular meeting of the Council, the order of business shall be as follows:

- i. Calling the roll of the members.
- ii. Pledge of Allegiance followed by the statement "God Bless America, God Bless the City of Holyoke and All its Citizens, and God Bless the City Council."
- iii. Presentations and reports by invitation of the City Council
- iv. Public Comment (amended May 15, 2012)
- v. Reading the journal of the previous meeting, if requested by the City Council.
- vi. Unfinished business of previous meeting.
- vii. Communications and reports from city officers
- viii. President's Report. ix. Presentation of petitions, memorials, and remonstrances.
- x. Reports of Committees.
- xi. Motions, orders, and resolutions
- xii. Late-Filed orders: A listing of all late file orders from the prior City Council Meeting be listed and attached to the subsequent meetings agenda as an addendum.

The above shall not be departed from but by vote of the majority of the City Council present.

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

Murphy-Romboletti- Ordered that, at the recommendation of the Holyoke Police Department, the City Council review and update its towing ordinances related to fees (Sec. 86-133)

Councilor Bartley made a motion to amend the order to ask the HPD to send their recommendations in advance of the meeting.

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

Murphy-Romboletti- Ordered that the City Council update its ordinances in Chapter 86 - Traffic and Vehicles to include language that clarifies rules and restrictions related to the city's street sweeping schedule.

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

LATE FILED ORDERS AND COMMUNICATIONS

(3:06:45)

From Office of the Attorney General- OML 25-27 Holyoke City Council Redacted.

Councilor Sullivan noted this while the Law Department received this on March 5th, it was just now being received by the Council as a late file. He added that in all 3 complaints, it was found that the City Council violated the Open Meeting Law.

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

Adjourned at 10:16 p.m.

A handwritten signature in cursive script that reads "Brinna Murphy Leary". The signature is written in dark ink and is positioned below the text "Adjourned at 10:16 p.m.".

REGULAR MEETING OF THE CITY COUNCIL

February 18, 2025

The meeting was called to order by President Murphy-Romboletti at 7:05 p.m.

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)

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. Motion adopted.

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

PUBLIC COMMENT

Alanna Rutledge, 75 Taylor Street, stated that she and several neighbors on her street had concerns that they had not been plowed since the recent snowstorm. She added that it had been difficult to get out of her street every morning. She also stated that it had not been sanded or salted, and she often fishtailed trying to get into her driveway. She also stated that a police car went up and down her street with a siren running but had not given any instructions. She added that after people moved their cars, the road was still not plowed. She also expressed concern with people falling, noting that a lot of older people lived on the street. She also emphasized that the road not being plowed had been a consistent issue.

Amelia Box, 57 Taylor Street, seconded Ms. Rutledge's concerns. She then stated that her car was an SUV and still found herself spinning out trying to get into the street from Hampden. She noted it was a one way street and observed that many other one way streets were also missed and had not been sanded or plowed.

Motion was made and seconded to suspend the necessary rules to take up item 30 out of order.

The Committee on Development and Governmental Relations to whom was referred an order Special permit application of F & M Hideway, Inc to reconstruct and renovate Schermerhorn's Restaurant and retail store per sec 4.7.3 at 224 Westfield Road (157-00-072).

have considered the same and Recommended that the special permit be granted.

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio

Juan Anderson-Burgos
Patricia Devine

UNDER DISCUSSION:

Councilor Givner noted that the applicants were in attendance. She then stated that they were planning to reconstruct Schermerhorn's by rebuilding exactly what was there before, adding that it will be up to code. She noted they sent in their building plans.

Councilor Devine thanked the applicant for sending in their plans. She noted that one of the neighbors had concern about parking, and she was impressed that the applicant offered to meet with that neighbor to address those concerns.

Councilor Vacon expressed support for the special permit. She also commended them for doing their due diligence and finding problem areas to do things the right way.

Councilor I. Rivera noted that many people were grateful that Schermerhorn's' would still be around.

Councilor Greaney stated that he hoped they would leave the sign up in the front.

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

LAI D ON THE TABLE

(10:35)

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.

---> Laid on the table.

Councilor Devine made a motion to suspend the necessary rules to remove item 2 through 6 from the table as a package. Councilor Anderson-Burgos seconded the motion.

Councilor Jourdain stated that he did not mind 3 through 6 being taken up as a package, but had concerns about unique issues with item 2 and would prefer to see that one separated from the package.

Councilor Vacon made a motion to refer the whole package to the Finance Committee as none of the orders had been taken up in committee. Councilor Jourdain seconded the motion.

Councilor Bartley stated they needed to be taken off the table first.

President Murphy-Romboletti stated that she believed that had happened.

Councilor Bartley stated that he did not hear a vote take place.

Councilor Jourdain stated that he objected to it all being taken up together.

Councilor Givner expressed her understanding that there was a motion to take items out of order and there was a vote.

Councilor Bartley stated that there was not a vote on it.

President Murphy-Romboletti stated that the body still needed to vote to take them up together. She then stated that item 2 would be taken up separately, and then 3 through 6 would be taken up as a package.

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY ONE THOUSAND SIX HUNDRED AND 22/100 Dollars (\$21,600.22) as follows:

		FROM	TO
11211	51276	MAYOR'S CONTRACT NEGOTIATIONS	21,600.22
15411	51103	ASSISTANT DIRECTOR - COA	2,222.00
15411	51101	DIRECTOR COUNCIL ON AGING	3,030.00
11711	51101	CONSRVTN & SUSTNBLTY DIRECTOR	3,030.00
12441	51101	SEALER OF WEIGHTS AND MEASURES	2,525.00
16301	51101	DIRECTOR PARKS/REC FORESTRY	2,899.14
16301	51103	ASST DIRECTOR OF PARKS & REC	2,222.00
14211	51108	SAFETY OFFICER	2,020.00
15101	51101	DIRECTOR BOARD OF HEALTH	1,632.00
15101	51202	ANIMAL CONTROL OFFICER	2,020.08
		21,600.22	21,600.22

UNDER DISCUSSION:

Councilor Vacon made a motion to refer items 2 through 6 to the Finance Committee. Councilor Jourdain seconded the motion.

Councilor Devine stated that all of these had been in Finance. She then stated that she provided a list of 22 people that were in these positions. She then emphasized that the Council could only talk about the appropriations and could not get into benefits because that was not the Council's prerogative. She then suggested that discussion of benefits may lead to an unfair labor practice charge. She then asked why item 2 should go to committee but not the others.

Councilor Jourdain explained that item 2 had extra rules. He then suggested that due to previous objections to an earlier package of items that had portions of interdepartmental transfers, the administration submitted items 3 through 6 as intradepartmental transfers. He then stated that the only other issues was that to pass those items, it would require both readings by a two-thirds vote. He then suggested that item 2 presented an interdepartmental transfer due to funds coming from the Mayor's Contracted Services line to other departmental salary lines. He then noted that the Law Department offered guidance that since this was for the same purpose, that would not follow the interdepartmental rule. He then asked for an opportunity to speak to DOR (Department of Revenue) on the following Friday to ask if they understood the funds were in the Mayor's budget and the others were all their own separate departments. He added that he could consider going along with it if the Law Department's guidance was accurate. He emphasized that there was not a contract negotiation line in each of those departments. He

then stated that items 3 through 6 had not come to the Council before, and there could be open questions about why there was extra money in some of those accounts.

Councilor Vacon explained that the reason for her motion because it was better for the committee to do their work instead of the entire body trying to do that work.

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

Councilor Devine asked Councilor Jourdain if he was speaking with the DOR.

Councilor Jourdain stated that he was.

Councilor Devine asked if they would be giving a ruling in writing.

Councilor Jourdain stated that he doubted they would give one in writing, noting that they had not given one in writing to the Law Department. He then stated his interest in confirming what the Law Department was saying was accurate because it was only a verbal report.

Atty Bissonnette stated that it was unfortunate that the accuracy and legitimacy of what the Law Department has reported was being characterized as fruit of the poisonous tree and not an accurate representation of what the DOR said. He then explained that they call the DOR for guidance on a regular basis and emphasized that they do not provide written opinions. He then observed that due to Councilor Jourdain enlightening everyone on the rules of interdepartmental transfers, the mayor put forward these orders to transfer funds already within those departments. He then recalled that during the budget discussions, \$25,000 was specifically put into the mayor's budget for contract negotiations. He added that the contract negotiations with the PSA had been prolonged and had resulted in a stalemate, and the budget needed to reflect what the settlement may be. He then stated that after explaining all of that to the DLS (Division of Local Services) led to them concurring that it was for the same purpose. He added that it was not an attempt to mislead anyone as it had been explained what it was for. He noted that there was also a communication from Atty Ball presenting a case law from 1913 that explained the first time an item appeared on an agenda was when an item was first read.

Councilor Givner stated that this information was not new and she did not believe there was any reason to send the items back to the Finance Committee. She then expressed frustration that one person repeatedly does not agree with the opinions of the Law Department. She then expressed hope that the Law Department's guidances could be taken as real. She added that these items were time sensitive as employees had been waiting. She added that losing employees would be more costly. She then questioned looking for reasons that would make people want to leave. She then stated that while she understood the desire to hear from the state personally, she believed the word of the Law Department should be trusted.

Councilor Jourdain stated that history had taught him that the Law Department had often been wrong, as everyone else was wrong at times. He then suggested that he may look into things more than others choose to do. He then explained that the original form of this item already showed him to be correct, which was why these items were now here. He then stated that he had made his points already about the expense to taxpayers to give more vacation time, benefits, flex time, and other giveaways beyond just par raises. He then emphasized that he just wanted to ensure the rules were being followed. He noted that he

had just spoken with Atty Ball the previous week to understand where she got her opinion and then reached out to them to seek to hear it for himself. He also expressed concern about longtime rules and practices of the Council being flipped. He emphasized that this was not about just trying to win on an issue, but about avoiding having bad precedent created. He then acknowledged that items 3 through 6 were eventually going to pass. He then expressed disagreement with the interpretation of section 22 of the charter regarding the two reding rule in that the second reading could not be taken up until a motion to pass the first reading was passed. He then stated that the section required that if both motions were done within 3 days of each other, it required two-thirds of the vote for passage. He then acknowledged that items 3 through 6 could eventually pass on a simple majority if at least 3 days were given between the votes to pass the first and second readings. He also emphasized that these items included retro pay going back to July of 2023 and another 2 weeks would not be the end of the world.

Councilor Devine agreed with Councilor Givner that the Law Department should be trusted. She then emphasized that with respect to getting benefits on flex time, there was not comp time for employees who often get called in for meetings in the evening. She then asked Atty Bissonnette what the difference was with the motions to pass first and second readings as they had been done before.

Atty Bissonnette stated that the argument was what constituted a reading. He then explained that an item being read by the president could constitute a first reading. He added that according to the interpretation of the SJC (Supreme Judicial Court), the referral to a committee was considered to be a first reading. He added that the language of section 22 on passing both readings was likely about getting things passed on the first night they were introduced. He noted that the city of Lowell that was the focus of the SJC decision had a similar charter to that of Holyoke.

Councilor Devine asked if these items could be passed that night if a motion to do so was made.

Atty Bissonnette expressed his understanding that the motion on the floor was to refer item 2 to the Finance Committee. He then stated that if that motion was defeated, a motion to pass item 2 could be made, and as these items were taken up as late files and tabled at the last meeting which constituted the first reading, these could be passed with only the second reading needed to be passed. He noted that items 3 through 6 would first have to be taken off the table.

President Murphy-Romboletti clarified that Vaco's motion had been to refer items 2 through 6 to the Finance Committee.

Councilor Vacon stated that was correct but understood that the discission was currently just about item 2. She then expressed concern that the Council had been sliding away from practices under the city charter over the last 2 years under the argument that it was outdated. She then explained that unless it were changed, the Council still needed to operate under it. She also expressed concern about recent arguments that the state law trumped the charter, while the Council had always followed the charter until those recent arguments. She then stated that at the last meeting, the motion had been to take them up and table them and they were not even read into the record nor were they even posted 48 hours before the meeting. She also questioned how the late files were emergencies. She then suggested that this was the first night the items were legally before the Council and the first night they were read into the record.

Councilor Sullivan, emphasizing that this was not a reflection of the current Law Department, recalled that the Council had been lied to by the Law Department regarding things that went on with the collapse, lawsuits, and practices with respect to the Essex Hotel. He then stated that it was not a lack of trust to

question the Law Department or any other department, but was due diligence and not a waste of taxpayer money. He added that the city lost millions on the advice of the Law Department at that time.

President Murphy-Romboletti clarified that she did read the items into the record at the last meeting.

Motion to refer items 2 through 6 to the Finance Committee failed on a call of the roll of the yeas and nays--Yeas 6 (Bartley, Greaney, Jourdain, Ocasio, Sullivan, Vacon)--Nays 7--Absent 0.

Councilor Devine made a motion to pass items 2 through 6. Councilor Anderson-Burgos seconded the motion.

Councilor Jourdain emphasized that a motion to take them all up as a package had not been passed.

President Murphy-Romboletti stated that she had not recognized the motion.

Councilor Devine withdrew her motion and made a motion to pass item 2. Councilor Anderson-Burgos seconded the motion.

Councilor Jourdain stated that if this were to pass the first reading, he believed the second reading should be tabled in order to get confirming of what the Law Department was saying. He then expressed frustration in being questioned about seeking to get independent verification of what they were reporting. He noted that they had reversed their own opinions in the last few years, and had given verifiably bad opinions. He then stated that he believed they got it right and did their best most of the time. He then emphasized that Holyoke elected a split Council 7-6, adding that people did not get to change the rules because they did not like how the election turned out by trying to circumvent the rules that had been in effect for years. He then expressed concern that this new contract required flex time to be given which would tie the hands of the mayor going forward. He added that he also did not agree that managers should have been in the union. He also expressed concern about giving everyone an extra 2 weeks of vacation, along with extra longevity time, adding that the average Holyoker wasn't getting those benefits.

Councilor I. Rivera suggested that there was an irony in questioning when governments, both locally and nationally, should follow rules. He added that it appeared to be wielding power in a way that was not fair when people who disagree were being chastised. He then suggested that if the city had been working in collaboration with employees over the years, there wouldn't be a big hit all at once. He then stated that he could no longer be mad if an employee was asked to attend an Ordinance meeting and they couldn't show up if they were not going to be compensated. He emphasized that when the people of Holyoke are referred to, the employees were also among the people of Holyoke who needed to be thought about.

Councilor Anderson-Burgos expressed frustration with claims that the City Solicitor can't always be trusted. He then emphasized that these employees have been waiting since 2023 for these raises. He then questioned how anyone would feel about statements claiming that there was nothing wrong with waiting another two weeks. He also questioned the focus on when the City Solicitor was wrong when these people were just waiting to get paid. He also suggested that it was an insult that some councilors have a vendetta because of the results of an election. He added that the city had been in a rut for years and that was not on the newer city councilors who were being blamed.

Councilor Vacon raised a point of order, asking that the debate stay on topic.

President Murphy-Romboletti stated that the comments were on topic as they were response to what was already said, adding that those earlier comments arguably had not been on topic.

Councilor Anderson-Burgos stated that the mayor was trying to get things done and this felt like trying to block him in order to be able to claim he was doing a horrible job.

Councilor Vacon stated that city councilors had a fiduciary responsibility. She added that once councilors receive opinions from the Law Department, it is on the councilors to vote based on the rules, emphasizing that the Law Department was advisory to the Council. She reiterated that the City Solicitor had changed their opinion to the complete opposite in just the last 2 years. She added that it was legal and fair for the Council to question the cost of an agreement. She also asked that the same empathy being expressed for these employees being also expressed for the taxpayers who have to pay for the contract. He added that it was the job of councilors to know the charter.

Councilor Devine emphasized that the professional employees on the list had been asked into meeting on numerous occasions. She added that she can't help it if someone has a \$600,000 house. She then asked to get these passed for the sake of the good people who work for the city.

Councilor Magrath-Smith called the question. Councilor Devine seconded the motion.

President Murphy-Romboletti stated that the motion was to pass the second reading.

Councilor Jourdain asked when the motion to pass the first reading was.

President Murphy-Romboletti stated that she read the order into the record at the last meeting and that was the first reading.

Councilor Jourdain stated there was never a vote to pass the first reading.

President Murphy-Romboletti stated that she read the order into the record, adding that there was a legal opinion on the agenda citing case law. She added that this was not a new debate.

Councilor Jourdain stated that every single transfer that had come before the body had included a vote on the first reading and then a vote to adopt on the second reading.

President Murphy-Romboletti stated that the item was tabled at the last meeting.

Councilor Jourdain stated that nobody made a motion to pass the first reading.

President Murphy-Romboletti stated that there was a motion to table it after reading it.

Councilor Jourdain stated that the charter required a motion to pass the first reading.

President Murphy-Romboletti stated that the Law Department as well as case law cited otherwise.

Councilor Jourdain stated that it was unfair.

President Murphy-Romboletti asked how that was unfair. She also noted that some councilors do things that make things unfair to her.

Councilor Jourdain stated that he could talk all night about he gets treated in meetings.

President Murphy-Romboletti stated that she was not going to get into it. She then stated that Councilor Jourdain was out of order.

Councilor Jourdain stated that he had a point of order, reiterating that the charter required a passage of two readings.

President Murphy-Romboletti stated that things sometimes get laid on the table.

Councilor Jourdain stated that there still needed to be a motion to pass the first reading and then pass the second reading.

President Murphy-Romboletti reiterated that the Law Department weighed in.

Councilor Jourdain stated that he did not ask for the Law Department to weigh in.

Councilor Devine stated that she had asked.

President Murphy-Romboletti stated that she was going to listen to the Law Department.

Councilor Jourdain asked why this was going to be different than what had been done for 100 years. He added that the SJC case had not gone to committee for a discussion.

President Murphy-Romboletti questioned needing a discussion on everything that got communicated.

Councilor Jourdain stated that it should on a charter that everyone took an oath to enforce.

President Murphy-Romboletti stated that she did not need reminding of the oath she took. She then threatened to end the meeting early.

Councilor Jourdain expressed frustration that this was censorship.

President Murphy-Romboletti stated that it was not censorship.

Councilor Jourdain asked if the next step was going to be the police being called to kick him out.

President Murphy-Romboletti stated that the behavior was outrageous. She then demanded that Councilor Jourdain not raise his voice at her.

Councilor Jourdain stated that the public needed to understand that this was censorship.

President Murphy-Romboletti stated that it was not censorship, and she understood what censorship.

Councilor Devine stated that Councilor Magrath-Smith had a motion on the floor.

President Murphy-Romboletti called a five minute recess.

A five minute recess took place.

President Murphy-Romboletti stated that she would recognize a motion to pass the first reading.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 7--Nays 3
(Greaney, Jourdain, Sullivan)--Absent 3 (Bartley, Ocasio, Vacon).

Councilor Magrath-Smith asked Atty Bissonnette if 7 was enough for passage.

Atty Bissonnette stated that the motion passed as DLS advised that the appropriation was made to fund the contracts.

Councilor Jourdain stated that as two readings had taken place on the same night, he believed that it was a violation of section 22 of the charter and should have required a two-thirds vote of the body.

Councilor Devine made a motion to suspend the necessary rules to take up items 3 through 6 as a package. Councilor Anderson-Burgos seconded the motion.

Councilor Magrath-Smith raised a point of order. She then asked if the body was just on item 3.

President Murphy-Romboletti stated that was correct.

Councilor Magrath-Smith asked if this was the first reading or the second reading.

Councilor Devine stated that it was the first.

President Murphy-Romboletti asked for a motion to lay items 3 through 6 on the table, noting that the body had just argued about these for an hour and a half. She then acknowledged and was fine that half the Council was going to oppose her on everything she did, but expressed frustration if everyone was going to contradict each other.

Councilor Jourdain raised a point of order. He then expressed it was an example of unfair treatment for her to state that half the Council was going to oppose her on everything.

President Murphy-Romboletti stated that she was not going to continue doing this.

Councilor I. Rivera made a motion to adjourn. Councilor Greaney seconded the motion. Motion adopted.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, EIGHT THOUSAND ONE HUNDRED EIGHTY TWO AND 93/100 Dollars (\$8,182.93) as follows:

	FROM	TO
12401 51101 LOCAL INSPECTOR	8,182.93	
12401 51102 ASST BUILDING COMMISSIONER		3,132.93
12401 51103 CHIEF INSPECTOR OF WIRES		2,828.00
12401 51107 ZONING OFFICIAL		2,222.00
	8,182.93	8,182.93

---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ELEVEN THOUSAND THREE HUNDRED FORTY TWO AND 00/100 Dollars (\$11,342.00) as follows:

	FROM	TO
11751 51106 PLANNER I	11,342.00	
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
	11,342.00	11,342.00

---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND FIFTY AND 00/100 Dollars (\$5,050.00) as follows:

	FROM	TO
16911 51104 ENTERPRISE COORDINATOR	5,050.00	
16911 51101 DIRECTOR WISTARIAHURST		2,828.00
16911 51103 CITY HISTORIAN		2,222.00
	5,050.00	5,050.00

---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE THOUSAND FIVE HUNDRED SIXTY AND 99/100 Dollars (\$1,560.99) as follows:

	FROM	TO
15431 51104 INVESTIGATOR	1,560.99	
15431 51105 NATIONAL SERVICE OFFICER		1,560.99
	1,560.99	1,560.99

---> Laid on the table.

From Assistant Solicitor Jane Mantolesky, letter regarding St. Vincent Lots

---> Laid on the table.

COMMUNICATIONS

From Mayor Joshua Garcia, letter appointing Ms. Patricia Normand of 36 Pleasant St to serve as a member of the Conservation Commission. Ms. Normand will serve a three year term expiring February 1, 2028.

---> Laid on the table.

From Mayor Joshua Garcia, letter appointing Mr. Denis Luzuriaga of 6 Pinehurst Rd., to serve as a Commissioner of the Holyoke Housing Authority. Mr. Luzuriaga will replace Mr. Jose Maldonado-Velez and will serve the remainder of his term expiring April 1, 2029.

---> Laid on the table.

From Mayor Joshua Garcia, letter reappointing Ms. Lyn Horan of 100 Southamptn Rd., to serve as a member of the Commission on Disabilities. Ms. Horan will serve a three year term expiring in March 2028.

---> Laid on the table.

From Mayor Joshua Garcia, letter reappointing Ms. Jessica Lebron-Martinez of 102 Brown Avenue., to serve as a member of the Commission on Disabilities. Ms. Lebron-Martinez will serve a three year term expiring in March 2028.

---> Laid on the table.

From Mayor Joshua Garcia, letter reappointing Mr. Jeffrey Horan of 100 Southamptn Rd. to serve as a member of the Conservation Commission. Mr. Horan will serve a three year term expiring February 1, 2028

---> Laid on the table.

From Mayor Joshua Garcia, letter reappointing Ms. Rosemary Arnold of 30 Mountain Rd. to serve as a member of the Conservation Commission. Ms. Arnold will serve a three year term expiring February 1, 2028.

---> Laid on the table.

From Mayor Joshua Garcia, letter reappointing Ms. Sarah Wedaman of 28 Howard St., to serve as a member of the Commission on Disabilities. Ms. Wedaman will serve a three year term expiring in March 2028.

---> Laid on the table.

From City Solicitor: Lisa Ball- Case of Fuller v. Haines 224 Mass. 176 which addresses the first reading of an order

---> Laid on the table.

From City Solicitor: Opinion from KP Law

---> Laid on the table.

From Assistant City Solicitor Jane Mantolesky- Notice of Sale - 285 Main

---> Laid on the table.

From Councilor Councilor Givner- Boston Globe article on Impact fees

---> Laid on the table.

From DOR- Guideline on appropriation transfers

---> Laid on the table.

From Frank Demarinis, Shermerhorns site plan review

---> Laid on the table.

Cultural Humility Workshop Curriculum

---> Laid on the table.

From City Clerk Brenna Murphy Leary and Amin. Assistant Jeffery Anderson-Burgos, minutes from February 4, 2025 meeting.

---> Laid on the table.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

The Committee on Public Service to whom was referred an order From Mayor Garcia, letter appointing Ms. Beverlyn Blanchard of 46 St. Kolbe Dr. to serve as a member of the Library Board of Directors. Ms. Blanchard will serve a three year term expiring February 2028.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

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

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

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

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Mr. Joseph Black of 1015 Maple St. to serve as a member of the Recycling Advisory Committee. Mr. Black's will serve a three year term, expiring on August 1, 2027.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Ms. Tiffany Espinosa of 30 Amherst St Holyoke to serve as a member of the Holyoke Redevelopment Authority. Ms. Espinosa will replace Mr. Jorge Colon and will serve the remainder of his term expiring November 1, 2029.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Development and Governmental Relations to whom was referred an order Special Permit Application of Salmar Realty LLC c/o Peter Martins for a special permit for a Proposed Coffee shop/Drive Thru Restaurant at South Street Plaza, A Portion of 209 South St.

have considered the same and Recommended that the special permit be granted with the 32 conditions described in the Planning Board Site Plan Review Notice of Decision letter dated January 16, 2025

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

---> Laid on the table.

The Committee on Development and Governmental Relations to whom was referred an order City Council explore with the Mayor a residential redevelopment plan for city owned vacant parcels has homes built then sold. City funds coupled with any available grant funding will be used for seed funding with the proceeds of the sales used to build more homes. The long term play for the city is the generation of all of the property tax revenue from these home sales, the new availability of great new housing, the reduction in city owned buildable lots and the growth of population.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

---> Laid on the table.

The Committee on Development and Governmental Relations to whom was referred an order The Law Dept., Building Commissioner and the city's property group provide its annual update on the City's Receivership program. Please send communication to the Clerk for the second city council meeting in January 2023.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

---> Laid on the table.

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2025 FIREFIGHTER SAFETY EQUIPMENT GRANT PROGRAM, \$24,081, 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.'

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY THREE THOUSAND AND 00/100 Dollars (\$33,000) as follows:

FROM

14101-51105 SR CIVIL ENGINEER	\$ 17,000	
14251-51102 HOISTING EQUIPMENT OPERATOR		16,000
TOTAL \$33,000		

TO:

14102-53010 PROF ENGINEERING SERVICES	\$33,000	
TOTAL \$33,000		

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED THOUSAND AND 00/100 Dollars (\$100,000) as follows:

FROM

12101-51107 PATROLMEN	\$ 50,000	
12101-51117 DISPATCH		50,000

TOTAL \$100,000

TO:

12102-53010 MAP/DATA MAINTENANCE \$100,000

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, EIGHTY THOUSAND AND 00/100 Dollars (\$80,000) as follows:

FROM

12101-51105 SERGEANTS \$40,000

12101-51107 PATROLMEN 40,000

TOTAL \$80,000

TO:

12102-53010 MAP/DATA MAINTENANCE \$80,000

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, EIGHTY THREE THOUSAND SIX HUNDRED FIFTY SIX AND 00/100 Dollars (\$83,656) as follows:

FROM

11511-51201 PT ASSISTANT SOLICITOR \$83,656

TOTAL \$83,656

TO:

11511-51202 PT ASSOCIATE SOLICITOR \$83,656

TOTAL \$83,656

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order From Sean Sheedy, Maintenance Admin for Holyoke Public Schools, 2-4-2025 SOI ARP PROJECTS HPS

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order that the City of Holyoke appropriates the amount of One Hundred Thousand (\$100,000) Dollars for the purpose of paying costs of conducting a Schematic Design Study at Kelly Elementary School located at 216 West Street Holyoke MA 01040 for a potential roof replacement, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Holyoke has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Mayor Joshua Garcia. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, Chapter 70B, or any other enabling authority. The City of Holyoke acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City of Holyoke incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Holyoke; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Holyoke and the MSBA.

FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and execute such documents as may be required for such purposes. Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order That the City of Holyoke appropriates the amount of One Hundred Thousand(\$100,000) Dollars for the purpose of paying costs of conducting a Schematic Design Study at Lt Elmer J McMahon Elementary School located at 75 Kane Road Holyoke MA 01040 for a potential roof replacement, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Holyoke has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Mayor Joshua Garcia. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, Chapter 70B, or any other enabling authority. The City of Holyoke acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City of Holyoke incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Holyoke; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Holyoke and the MSBA. FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and execute such documents as may be required for such purposes. Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order That the City of Holyoke appropriates the amount of Seventy-Five Thousand(\$75,000) Dollars for the purpose of paying costs of conducting a Schematic Design Study at Lt Clayre Sullivan Elementary School located at 400 Jarvis Avenue Holyoke MA 01040 for a potential partial roof replacement, including the payment of all costs incidental or related

thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Holyoke has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of mayor Joshua Garcia. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, Chapter 70B, or any other enabling authority. The City of Holyoke acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City of Holyoke incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Holyoke; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Holyoke and the MSBA. FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and execute such documents as may be required for such purposes. Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order That the City of Holyoke appropriates the amount of One Hundred and Fifty Thousand (\$150,000) Dollars for the purpose of paying costs of conducting a Schematic Design Study at Holyoke High School located at 500 Beech Street Holyoke MA 01040 for a potential roof replacement, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Holyoke has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Mayor Joshua Garcia. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, Chapter 70B, or any other enabling authority. The City of Holyoke acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City of Holyoke incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Holyoke; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Holyoke and the MSBA. FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order,

and to provide such information and execute such documents as may be required for such purposes.
Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

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

Committee Members:

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

---> Laid on the table.

The Committee on Finance to whom was referred an order That the City of Holyoke appropriates the amount of Seventy-Five Thousand(\$75,000) Dollars for the purpose of paying costs of conducting a Schematic Design Study at Maurice A Donahue Elementary School located at 210 Whiting Farms Road Holyoke MA 01040 for a potential partial roof replacement, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Holyoke has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Mayor Joshua Garcia. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, Chapter 70B, or any other enabling authority. The City of Holyoke acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City of Holyoke incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Holyoke; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Holyoke and the MSBA.

FURTHER ORDERED: That the Treasurer is authorized to file an application to qualify under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this Order, and to provide such information and execute such documents as may be required for such purposes.
Further Ordered: That there shall be no change in the purpose of this bond authorization without prior vote of approval by the Holyoke City Council

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

Committee Members:

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

---> Laid on the table.

The Committee on Joint Committee of City Council and School to whom was referred an order the School Department, the School Committee, the Receiver and Mayor present a plan for the future of Metcalf School. I'd like to hear long-terms plans as well as temporary ones. I would like the district to consider the City continue using the school in its current purpose: as a learning institution. If not in the plan, then let's consider it as the headquarters of the School Department. Should a committee be formed? What plans are being discussed? The building, erected 1911, is iconic and should be preserved and, if needed, rehabilitated and repurposed for City uses. Refer to HPS, Receiver, Mayor and Joint Committee.

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

Committee Members:

Kevin A. Jourdain
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Joint Committee of City Council and School to whom was referred an order From Mayor Garcia and Superintendent Soto, a Joint statement affirming the rights of immigrants

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

Committee Members:

Kevin A. Jourdain
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Joint Committee of City Council and School to whom was referred an order The Superintendent of Schools discuss his recent memo on affirming the rights of immigrants with the Joint Committee on City Council and School Committee.

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

Committee Members:

Kevin A. Jourdain
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Joint Committee of City Council and School to whom was referred an order From Sean Mangano, School Committee Finance Subcommittee 12.12.24

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

Committee Members:

Kevin A. Jourdain
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

The Committee on Joint Committee of City Council and School to whom was referred an order The Superintendent of Schools please update the Joint Committee on City Council and School Committee on any updated plans for the School Dept headquarters in light of their decision not to go forward with proposed High Street location.

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

Committee Members:

Kevin A. Jourdain
Carmen Ocasio
Howard Greaney, Jr

---> Laid on the table.

ORDERS AND TRANSFERS

Magrath-Smith, ordered that City Council review CPA Committee recommendations and approve funding for FY25 CPA projects.

---> Laid on the table.

Murphy-Romboletti- With community support, the City Council issue a proclamation to Gina Nelson, Executive Director of Community Roots Neighborhood Services, Inc. and the Veterans Lunch Program in recognition of the invaluable work they do for our community's veterans.

---> Laid on the table.

Vacon- ORDER: That the American flag protocol is followed for flags at public schools such as McMahon & on other city property, including; either lighting the flag or bringing the flag in each night and putting it up in the morning.

---> Laid on the table.

Vacon, Jourdain- ORDER: The Treasurer & Auditor provide the City Council with an update & timeline for the certification of free cash. Refer to Finance Committee
---> Laid on the table.

Bartley- Ordered that Schedule B, Compensation for Elected Officials of Chapter 2 of the Code of Ordinances be amended as follows:
City Clerk: \$90,000
---> Laid on the table.

Devine, Givner - ORDERED: that the Directors of the Board of Health, Zoning, Planning, and the Animal Control Officer and Law Department meet with the Ordinance Committee to discuss Ordinance Sec. 14-12 as it relates to #2 Hens, specifically the keeping of hens DEFINITIONS, SPECIAL PERMIT PROCESS, SPECIFICATIONS AND DIMENSIONS, GENERAL REGULATIONS, VIOLATIONS and any and all regulations whether State or Federal that may be pertinent.
---> Laid on the table.

Devine - ORDERED: that the City Engineer determine if a BLOCK THE BOX is warranted at Columbus Avenue and Northampton Street. Refer to City Engineer
---> Laid on the table.

Devine- ORDERED that the Law Department determine and render an opinion as to whether DPW supervisors/employees can ticket those automobiles/trucks that are impeding snow removal and plowing during a legal parking ban.
---> Laid on the table.

Devine-Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "BYRNE STATE CRISIS INTERVENTION PROGRAM, \$84,458.79, 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor
---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, NINE THOUSAND NINE HUNDRED EIGHTY ONE AND 52/100 Dollars (\$9,981.52) as follows:

FROM

12201-51103 CAPTAIN \$3,663.90

12201-51104 LIEUTENANTS	6,317.62
TOTAL \$9,981.52	
TO:	
12201-51180 INJURED ON DUTY	\$9,981.52
PP#16 TOTAL \$9,981.52	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor

---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY FIVE THOUSAND AND 00/100 Dollars (\$25,000) as follows:

FROM

8811-10400 CAPITAL STABILIZATION	\$25,000
----------------------------------	----------

TOTAL \$25,000

TO:

12103-58003 HPD CAP OUTLAY- BUILDING IMPROVEMENTS	\$25,000
---	----------

TOTAL \$25,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor

---> Laid on the table.

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
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TOTAL \$108,695.56

TO:

19412-57630 SOLICITOR CLAIMS & DAMAGES	\$108,695.56
--	--------------

TOTAL \$108,695.56

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor
---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND Dollars AND 00/100 Dollars (\$5,000) as follows:

	FROM	TO
12101 5119 POLICE RESERVE	5,000	
0010 57200 OUT OF STATE TRAVEL		5,000
	5,000	5,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor
---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND Dollars AND 00/100 Dollars (\$5,000) as follows:

	FROM	TO
1421 51102 DPW HOISTING EQUIP OPERATOR	5,000	
01010 57200 OUT OF STATE TRAVEL		5,000
	5,000	5,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor
---> Laid on the table.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND Dollars AND 00/100 Dollars (\$5,000) as follows:

	FROM	TO
12101 5119 FIRE FIGHTER LINE	5,000	
0010 57200 OUT OF STATE TRAVEL		5,000
	5,000	5,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, February 18, 2025.

Joshua A Garcia, Mayor
---> Laid on the table.

Givner- In the interest of transparency, order that the Collins Center for Public Management present its findings, working with Holyoke's Government Restructure Advisory Council, on Payments In Lieu of Taxes, PILOTs. Some cities and towns (Boston, Brookline) developed formal PILOT policies where the municipality asks the nonprofit to pay a portion of the taxes their tax-exempt property would have paid if it wasn't tax-exempt. Springfield and Concord are exploring the need for PILOT policies. Holyoke has hundreds of tax-exempt properties including group homes, charities, drug recovery agencies, hospitals, health centers, churches, schools, colleges, and more that were included in the study. ~Send to DGR
---> Laid on the table.

Givner- In an effort to promote efficiency while upholding quality of life standards, Order that the City Council invite department heads involved with permitting in to review special permit processes. Incomplete applications regularly come before DGR. The current process is incredibly inefficient wasting 8-10 hours, per applicant, in efforts from the Clerk's office, the Planning department, the Planning Board, building department, as well as City council and subcommittees. Our permitting Ordinance should be reviewed and updated if needed. ~Send to DGR for discussion / copy to ordinance for updates
---> Laid on the table.

LATE FILED ORDERS AND COMMUNICATIONS

The Committee on Development and Governmental Relations to whom was referred an order Law Dept and Mayor be invited to the City Council to discuss an update on the city's use of the receivership program including current properties being targeted and others that are excellent prospects for required repairs. I also would like to see if we can use this for larger scale problem rental properties with the right receiver as has been done in larger metropolitan cities. I also would like to start an initiative as has been used in large urban settings where we have required landlord training programs when appropriate as well as a model like Kansas City Bad Apple Program for repeat offenders. Law dept. and Mayor will be encouraged to look at what resources we need to go bold on problem properties and develop a plan with us.

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

Committee Members:

Kocayne Givner
Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

---> Laid on the table.

Adjourned at 8:59 p.m.



In City Council, _____, 2025. Adopted on a call of the roll of the yeas ____ and nays ____

The City of Holyoke, through its Honorable City Council and Honorable Mayor hereby petition the Massachusetts General Court to approve the following legislation for the purpose of amending the charter of the city concerning special meetings, and that said legislation be entitled:

AN ACT TO AMEND THE CHARTER FOR THE CITY OF HOLYOKE

And that said act read as follows:

SECTION 1: Section 12 of the City of Holyoke Charter shall be amended by deleting the current section in its entirety.

SECTION 2: Section 12 of the City of Holyoke Charter shall be further amended by adding the following new section:

SECTION 12–Special Meetings of the City Council;

The Mayor or the President of the City Council may at any time call a special meeting of the City Council by causing written notifications thereof, together with a statement of the subjects to be considered thereat, to be electronically delivered to all Council members at least 48 hours prior to the commencement of the meeting. Members of the City Council may elect to alternatively receive all such notices by mail, hand delivery to their place of residence, or to their City Hall desk by designating their preference to the Clerk or the Assistant to the City Council.

SECTION 3: So much of Chapter 438 of the Acts of 1896 and Chapter 327 of the Acts of 1936 and acts in amendment thereof and addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 4: The General Court may make clerical or editorial changes of form only to the bill, unless the Mayor and City Council approve amendments before enactment by the General Court. The Mayor and City Council are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

SECTION 5: This act shall take effect upon its approval.

Clerk

Presented to the Mayor for Approval:

City Clerk

Date

Approved:

Mayor

Date

IN THE YEAR TWO THOUSAND AND TWENTY-FIVE

AMENDMENT TO CHAPTER 86 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF HOLYOKE, MASSACHUSETTS 1997

AN ORDINANCE

:

that the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended,
is hereby further amended:

SECTION 1. BY AMENDING THE FOLLOWING SECTION:

In “Sec. 86-6” by striking the number “200” and replacing it with the number “1000”

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby
repealed.

SECTION 3. This ordinance shall take effect upon its passage.

APPROVED AS TO FORM:

Michael D. Bissonnette
Assistant City Solicitor



MAYOR JOSHUA A. GARCIA
CITY OF HOLYOKE

March 14, 2025

The Honorable City Council
City of Holyoke
Holyoke, MA 01040

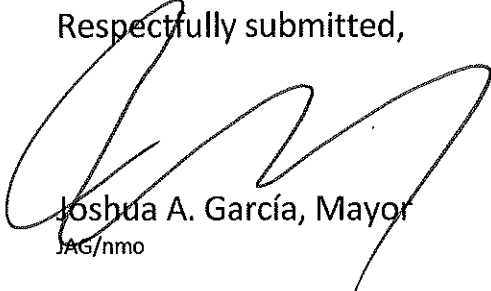
Honorable City Council:

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

Ms. Marilyn Sanabria
20 Resnic Blvd
Holyoke, MA 01040

Ms. Sanabria will serve a five-year term; said term will expire on April 1, 2030.

Respectfully submitted,


Joshua A. García, Mayor
JAG/nmo

Cc: Marilyn Sanabria
Matt Mainville



Mayor Joshua A. Garcia

City of Holyoke

12

Lisa A. Ball, Esq.

City Solicitor

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

August 2, 2024

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

RE: 11 Yale Street Litigation and PILOT Payments

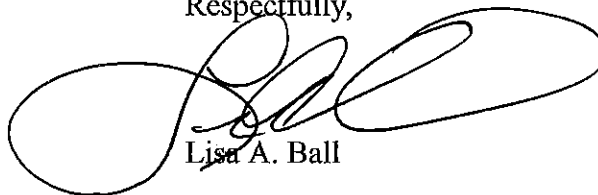
Councilors:

There was a request for an update regarding the litigation matter involving 11 Yale Street. Please be advised that Judgment was entered in the City's favor on October 29, 2021. That Judgment was appealed by the Applicants. Said appeal was dismissed on May 27, 2022.

As it relates to the PILOT payments-there is a pilot agreement dated July 18, 2019 for a term of ten years with a payment of \$8,000.00 per year. The MHA did not occupy the building until the end of 2021. The City has received \$16,000.00 for 2022 and 2023 and has received \$6,000.00 toward three quarters in 2024.

I hope the above addresses your concerns. If you have any questions or need anything further, please feel free to contact me.

Respectfully,



Lisa A. Ball



Mayor Joshua A. Garcia

Lisa A. Ball, Esq.

City of Holyoke

City Solicitor

Kathleen E. Degnan, Esq.
Jane L. Mantolesky, Esq.
Michael D. Bissonette, Esq.
Tasheen Davis, Esq.
Mary E. Gotham, Paralegal

March 27, 2025

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

RE: Special Permit Granting Criteria

Councilors:

Below please find the Zoning Ordinance language regarding the required written determinations that need to be made with reference to special permit applications. I am providing this reminder so that the City can ensure a uniform approach to special permit decisions and ensure compliance with said ordinance.

“9.3.2 Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its **written determination** that the benefit to the city and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. **In addition to any specific factors that may be set forth in this ordinance, the determination shall include consideration of each of the following:**

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on city services, tax base, and employment.



Mayor Joshua A. Garcia

Lisa A. Ball, Esq.

City of Holyoke

City Solicitor

Kathleen E. Degnan, Esq.

Jane L. Mantolesky, Esq.

Michael D. Bissonette, Esq.

Tasheen Davis, Esq.

Mary E. Gotham, Paralegal

In provided for a decision on a special permit application, the City Council should ensure to include the above determinations in writing in its decision with support therefore in addition to any other specific requirements related to the specific special permit application (i.e. Motor Vehicle Repair Garage etc.) as well as any conditions. It is also important to not simply refer to any recommendations from any board or department in the conditions, if any, but to specifically state those recommendations in the conditions of the special permit as opposed to adopting the recommendations of the board or department.

I'm happy to draft up a sample decision form to share with the City Council if you would like.

Very truly yours,

Jane Mantolesky
Assistant City Solicitor



Mayor Joshua A. Garcia

Lisa A. Ball, Esq.

City of Holyoke

City Solicitor

Kathleen E. Degnan, Esq.
Jane L. Mantolesky, Esq.
Michael D. Bissonette, Esq.
Tasheen Davis, Esq.
Mary E. Gotham, Paralegal

March 27, 2025

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

RE: Proposed Administrative Leave Ordinance

Councilors:

I am aware that the City Council Ordinance Committee voted the above proposed ordinance out of committee without recommendation. Unfortunately, the City Solicitor's office cannot sign the proposed revised legal form for the ordinance due to the inclusion of the word "elective" in the first sentence, without adding the qualifying language at the end of the ordinance that "This provision shall not apply to elected officers or elected employees unless specifically applicable to said elected officer or elected employee pursuant to the Massachusetts General Laws."

While I understand that the proposed form is inclusive of language in the statute and that the word "elective" is used in the statute (MGL c. 268A, Section 25), the Massachusetts Supreme Judicial Court has held that the statute does not apply to elected officials. See McGonigle v. Governor, 418 Mass. 147, 147 (1994) enclosed herewith. Considering the same, the only draft the City Solicitor's office is able to sign off on is the enclosed draft.

Unfortunately, without the qualifying language above the word "elective" in the ordinance would leave the ordinance open to unintended interpretations not provided for in the law.

Very truly yours,

Jane Mantolesky
Assistant City Solicitor

Enclosures



User Name: Jane Mantolesky

Date and Time: Wednesday, October 9, 2024 12:59:00 PM EDT

Job Number: 235602671

Document (1)

1. [McGonigle v. Governor, 418 Mass. 147](#)

Client/Matter: -None-



Positive

As of: October 9, 2024 4:59 PM Z

McGonigle v. Governor

Supreme Judicial Court of Massachusetts

May 3, 1994, Argued ; June 30, 1994, Decided

S-6569

Reporter

418 Mass. 147 *; 634 N.E.2d 1388 **; 1994 Mass. LEXIS 322 ***

JOHN P. MCGONIGLE v. THE GOVERNOR & others. ¹

Prior History: [***1] Suffolk. Civil action commenced in the Supreme Judicial Court for the county of Suffolk on April 15, 1994. The case was reported by Wilkins, J.

Core Terms

suspend, sheriff, appointing authority, appoint, elected, indictment, elected official, county official, misconduct, suspension, charging, criminal indictment, sheriff's office, power to remove, temporary basis, single justice, racketeering, conspiracy, includes, reserved, replace, terms

Case Summary

Procedural Posture

The Supreme Judicial Court for the County of Suffolk (Massachusetts) reserved the question whether defendant governor was the appointing authority of plaintiff sheriff of the County of Middlesex within the meaning of [Mass. Gen. Laws ch. 268A, § 25](#) and able to suspend the sheriff without pay.

Overview

The sheriff was indicted on numerous criminal counts. The governor suspended the sheriff without pay and the sheriff challenged the governor's suspension. The court held that the governor did not have the power to suspend the sheriff. Where the sheriff was an elected official, the governor was not an appointing authority, as defined by [§ 25](#), and lacked the power to suspend the sheriff under the procedures set forth in [§ 25](#). Under [§](#)

[25](#), the appointing authority had the power to suspend a county official on the basis of a criminal indictment charging misconduct. However, nothing in [§ 25](#) suggested that the provision for suspension applied to an elected official. Where an official was elected, there was no appointing authority. In addition, the legislature provided a distinct procedure for removing sheriffs from office. [Mass. Gen. Laws ch. 211, § 4](#) provided the court with broad authority to remove a sheriff if sufficient cause was shown and the public good so required. The power to remove an official included within it the authority to suspend that individual.

Outcome

The court determined that the governor was not the appointing authority of the sheriff of the County of Middlesex, and was not able to suspend the sheriff without pay.

LexisNexis® Headnotes

Governments > Local Governments > Employees & Officials

[HN1](#) [↓] Local Governments, Employees & Officials

Where the sheriff is an elected official, the Governor is not an "appointing authority" and, accordingly, lacks the power to suspend the him under the procedures set forth in [Mass. Gen. Laws ch. 268A, § 25](#).

Governments > Local Governments > Employees & Officials

[HN2](#) [↓] Local Governments, Employees & Officials

¹ The Attorney General, Robert C. Krekorian, in his capacity as temporary sheriff of Middlesex County, and James E. Fahey, in his capacity as treasurer of Middlesex County.

418 Mass. 147, *147; 634 N.E.2d 1388, **1388; 1994 Mass. LEXIS 322, ***1

[Mass. Gen. Laws ch. 268A, § 25](#) provides, in pertinent part: an officer or employee of a county, city, town or district, howsoever formed, including, but not limited to, regional school districts and regional planning districts, or of any department, board, commission or agency thereof may, during any period such officer or employee is under indictment for misconduct in such office or employment or for misconduct in any elective or appointive public office, trust or employment at any time held by him, be suspended by the appointing authority, whether or not such appointment was subject to approval in any manner. [Mass. Gen. Laws ch. 54, § 142](#) provides, in relevant part: upon a vacancy by removal or otherwise in the office of sheriff, the governor with the advice and consent of the council may appoint some person thereto until a sheriff is qualified.

the legislature provides a distinct procedure for removing such an individual from office. [Mass. Gen. Laws ch. 211, § 4](#) provides this court with broad authority to remove a sheriff, as well as other elected county officials, if sufficient cause is shown and the public good so requires.

Governments > Courts > Court Personnel

Governments > Local Governments > Police Power

[HN5](#) **Courts, Court Personnel**

The power to remove an official includes within it the authority to suspend that individual.

Governments > Local Governments > Duties & Powers

Criminal Law & Procedure > ... > Abuse of Public Office > Illegal Political Activity > Penalties

Governments > Local Governments > Elections

Governments > Local Governments > Employees & Officials

Governments > Courts > Clerks of Court

Governments > Courts > Court Personnel

Governments > Courts > Judges

Governments > Local Governments > Employees & Officials

Governments > Local Governments > Finance

[HN3](#) **Local Governments, Duties & Powers**

The language of [Mass. Gen. Laws ch. 268A, § 25](#) is clear in that it provides the "appointing authority" with the power to suspend a county official on the basis of a criminal indictment charging misconduct. Nothing in this section suggests that the provision for suspension applies to an official who is elected and not appointed. Where an individual is elected by the people, there is no "appointing authority."

Governments > Courts > Clerks of Court

Governments > Local Governments > Duties & Powers

Governments > Local Governments > Employees & Officials

[HN4](#) **Courts, Clerks of Court**

For certain elected county officials, including sheriffs,

[HN6](#) **Courts, Clerks of Court**

[Mass. Gen. Laws ch. 211, § 4](#), as amended by 1992 Mass. Acts 379, § 62, provides, in relevant part: A majority of the justices if sufficient cause is shown therefor and it appears that the public good so requires, may, upon a complaint, upon a summary hearing or otherwise, remove a clerk of the superior court in Suffolk County, or of a district court, a county commissioner, a county treasurer, sheriff, register of probate or district attorney, or the recorder of the land court.

Headnotes/Summary

Headnotes

The Governor of the Commonwealth lacked the power to suspend an indicted county sheriff under procedures set forth in [G. L. c. 268A, § 25](#), authorizing an "appointing authority" to suspend a county employee under indictment for misconduct where, since the sheriff was an elected official, the Governor was not the

"appointing authority" of the sheriff. [148-150, 151]

Statement that [G. L. c. 211, § 4](#), provides this court with broad authority to remove a sheriff, as well as certain other elected or appointed officials, if sufficient cause is shown and the public good so requires. [150-151]

Syllabus

Governor. Sheriff. Attorney General. Public Officer. Public Employment, Suspension, Removal. Words, "Appointing authority."

Counsel: Jack I. Zalkind (Robert D. Cohan with him) for the plaintiff.

Thomas A. Barnico, Assistant Attorney General, for the defendants.

Judges: Present: Liacos, C.J., Wilkins, Abrams, Nolan, Lynch, O'Connor, & Greaney, JJ.

Opinion by: LIACOS

Opinion

[*147] [**1389] LIACOS, C.J. John P. McGonigle commenced this action in the county court challenging the Governor's decision to suspend him without pay from the office of sheriff of Middlesex County. The Governor purported to act, pending the completion of a trial on a Federal criminal indictment lodged against the sheriff, pursuant to [G. L. c. 268A, § 25](#) (1992 [*148] ed.). A single justice reserved and reported the question whether "the Governor of the Commonwealth is 'the appointing authority' of the Sheriff of the County of Middlesex within the meaning of those words in [G. L. c. 268A, sec. 25](#)." We hold that [HN1](#)² where the sheriff is an elected official, the Governor was not an "appointing authority" and, accordingly, lacked [***2] the power to suspend the plaintiff under the procedures set forth in [G. L. c. 268A, § 25](#).

The relevant facts taken from the amended verified complaint are as follows. ² On January 10, 1985, the then Governor appointed the plaintiff as sheriff of Middlesex County to fill the unexpired term of his

predecessor. On November 4, 1986, the plaintiff was elected to a six-year term, and on November 3, 1992, he was reelected to another term.

On April 8, 1994, a United States grand jury for the District of Massachusetts returned a multi-count indictment against the plaintiff charging him with racketeering conspiracy, racketeering, extortion, conspiracy to defraud, and filing false tax returns. At his arraignment in Federal court, the plaintiff pleaded not guilty to all charges and was released on a \$ 25,000 unsecured bond.

On April 13, 1994, the plaintiff's attorney received notification, by a letter signed by both the Governor and [***3] the Attorney General, that, pursuant to [G. L. c. 268A, § 25](#), the plaintiff had been suspended without pay from his position as sheriff of Middlesex County. This letter also indicated that (1) appropriate action would be taken to replace the plaintiff "on at least a temporary basis"; and (2) the Governor and the Attorney General intended, pursuant to [G. L. c. 211, § 4](#) [**1390] (1992 ed.), to file a complaint seeking the plaintiff's permanent removal from office. ³

The plaintiff claims that, because he is an elected official, there is no "appointing authority" to which he is subject. Accordingly, [*149] he claims that the Governor impermissibly suspended him under [G. L. c. 268A, § 25](#), a provision which authorizes an "appointing authority" to suspend without pay a county employee under indictment for misconduct. ⁴ The defendants [***4] contend that, although G. L. c. 268A does not define the term "appointing authority," this court, for the purposes of this action, should construe the term to include the official authorized to appoint a person to the office of sheriff on a vacancy in the office;

³ On the same day, Special Sheriff Anthony Sasso informed the plaintiff that the Governor had appointed Robert C. Krekorian as "Temporary Sheriff" and that he was demanding access to the sheriff's private offices.

⁴ [HN2](#)² [General Laws c. 268A, § 25](#) (1992 ed.), provides, in pertinent part: "An officer or employee of a county, city, town or district, howsoever formed, including, but not limited to, regional school districts and regional planning districts, or of any department, board, commission or agency thereof may, during any period such officer or employee is under indictment for misconduct in such office or employment or for misconduct in any elective or appointive public office, trust or employment at any time held by him, be suspended by the appointing authority, whether or not such appointment was subject to approval in any manner. . . ."

² There appears to be no factual dispute between the parties at this stage of the proceedings.

that is, the Governor under [G. L. c. 54, § 142](#).⁵

[***5] We disagree with the defendants' interpretation of [G. L. c. 268A, § 25](#). [HN3](#)[↑] The language of this section is clear in that it provides the "appointing authority" with the power to suspend a county official on the basis of a criminal indictment charging misconduct. Nothing in this section suggests that the provision for suspension applies to an official who is elected and not appointed.⁶ [***6] Where an individual is elected by [*150] the people, there is no "appointing authority."⁷ If the Legislature intended to confer the authority to suspend an elected official on the office of Governor, it could have clearly identified the individual or office, as was the case in a related provision, [G. L. c. 30, § 59](#) (1992 ed.), which expressly allows the Governor to suspend any individual he appointed to office if such

⁵ [General Laws c. 54, § 142](#) (1992 ed.), provides, in relevant part: "Upon a vacancy by removal or otherwise . . . in the office of . . . sheriff, the governor with the advice and consent of the council may appoint some person thereto until a . . . sheriff is qualified."

⁶ We reject the defendants' contention that, because [G. L. c. 268A, § 1](#) (1992 ed.), includes within the definition of "county employee" any person holding an office by election, the provisions of [§ 25](#) apply to elected officials. In [G. L. c. 268A](#) (1992 ed.), the Legislature intended to regulate numerous aspects of the professional conduct of State, county, and municipal employees, whether elected or appointed. For example, provisions in this chapter provide standards for both elected and appointed officials as to soliciting or accepting gifts ([G. L. c. 268A, § 3](#)); reporting conflict of interests ([G. L. c. 268A, § 6A](#)); receiving compensation from an additional source ([G. L. c. 268A, § 11](#)), and disclosing financial interests ([G. L. c. 268A, § 13](#)). In contrast to these other sections, in [G. L. c. 268A, § 25](#), the Legislature explicitly limited the scope of the power to suspend to an "appointing authority."

⁷ The defendants argue that the Governor is the "appointing authority," relying in part on our decisions in [Attorney Gen. v. Laffey](#), 388 Mass. 743, 447 N.E.2d 1240 (1983), and [Welch v. Mayor of Taunton](#), 343 Mass. 485, 179 N.E.2d 890 (1962). Both cases are inapposite; neither reaches the issue whether an elected official can be removed by one who might, in other circumstances, become an appointing authority. In [Laffey](#), for example, the issue was whether a successor Governor could remove, pursuant to St. 1964, c. 740, [§ 3](#), members of the Massachusetts Port Authority appointed by his predecessor. We held that he could because the power of appointment is in the office of the Governor, not the person. [Id. at 747](#). In [Welch](#), [supra at 489](#), we held essentially the same as to the office of mayor.

officer or employee of the Commonwealth is under indictment for misconduct.

We note that, additionally, [HN4](#)[↑] for certain elected county officials, including sheriffs, the Legislature has provided a distinct procedure for removing such [***7] an individual from office. [General Laws c. 211, § 4](#),⁸ provides this court [***1391] with broad authority to remove a sheriff, as well as other elected county officials, if sufficient cause is shown and the public good so requires. See, e.g., [Massachusetts Bar Ass'n v. Cronin](#), 351 Mass. 321, 322, 220 N.E.2d 629 (1966) (holding, in an action seeking to remove a District Court clerk, that the court's scope of authority under [G. L. c. 211, § 4](#), is not limited by a provision which authorized the Governor to appoint District Court clerks); [Attorney Gen. v. Flynn](#), 331 Mass. 413, 415, 428, 120 N.E.2d 296 (1954) (recognizing that [G. L. c. 211, § 4](#), is couched in the [***151] broadest terms with no qualifications or restrictions). Although this provision does not specifically enumerate the authority to suspend such an official, it is clear that [HN5](#)[↑] the power to remove an official includes within it the authority to suspend that individual.⁹ See [Tobin v. Sheriff of Suffolk County](#), 377 Mass. 212, 214, 385 N.E.2d 972 (1979) (holding that the authority "to remove a chief [***8] deputy sheriff or a court officer includes within it the authority to suspend the employment of such a person"); [Multi-Line Ins. Rating Bureau v. Commissioner of Ins.](#), 357 Mass. 19, 22, 255 N.E.2d 787 (1970) (recognizing that, when "a general power is given, all authority necessary to carry it out is inferred by implication"). See also [Burnap v. United States](#), 252 U.S. 512, 515, 64 L. Ed. 692, 40 S. Ct. 374 (1920) (power of suspension an incident of power of removal).

[***9] Thus, considering both the language of [§ 25](#) and the scope of power expressly granted to this court under

⁸ [HN6](#)[↑] [General Laws c. 211, § 4](#), as amended by St. 1992, c. 379, § 62, provides, in relevant part: "A majority of the justices . . . if sufficient cause is shown therefor and it appears that the public good so requires, may, upon a complaint, upon a summary hearing or otherwise, remove a clerk of the superior court in Suffolk county, or of a district court, a county commissioner, a county treasurer, sheriff, register of probate or district attorney, or the recorder of the land court."

⁹ In [Matter of Dugan](#), 416 Mass. 461, 462, 623 N.E.2d 1104 (1993), this court, after hearing the parties, ordered the clerk suspended from all powers and duties as clerk-magistrate before removing her from office pursuant to [G. L. c. 211, § 4](#). [Id. at 463](#).

[G. L. c. 211, § 4](#), we conclude that the Legislature did not intend to confer on the Governor or the Attorney General the power to suspend the sheriff. ¹⁰ See [Tilton v. Haverhill, 311 Mass. 572, 577-578, 42 N.E.2d 588 \(1942\)](#) (recognizing that the "intent of [a] statute is to be ascertained from all its terms and parts and the subject matter to which it relates, and [the statute] should be so construed as to make it an effectual piece of legislation in harmony with common sense and sound reason").

We are mindful of the fact that the **[***10]** only matter presently before the court is the specific question reserved and reported by the single justice. We have not been asked in this action to decide whether this court may, solely on the basis of an indictment, suspend or remove the sheriff; whether a suspension under [G. L. c. 211, § 4](#), should be with or without compensation; **[*152]** or whether, if the sheriff should be suspended by this court, the Governor has the authority to appoint his replacement on a temporary basis.

The Governor has filed an action now pending before the full court seeking to invoke the court's authority to remove the plaintiff pursuant to [G. L. c. 211, § 4](#). We anticipate that such other issues will be addressed in that context, and may need to be decided, in the Governor's separate action. ¹¹

[*11]** *Conclusion.* We answer the reported question, "No."

So ordered.

End of Document

¹⁰ To our knowledge, the Attorney General does not have the authority to appoint a sheriff on a vacancy. Thus, his signature to the letter notifying the plaintiff of his suspension pursuant to [G. L. c. 268A, § 25](#), adds nothing to the defendants' claim. No argument is made that the Attorney General relies on other, or separate, powers.

¹¹ The parties are advised that the court stands ready, on due notice, to commence hearings on the action brought under [G. L. c. 211, § 4](#), whenever the parties are ready. We have not been asked to decide the consequences of concluding, as we have, that the Governor acted beyond his powers.

LICENSE AGREEMENT

This LICENSE AGREEMENT is made this ____ day of _____ 2025, by and between the **CITY OF HOLYOKE**, a municipal corporation within the County of Hampden, Commonwealth of Massachusetts, with its principal offices at 536 Dwight Street, Holyoke, Massachusetts 01040 (hereinafter referred to as the "Licensor") and **HAYNES CONSTRUCTION COMPANY**, a foreign corporation registered in the Massachusetts Office of the Secretary of State with an address of 32 Progress Avenue, Seymour, CT 06483- 2725(hereinafter called the "Licensee").

The Licensor, being the owner of the parking lot located adjacent to 213 Chestnut Street, Holyoke, Massachusetts, (hereinafter referred to as "the Property") hereby grants to the Licensee the following:

I. SCOPE OF LICENSE

- A. The Licensee is rehabilitating the building that is located at 213 Chestnut Street and requires the Property . The Licensee desires to use the Property as shown in the Exhibit "A" (the "License Area") to stage and/or store the construction equipment needed to perform the rehabilitation to 213 Chestnut Street. In order to perform the rehabilitation of the building located at 213 Chestnut Street, the Licensor will allow the Licensee to use that portion of the Property for such staging and/or storage of construction equipment.
- B. In order to use the License Area, the Licensee desires to fence off the License Area from the rest of the parking lot. Such fencing shall reduce the amount of available parking spaces from 48 spaces to 28 spaces. The Licensor agrees to allow the Licensee to fence off the parking lot in said manner and accordingly agrees to reduce the number of parking spaces from 48 spaces to 28 spaces.
- C. The Licensee shall be solely responsible for any upkeep and maintenance of the License Area, including the cost thereof and ensure compliance with any federal, state, and local laws, regulations and requirements and the cost thereof.
- D. The Licensor shall have no responsibility for the monitoring of the License Area and the Licensee shall indemnify and hold harmless the Licensor from any and all liability relating to injuries or claims of any kind related to the License Area and in connection with any entry upon the Property occurring pursuant to this License, or on account of any claim, liability, damage or expense suffered or incurred by or threatened against the Licensor as a result of the existence, operation, maintenance and/or repair of the License Area.
- E. In the event of a public safety emergency, the Licensor may rescind this License effective immediately and without prior notice, in which case, the Licensee must remove all of the construction equipment and any other materials as ordered by the Licensor. Notwithstanding language to the contrary, the parties hereto shall bilaterally confer as to the time, place, and method of the removal and said removal shall be completed in a reasonable timeframe and in a workmanlike manner.

II. TERM AND TIME FOR PERFORMANCE

- A. This Agreement shall commence on April 14, 2025 and shall continue until October 31, 2026. This Agreement shall not be renewed.

III. INDEMNIFICATION AND HOLD HARMLESS, INSURANCE

- A. The Licensee shall assume the defense of (with counsel acceptable to the Licensor) and indemnify and hold harmless the Licensor and its respective officers, agents, and employees from all suits and claims against it or any of them arising from any negligent or intentional act or omission of the Licensee, its agents, associates, consultants, employees, partners, servants, or third parties, including but not limited to LC2 Holyoke, LLC, in any way connected with the use of the Property, including but not limited to the License Area. This provision shall survive the termination of the agreement.
- B. The Licensee hereby waives and relinquishes all claims, liabilities, causes of action, demands, and costs and expenses related to the subject matter of this agreement now or hereafter arising with respect to injury to persons or property occasioned by, directly or indirectly, the condition of the Properties or any improvements thereon or any other facts or occurrences with respect to the Licensor's conduct under this Agreement.
- C. The Licensee shall,
1. General Liability Insurance: General Liability Insurance in the amount of One Million Dollars (\$1,000,000.00) per occurrence, and Two Million Dollars (\$2,000,000.00) in the aggregate, covering the Licensee and any person or business entity for whose performance the Licensee is legally liable, arising out of the performance of this Agreement, naming the City of Holyoke as an "additional insured".
 2. Auto Liability Insurance and Worker's Compensation Insurance: All required automobile insurance coverage for any vehicles used in the performance of this Agreement, and worker's compensation insurance required by law, at all times during the term of this Agreement.
 3. Certificates of Insurance: The Licensee shall file with the Licensor a certificate/s evidencing such coverage and outlining policy limits and information relative to coverage and the persons covered thereby, which Certificate must be attached to this Agreement as Exhibit #1.

IV. APPLICABLE LAW AND EXCLUSIVE FORUM

The laws of the Commonwealth of Massachusetts shall govern the validity, interpretation, construction, and performance of this Agreement. The sole and exclusive forum for the resolution of any question of law or fact arising out of this Agreement, to be determined in any judicial proceeding, shall be the Superior Court of Hampden County, or the United States District Court for the Western District of Massachusetts, sitting in Springfield, Massachusetts. It is the express intention of the parties that all legal actions and proceedings related to this Agreement or the rights or relationship of the parties arising therefrom shall be solely and exclusively brought and heard in said Courts.

VI. GENERAL PROVISIONS

- A. This Agreement represents the entire and integrated Agreement between the Licensor and the Licensee and supersedes all prior negotiations, representation, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by the parties hereto.
- B. If any term or provision of this Agreement should be declared invalid by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall be unimpaired.

IN WITNESS WHEREOF, the City of Holyoke and Verizon, have executed this Agreement as a sealed instrument on the day and year as the same is signed by all parties hereto, on the latest date noted below.

HAYNES CONSTRUCTION COMPANY,

CITY OF HOLYOKE,

Bruce Brown, Operations Manager
Authorized Signatory

Joshua A. Garcia, Mayor

Date signed: _____

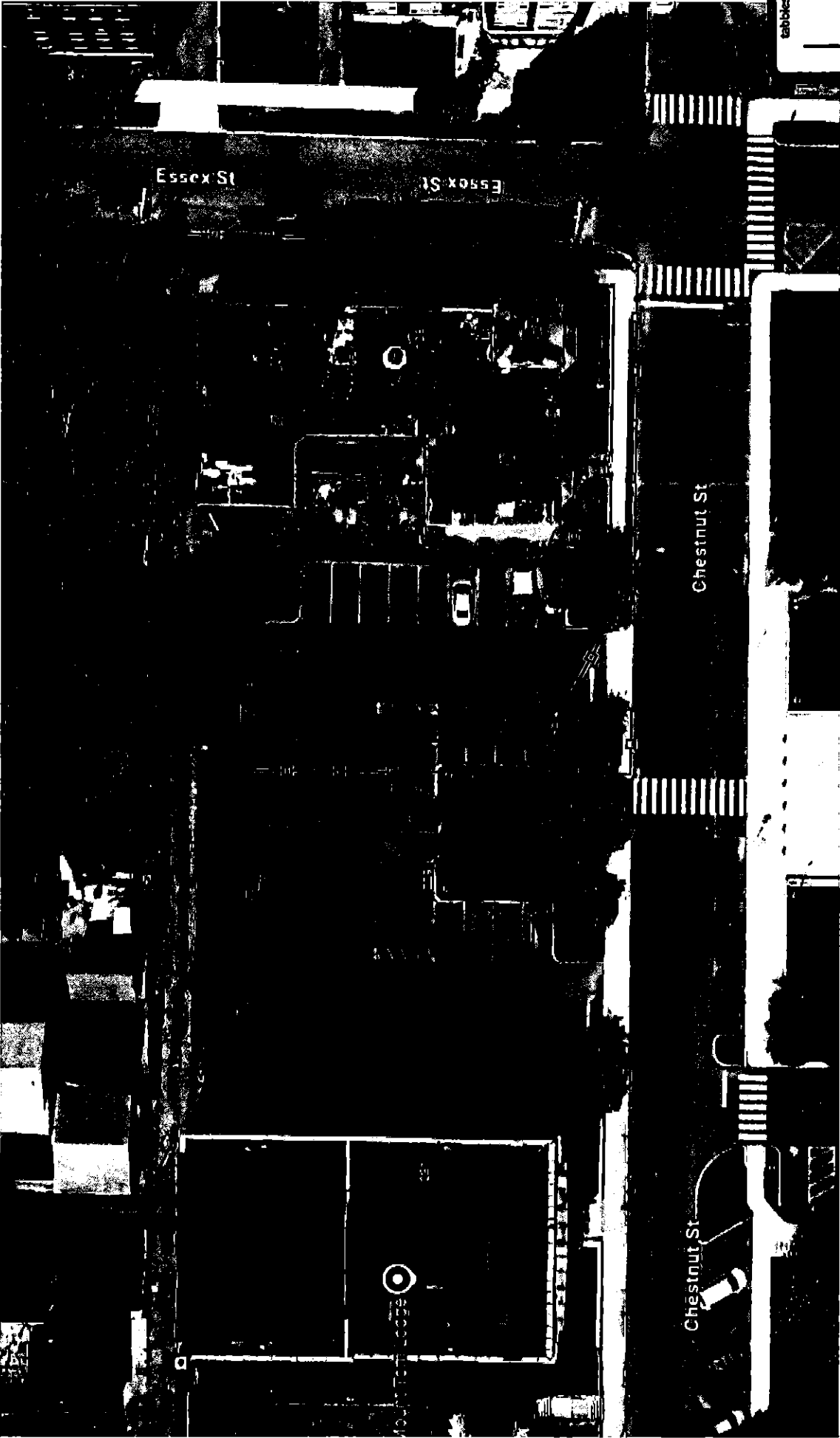
Date signed: _____

Approved as to form:

Lisa A. Ball, City Solicitor

Date signed: _____

EXHIBIT "A"



EXHIBIT

A



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



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: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Ext. _____

Email: _____

Organization or Media Affiliation (if any): _____

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): _____

Specific person(s), if any, you allege
committed the violation: _____

Date of alleged violation: _____

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.

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.

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: _____

Date: _____

*For Use By Public Body
Date Received by Public Body:*

*For Use By AGO
Date Received by AGO:*

E-bike battery explodes in Holyoke apartment, prompting fire officials to issue safety advisory



Fire officials have issued a safety warning about the dangers of lithium-ion batteries for electric bikes after a battery exploded in a Holyoke apartment on Sunday, injuring one person. CREATIVE COMMONS/Troy Sankey

Published: 03-13-2025 12:14 PM

HOLYOKE — An explosion of an electric bicycle's lithium-ion battery in a city apartment on Sunday, injuring a person and displacing several residents, is prompting both State Fire Marshal Jon Davine and Holyoke Fire Chief John Kadlewicz to issue a safety advisory.

With more than 170 fires linked to lithium-ion batteries since late 2023, the state Department of Fire Services has several tips for safe storage, charging and use.

The fire occurred at 16 West Court St. at about 4:30 a.m., with firefighters on scene observing heavy smoke coming from the middle of the two-story, townhouse-style apartment building. Though all occupants escaped, one who was seriously injured first went to Baystate Medical Center in Springfield before being transferred to Massachusetts General Hospital in Boston.

Holyoke Fire Department investigators determined that the fire began with the lithium-ion battery pack in an electric bicycle, and that its owner was attempting to carry it outside when it exploded.

“The lithium-ion batteries that power e-bikes and many other devices have caused serious fires when abused, overcharged, overheated or defective,” Kadlewicz said.

Kadlewicz suggests larger devices, like a bike or scooter, be stored outside when possible, and to be kept away from doors, windows and stairways when inside.

“These are your way out in an emergency and the way in for firefighters coming to help,” he said.

Among the safety tips are buying devices with listed by an independent testing laboratory like UL or Intertek/ETL; having working smoke alarms and detectors on all levels; keeping lithium-ion batteries and the devices they power at room temperature whenever possible; disconnecting a charger from the outlet when the device is fully charged; and discontinuing use if the battery is damaged, leaking or making odd noises, has an unusual odor or has changed in color or shape.

MacMILLAN LAW OFFICES

BRADFORD PLACE
145 SO. MAIN STREET • P.O. BOX 5279
BRADFORD, MASSACHUSETTS 01835-0279

THOMAS KIRWAN MacMILLAN*

OF COUNSEL
TIMOTHY C. DAY**

*Admitted MA & NH State & Federal Courts
& the U.S. Supreme Court

**Admitted MA, NH & ME State Courts

TELEPHONE (978) 521-5272
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www.macmillanlawoffices.com

Joy P. MacMillan
Office Administrator

March 20, 2025

Joshua A. Garcia, Mayor
Aaron Vega, Director of Planning & Economic Development
Lisa A. Ball, Esq., City Solicitor
City of Holyoke
536 Dwight Street
Holyoke, MA 01040

With copy to:

Lisa A. Ball, Esq., City Solicitor
City of Holyoke
536 Dwight Street
Holyoke, MA 01040

**Re: Refund of Community Impact Fees Paid Pursuant to
Host Community Agreement With Holyoke 420 LLC**

Dear Mayor Garcia and Director Vega:

I have been retained by Holyoke 420 LLC ("Holyoke 420") to represent it with respect to its request to the City of Holyoke ("City") for a refund of all Community Impact Fees paid by Holyoke 420 pursuant to the Host Community Agreement ("HCA") dated June 17, 2019.

The Host Community Agreement

The HCA required Holyoke 420 to pay to the City a Host Community Impact Fee ("CIF") of 3% of Holyoke 420's gross revenue from all of its operations in the City during each full calendar year. The gross revenue was defined to include the revenue from production, sales, operations, or services in the City pursuant to the License, to the maximum extent permitted under G.L. c. 94G, § 3(d).

The HCA also contains a "Re-opener" provision stating that should the City enter into a Host Community Agreement with any other Marijuana Establishment at material terms more favorable to the operator of that establishment than the terms of the agreement with Holyoke 420, then the HCA shall be modified to reflect those terms. However, in no event shall the HCA be modified to provide for a minimum annual payment of less than three percent (3%) of gross revenue.

By its terms, the HCA is governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts and was to be in effect for a period of five years from June 17, 2019. Finally, the HCA provides that upon the request of Holyoke 420 in connection with the renewal of its License, the City shall cooperate with and support Holyoke 420's obligation to provide an accounting of the financial benefits accruing to the City under the HCA, as required by 935 CMR 500.103(4)(d).

Governing Law

The HCA is subject to the provisions of G.L. c. 94G, §3(d). G.L. c. 94G, as it existed prior to November 9, 2022, allows the HCA to include a community impact fee of up to 3% of gross sales to be paid to the host community, provided that the fee is reasonably related to real costs imposed on the municipality due to the establishment operating there. The community impact fee may not be effective for longer than five years. Any cost to the city imposed by the operation of a marijuana establishment must be documented and considered a public record under Massachusetts public records laws, G.L. c.4 §7 cl. 26 and G.L. c.66 §10.

G.L.c. 94G was amended effective November 9, 2022. G.L. c. 94G, §3(d)(2)(i) now provides:

Notwithstanding any general or special law to the contrary, a host community agreement may include a community impact fee for the host community; provided, however, that no host community agreement shall include a community impact fee after the eighth year of operation of a marijuana establishment or a medical marijuana treatment center. The community impact fee shall: (A) be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center, as documented pursuant to subparagraph (iii); (B) amount to not more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center; (C) not be effective after the marijuana establishment or medical marijuana treatment center's eighth year of operation; (D) commence on the date the marijuana establishment or medical marijuana treatment center is granted a final license by the commission; and (E) not mandate a certain percentage of total or gross sales as the community impact fee.

Additionally, the amendments provide that the community impact fee shall not include any additional payments or obligations, including, but not limited to, monetary payments, in-kind contributions and charitable contributions to the host community or any other organization and that the payment of the community impact fee shall be due annually to the host community, with the first payment occurring not sooner than upon the first annual renewal by the commission of a final license to operate the marijuana establishment or medical marijuana treatment center. G.L. c. 94G, §3(d)(2)(ii).

The amendments also provide that any cost imposed upon a host community by the operation of a marijuana establishment shall be documented by the host community and transmitted to the licensee not later than 1 month after the date of the annual renewal of a final license to operate the marijuana establishment or medical marijuana treatment center and shall be a public record as defined by clause Twenty-sixth of section 7 of chapter 4 and chapter 66. If a licensee believes the information documented and transmitted by a host community is not reasonably related to the actual costs imposed upon the host community in the preceding year by the operation of the marijuana establishment or medical marijuana treatment center, the licensee may bring a breach of contract action against the host community and recover damages, attorneys' fees and other costs encompassed in the community impact fee that are not reasonably related to the actual costs imposed upon the city or town. G.L. c. 94G, §3(d)(2)(iii).

The Legislature also provided additional authority to the Cannabis Control Commission ("CCC") pursuant to G.L. c. 94G, §3(d)(3) which provides that "[t]he commission shall review and approve each host community agreement as part of a completed marijuana establishment or medical marijuana treatment center license application and at each license renewal" and ordered the CCC to issue rules and promulgate regulations necessary to implement this subsection. G.L. c. 94G, §3(d)(6).

Payments to the City

Holyoke 420 operates at 380 Dwight Street, Unit 3, Holyoke. Holyoke 420 was granted its final license on or about January 14, 2021 and commenced operations on February 11, 2021. In accordance with its HCA, Holyoke 420 made annual payments of the Community Impact Fee ("CIF") to the City. Holyoke 420 paid \$198,080.28 in 2022 for its 2021 CIF at the rate of 3% of gross revenue. The City reduced the CIF to 1% for 2022. Holyoke 420 paid \$93,832.63 in 2023 for the 2022 CIF at the rate of 1%. In total, Holyoke 420 paid \$291,912.91 to the City.

Breaches by the City

Holyoke 420 made a request to the City to provide its documented costs to support the assessed CIF. By letter dated April 29, 2021, the City stated that it "is currently in the process establishing a fund and determining actual and anticipated expenses resulting from the operation of marijuana facilities in Holyoke." The City further stated that while that process was underway, it was providing a summary which was enclosed within the letter. The summary was prepared by the Holyoke Office of Planning and Economic Development and titled the "Cannabis Industry Impact Statement." The summary stated:

The Cannabis industry is providing many positive impacts in the city and greater Holyoke area, such as jobs, rehabilitation of old mills, and tax dollars. These benefits do not come without some struggle; 100's of staff hours, strain on an aging infrastructure, increased social inequities and a ripple effect on other businesses and housing projects. Navigating both the local and State regulations has become an overriding demand for many city departments, putting additional stress on a lean municipal team as well as our volunteer boards. Planning, inspections, and security of these new businesses has an impact on the city's ability to address other issues and projects within the city.

None of the alleged "impacts" referenced in the summary were the result of the operations of Holyoke 420. Moreover, the alleged "impacts" are clearly related to the aging infrastructure or other problems either inherent to Holyoke or caused by outside social forces in no way related to Holyoke 420. These alleged "impacts" are also not within the types of impacts contemplated by the statute or CCC regulations. In short, the City failed to provide any documented costs.

Thereafter, each year, in conjunction with its required annual renewal with the CCC, Holyoke 420 requested the documented costs from the City. Each year, the City failed to provide any documented costs.

By letter dated August 2, 2023, the City provided another response to Holyoke 420's request for records of any costs incurred by the City related to Holyoke 420. The City responded stating that "Holyoke is in the process of updating all renewal and impact documentation for licensee holders in the city." The City further stated that "Holyoke is reviewing and continuing to document impact costs that have been realized, and will continue to be realized including, not limited to, potential public health consequences and related requirements for educational programming, potential public use and underage user enforcement, and infrastructure costs. Accordingly, this present assessment of costs is understood to be preliminary and is likely an incomplete accounting of potential impact areas that would be reasonably related to the Holyoke 420." The letter goes on to list such things as inspection costs, staff time, studies, and legal fees, but nowhere does it include any documented costs.

To date, the City has not provided any documented costs. Accordingly, the City has failed to comply with G.L. c. 94G and has failed to provide the documented costs to support the imposition of the CIF. The City is in material breach of the HCA and in violation of G.L. c. 94G and the associated CCC regulations.

The CCC views fees that are "reasonably related" as those that compensate the municipality for its actual costs resulting from the operation of the marijuana establishment. The fee must bear some reasonable relation to the costs of providing municipal services or other benefits to the marijuana establishment and not merely be a fee without a sufficient basis and j

justification. See CCC Guidance on Host Community Agreements, Revised by the Commission: January 16, 2020, at p. 4. There must be a proportionality between the cost or impact claimed by the community and the fee required of the marijuana establishment. See *id.* at p. 5. citing *Koontz v. St. John's River Water Management District*, 133 S. Ct. 2586 (2013) and Attorney General's letter on Hanover Annual Town Meeting Warrant Articles #22 and 23 (Zoning), December 1, 2014.

The Commission also interprets the "community impact fee" as needing to comply with applicable legal requirements established in the decisional law. In the municipal context, "regulatory fees" can be imposed based on the municipality's power to regulate businesses or activities within its borders, but only if certain requirements are met:

1. The fee must be charged in exchange for a service which benefits the ME or MTC paying the fee in a manner not shared by other members of the public;
2. It is paid by choice, in that the ME or MTC paying the fee has the option of not utilizing the service and thereby avoiding the charge; and
3. It is collected not to raise revenues but to compensate the municipality providing the services for its expenses.

See CCC Guidance, *supra*, citing *Denver St. LLC v. Town of Saugus*, 462 Mass. 651, 652-653 (2012), citing *Emerson College v. Boston*, 391 Mass. 415, 424-425 (1984).

M.G.L. c. 94G, § 3(d) effective prior to November 9, 2022 provides: "Any cost to a city or town imposed by the operation of an [ME or MTC] shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4." The same requirement is found in the amended statute at G.L. c. 94G, §3(d)(2)(iii).

The associated regulations provide:

A [ME or MTC] shall submit as a component of the renewal application documentation that the establishment requested from its Host Community the records of any cost to a city or town reasonably related to the operation of the establishment, which would include the city's or town's anticipated and actual expenses resulting from the operation of the establishment in its community. The applicant shall provide a copy of the electronic or written request, which should include the date of the request, and either the substantive response(s) received or an attestation that no response was received from the city or town. The request should state that, in accordance with M.G.L. c. 94G, § 3(d), any cost to a city or town imposed by the operation of a [ME or MTC] shall be documented and considered a public record as defined by M.G.L. c. 4, § 7, cl. 26." 935 CMR 500.103.

Holyoke Cannabis v. City of Holyoke
March 20, 2025
Page Six

Thus, Holyoke 420 was required to seek documentation of the cost imposed by its operations in the host community. Holyoke 420 did so each year as required for its annual renewal with the CCC. The City, however, failed to provide any costs to Holyoke 420.

Request for Refund

In sum, the City has failed to comply with its obligations pursuant to G.L. c. 94G and has illegally assessed and collected CIF payments from Holyoke 420. Holyoke 420 therefore requests that the City refund all CIF payments currently totaling \$291,912.91.

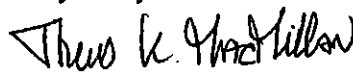
Holyoke 420 has previously requested such refund, and the City has refused. By letter dated February 14, 2024, Holyoke 420 set forth its objection to the City's collection of a percentage of Holyoke 420's gross revenues because the City collected such fees without proper documentation of any costs reasonably related to the operation of Holyoke 420. Therein, Holyoke 420 reiterated that the August 2, 2023 letter sent in response to Holyoke 420's request for documentation did not comply with the requirements of G.L. c. 94G. Holyoke 420 demanded a return of all CIF's from Holyoke 420 within 60 days. The City failed to refund the payments. Moreover, no further documentation of any alleged costs has been provided, and it is clear that none exists.

In a final attempt to resolve this issue without expending additional legal fees, if the City provides such refund on or before April 1, 2025, Holyoke 420 will accept the payment of \$291,912.91 as satisfaction in full. However, if the City refuses to refund the illegally assessed and collected CIF payments, Holyoke 420 reserves its rights to seek a refund of all CIF payments, interest due thereon, and damages, including its legal fees and costs of collection, and intends to initiate legal action seeking such damages.

Holyoke 420 is hopeful that a resolution can be reached without resort to court intervention as Holyoke 420 values the relationship it has fostered with the City during the past six years. Please direct all further communication regarding this matter to my attention.

Thanking you for your attention to this matter, I am,

Very Truly Yours



Thomas K. MacMillan

cc: Holyoke 420, LLC
Kristin M. Yassenka, Esq.



City of Holyoke,
Massachusetts

Birthplace of Volleyball

Brenna Leary <learyb@holyokey.org>

Communication to Councillors for Council Agenda Re: Health Insurance Broker Selection

Jenny Mackay <Jenny.MacKay@alergroup.com>

Tue, Mar 25, 2025 at 2:46 PM

To: "learyb@holyokey.org" <learyb@holyokey.org>

Hi Brenna,

Could you please add this correspondence to the agenda for the next available city council meeting?

My team and I would like to get more clarity around how the selection process for the City's health insurance broker/consultant is handled. We (Alera Group via Ross, Webber & Grinnell) did business together for years and were suddenly unseated by the Section 19 Committee just as we were preparing to roll out Alera Groups full suite of National consulting capabilities to the City. We have concerns about how the process was handled. If a change was going to be made, we would have liked to have been considered in an open and transparent process.

Some questions we would like to gain more clarity on:

How is Holyoke selecting its consultant for health insurance brokerage?

How is the decision made? Who makes it?

Does the Mayor sign the Broker or Record letters?

We don't feel as though we were given a fair shot to retain the business once Maureen (Ross) O'Connell announced her retirement and would like to know the next step in earning the business back and participating in a process to select the best consultant in the interest of the taxpayers, employees and other stakeholders in the City.

Thank you for your consideration and attention to this matter.

Jenny M MacKay

Partner | SVP, Employee Benefits Consulting

Alera Group, Inc.



Book time to meet with me

O 929-554-8058 | **C** 413-695-5613

Jenny.MacKay@aleragroup.com

[Connect with me on LinkedIn!](#)

Business West 40 under Forty Class of 2016

Leadership Pioneer Valley Class of 2014



www.aleragroup.com



Board of Fire Commission Meeting Minutes		Date: February 24, 2025 Time: 5:00 p.m. Location: Fire Department Headquarters	
Meeting called by:	Chairman Mettey	Note taker: D. Glenn	
Type of meeting:	Regular Monthly	Timekeeper: D. Glenn	
Facilitator:	Chief Kadlewicz		Approved
Attendees:	George Mettey, Nelson Lopez, Jeffrey Trask		
Absent::			
Staff in Attendance:	Chief John Kadlewicz and Dale Glenn		
Also: William Alicea, Michael Rohan, Alan Pinsonneault and Matthew Wolanczyk			
A. Opening of Meeting		Chairman Mettey	Time: 5:00 p.m.
Discussion: #1 on the agenda Commissioner Trask opened the meeting of the Board of Fire Commissioners with a verbal roll call of those present along with the pledge of allegiance and a prayer. #2 agenda item – Minutes: The Board of Fire Commissioners reviewed the minutes from February 12, 2025 Commissioner Mettey asked the Board of Fire Commissioners to suspend the agenda items as their regular meeting monthly meeting was held on February 12, 2025, and go out of order and hold interviews for (1) temporary fire captain. #4 Old Business – Interviews for (1) Temporary Fire Captain Position All interviewees were asked the same questions and were afforded an opportunity to ask questions of the Board			
Motions: Commissioner Mettey entertained a motion to accept the minutes from February 12, 2025, Commissioner Lopez made the motion and was 2nd by Commissioner Trask; motion carried Commissioner Mettey entertained a motion to go out of order and hold interviews for the position of (1) temporary fire captain, Commissioner Lopez made the motion and was 2nd by Commissioner Trask; motion carried. Commissioner Mettey entertained a motion to promote Fire Lieutenant Michael Rohan to the position of Temporary Fire Capatain, Commissioner Lopez made the motion and was 2nd by Commissioner Trask; motion carried. Roll Call Vote Commissioner Mettey yes, Commissioner Lopez yes and Commissioner Trask yes. Unanimous decision. Commissioner Mettey entertained a motion to adjourn, Commissioner Lopez made the motion and was 2nd by Commissioner Trask; motion carried. Meeting adjourned at 6:02 pm			
RECEIVED MAR 21 2025 Holyoke City Clerk's Holyoke, MA			

City of Holyoke Health Trust Meeting
January 13, 2025
City Hall, Old Tax Collector's Office

The meeting was called to order by Quention Donohue at 5:05 PM

In attendance:

PEC Representatives: Joe O'Connor- Retirees, Chris Butler-Fire Dept, Chris Adams- UFCW

City Representatives: Tanya Wdowiak-City Auditor, Sean Mangano- HPS CFO

Others: Quentin Donohue - chair, Steve Corbin - Dowd Insurance, Kelly Curran - HR Director, Lisa Ball - City Solicitor, Bill Grinnell - Webber and Grinnell, Jenny McKay - Webber and Grinnell, Michael Welnecki - Webber and Grinnell, Becka Sutter - Dowd, Rory Casey - Treasurer, Kirk Mackey - Dowd

Agenda:

Webber and Grinnell

- Mr. Grinnell read a statement (get copy of statement) in regards to the board's decision to move forward with Dowd insurance alone. Mr. Grinnell's statement advocated for bringing them back to support the city in a co-broker relationship with Dowd.
- Ms. McKay outlined the benefits of Webber and Grinnell. Ms. McKay outlined some of the unique aspects of their program. She described their technology and ability to identify medical spend waste.
- Ms. McKay outlined the other municipalities that Alera group covers - said MA is unique because of GIC and MIIA. They do work with Marlborough. Alera group advises the GIC itself, helps them with working rates. Alera is the sole advisor.
- Mr. Welnicki described his experience working with Dowd along with recommendations for next steps.
- Trustee Adams asked about the timing of this visit from Webber and Grinnell? Mr. Grinnell said that the previous advisor Maureen handled the account very closely.
- Chair Donohue talked about the importance of Holyoke and that Webber and Grinnell had been sold to a national firm and that he wasn't aware of it until recently.

Open Meeting Law Review

- Solicitor Ball reviewed the open meeting law guide.
- All members need to sign certification that we have received the open meeting law procedures.
- A discussion occurred on the parliamentary procedure for the board meetings. The board will review the trust for governance rules and revert to Robert's rules where guidance is needed.

Broker Update

- HR Director Curran gave an update on the YMCA enrollment. Will be working with the schools to increase awareness of the program. No hard deadline but will reevaluate in three months.
- Trustee Adams asked about the predictive modeling diagnosis in potential high claimants. Mr. Corbin explained what that service is and what some of the categories mean.
- Finance Director Mangano asked about the stop loss point and what the annual cost was for the \$350K reinsurance level. Mr. Corbin said they would provide the annual cost.

- Trustee Butler asked about the amount of high claimants in comparison to the past. Mr. Corbin responded that the numbers are still low but will grow.
- Mr. Corbin reviewed the High Cost Claimant Report, PillarRX report, Medex Premium and Enrollment Report, Medical Claims Report
- Discussion on the various reports around the data and how it aligns across reports.
- The board discussed the funds that are to be transferred into the newly established health insurance trust fund.

Approval of Minutes

- No minutes to approve.

Scheduling Upcoming Meetings

- March 24th at 5PM in the Old Tax Collectors Office
 - Follow up with the water department

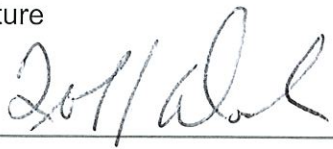
MOTION: Trustee Butler made a motion to request a representative of the water department to attend the next meeting. Trustee Adams seconded

MOTION: Trustee Butler made a motion to adjourn. Trustee O'Connor seconded. Motion carried unanimously.

The meeting adjourned at 7:02 PM

Signature

Date



2/24/25

Quentin Donohue



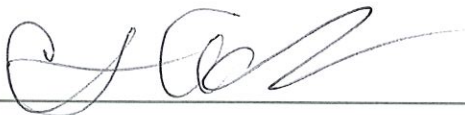
2/24/25

Joe O'Connor



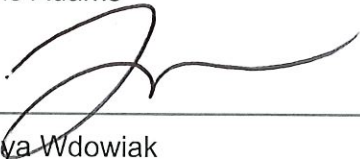
2/24/25

Chris Butler



2/24/25

Chris Adams



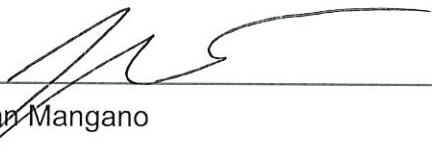
2/24/25

Tanya Wdowiak



2/24/25

Dazhana Argueta



2/24/25

Sean Mangano

**City of Holyoke Health Trust Meeting
December 4, 2024
City Hall, Old Tax Collector's Office**

The meeting was called to order by Rory Casey at 5:03PM

In attendance:

PEC Representatives: Joe O'Connor- Retirees, Chris Butler-Fire Dept, Chris Adams- UFCW

City Representatives: Tanya Wdowiak-City Auditor, Dazhana Argueta- Personnel Specialist, Sean Mangano-HPS CFO

Others: Quentin Donohue-Newly elected member, Steve Corbin- Dowd Insurance

Alternates Not present: Jay Ferreira, HGE & John Roche, Teacher's Union

Not in Attendance: Jane Mantolesky, Assistant City Solicitor

Review Trust Members, Agenda

MOTION: Christ Butler moved to approve the minutes of August 29, 2024. Quentin seconded. The motion passed unanimously.

Nominations for chair and secretary. Joe nominated Quentin Donohue.

MOTION: Quentin opened nominations for secretary. Chris Butler nominated Dazhana. Quentin seconded. Motion carried unanimously.

Quentin brought up Maureen Ross O'Connell retiring as of December 31, 2024 and recommends Dowd become the sole broker for the City of Holyoke. Quentin asked Steve to explain the relationship/partnership. Steve believes it will reduce administrative fees in the future. There is an additional full time employee working with Trust, Rebecca Sutter. She works on Health dental vision and Medex. This would remove the contribution that would normally go to Ross agency. Sean Mangano asked if there is a contract.

Chris Adams has a question on the legal end. Two agencies working together getting paid. If we move forward with one agency are we opening up ourselves to get sued from the other agency? The city is not paying the brokers, it is coming from the insurance company as kick backs.

Administrative fee includes broker compensation.

Sean asked Steve's role. He explained it and said he will start getting quotes by February 15, 2025. He will do rate setting every year. Sean asked if the actuarial group contract with Dowd directly. Steve said yes.

Sean asked if Steve will be providing expense reports?- Steve said, Yes, on a monthly basis. We will get a more detailed report for medical and Rx (What is being put into the trust). In February there is also a performance task.

MOTION: Joe O'Connor made a motion that Dowd would be the sole broker of record. Chris Butler seconded. The motion passed unanimously.

Steve shared reports. Monthly Claims and Stop Loss Breakdown July - November FY2025.

Sean recommended a fund balance policy. Three months of balances. Steve said check MGL 33b. Sean said there's a certain amount you have to have. Quentin said there's money from dental. That would help keep minimum balance in there. Rory said whatever the dental balance is, will get merged into the Trust. There's money we expect from HNE and possibly Health Equity. Any of the monies received in FY24, once free cash is certified, what's left will go in front of council for appropriation to go in the trust.

Quentin asked what the account balance is. Rory said "Once the year is closed he will have the final numbers. Employee/employer amounts are still being put in old GL account. There is a newer line that was created by the Auditors. There is also a new account created just for the trust. Becca has access to these accounts".

Sean Mangano recommend that we have a fund balance law. Steve said we should look as MGL to see what the law is on that.

Quentin asked about the dental premium credit- Rory said this amount is a credit and will be included in the money that will be put in the trust account. The dental trust balance will move completely over. Note that there was some money that we are still waiting on and new cash will go into the trust as well. Along with funds from 2024, once free cash is certified will go in front of council to be moved into the trust account.

MOTION: Chris made a motion to support the Y pilot program and reevaluate at the next meeting. Chris Butler seconded. Motion carried. Joe O'Connor voted no.

Invite Joe to Wellness meetings.

Becca put together an escalation/phone. It will be updated and sent out.

City of Holyoke Health Benefit Trust is the official name. Joe asked about a dental update.

MOTION: Chris Butler made a motion for Quentin to send a communication to the head of the Water Department & Water Commissioners to develop a system for billing and payment. Sean Mangano seconded the motion. Motion carried unanimously.

Water Dept shouldn't pay monies to BCBS or Dental fund. Paragraph urgently requesting that the water department utilize Becca to coordinate payments and payroll deduction reports.

NEW Business - **MOTION:** Chris moved to invite someone from the solicitor's office to train the board on the open meeting laws. Joe seconded the motion. Motion carried unanimously.

Next meeting dates. Monday, January 6, 2025 5pm Former Tax Collector's Office & Monday, February 24, 2025 5pm Former Tax Collector's.

Steve will send the projections to PEC Chair, Chris Butler by February 15, 2025. Sean asked for an annual timeline so the board can plan. Steve will put together a renewal life cycle.

MOTION: Joe made a motion to adjourn. Sean seconded. Motion carried unanimously.

The meeting adjourned at 6:37

Signature

Date



2/24/25

Quentin Donohue



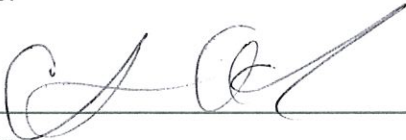
2-24/25

Joe O'Connor



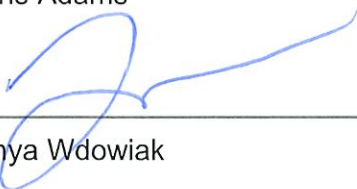
2/24/25

Chris Butler



2/24/25

Chris Adams



2/24/25

Tanya Wdowiak



2/24/25

Dazhana Argueta



2/24/25

Sean Mangano

City of Holyoke Health Benefit Trust Meeting

March 10, 2025

City Hall, Old Tax Collector's Office

In attendance:

PEC Representatives: Joe O'Connor- Retirees, Chris Butler-Fire Dept, Chris Adams- UFCW

City Representatives: Sean Mangano- HPS CFO, Dazhana Argueta-Personnel Specialist

Others: Quentin Donohue - Chair, Steve Corbin - Dowd, Kelly Curran - HR Director, Rebecca Sutter - Dowd, Rory Casey - Treasurer, Heidi Fountain- BCBS and Dan Shanahan- BCBS

The meeting began at 5:05 PM

Quentin Donohue requested a moment of silence for Tanya Wdowiak, in respectful acknowledgment of her mother's passing.

Agenda:

Receive Minutes from February 24 meeting

- Recommendation to accept minutes by Quentin Donohue.
- **MOTION:** Trustee Butler made a motion to accept meeting minutes and Joe Seconded. Motion carried unanimously.

BCBS Weight Management Program Savings Analysis and Other Declined Pharmacy Programs

-Dan Shanahan, Pharmacy Sales Account Executive and Heidi Fountain, Senior Account Executive

- Heidi introduced a weight loss program and introduced Dan Shanahan.
- Dan- explained GLP medication and the difference between them being prescribed for weight loss and for diabetics. BCBS wants to put up guardrails on medication. Members are required to enroll in a program in order to receive this medication. If they continue lifestyle changes taught in the program, weight will stay off. Access to health optimizer app which helps make healthy eating choices along with a bluetooth weight scale. Cost for city \$148 dollars per engaged member per month. Not including medication. Estimated \$116,044 per year.
- Steve asked if the major savings are regarding those that opt out of the program. Dan responded, yes.
- Rory disagreed with the fact that employees want to take the pill to lose weight quickly. Employees have jumped through hoops and now adding the additional responsibilities such as adding weight may be discouraging.
- Dan- the only requirement is to add weigh in app. Rory- which will cost us \$116k. Heidi- There are two types of classes for this prescription. This is only for employees that are not taking medication for diabetes. This is a tool to help members not be on this medication for a long period of time costing your health plan money.
- Chris Adams- spending \$321k on medication currently? No, this is savings for adding the program. Chris Butler- savings come from Rx savings? A better way to look at it is the Avoidance savings \$214,806K.

- Have to have a certain level of BMI of 27 or 30 in addition to 6 months of weight loss or lifestyle change. Dr has to sign to attest but no proof is needed.
- Steve- prediabetes and obesity is a common diagnosis and if it shows on your claims, it is included in this estimate.
- Sean- if we opt into the program and offer to those eligible and they don't enroll-the drug is not covered. Dan-Yes, they will get a bill. Sean-It's approved but will go from \$45 to hundreds.
- Rory-What happens if the community does not opt in. Dan- they would be covered.
- CVS piloted this program for 2 years and the data comes from them.
- Steve-what percent of members opt out. Dan- I can go back to CVS and get that information.
- Sean- for plans that are fully insured are you offering a plan deduction. Dan-no, everything with fully insured takes long. Sean recommended that union groups speak to their members instead of this small group making this decision.
- Chris Butler-what does outreach look like? Dan- outreaches happen 30 days prior and schedule meetings for intake and explain the program and get idea of members goals and see what their involvement with the program would be. Quentin- is this CVS exclusive? Dan- yes but it can get filled anywhere. The program itself is exclusively through CVS.
- Joe- is the scale wifi. Dan- Yes, it's bluetooth and connected to the app.
- Chris Adams- can't see that there will be that big of savings (avoidance). I lost over 100 lbs and then another 20 on Ozempic. My numbers went down but only one medication went down.
- Quentin- how much are we spending on this now? Dan/Heidi- we can get the numbers
- Sean- if we participate in this program can the progress be tracked? Dan- yes, there are monthly reports.
- Quentin asked Steve if we need to act on this now? Heidi- Need a decision by the end of March but can always be picked up next year.
- Joe- the 70 so-called people can stop anytime and go back and forth? Heidi- they would have to meet requirements. Dan-Also dependent on time that has passed. Continuation authorization can be denied if the member is not meeting the milestones.
- Heidi- Dan, do we have an idea from CVS on what the accelerator is? Dan-there is just across the board increases. There is just a natural increase.
- Quentin- best we take this under advisement.
- Dan continued to review other programs
 - Rewarding ways to help members- no cost to the city. Members get savings on copays. Once identified as taking one of the medications, the member is reached out to see if they want to enroll then discounting their copays. No penalty if a member does not enroll. Member notified monthly
 - Transform Diabetes Care- Extra support program for members with type 1 and 2 diabetes. 81c per subscriber per month. Members can reach out with any questions. Good when they cannot get a hold of their doctor.
 - Drug Savings Review- Provider focus program. Clinical team that when new Rx is submitted, the clinical team looks at medication and members history to ensure there is no drug interactions and makes recommendation for savings .52c per subscriber per month
 - Pharmacy advisor- support for members to ensure they are aware of side effects of medication and to answer questions regarding medication .27c per subscriber per month
- \$19k annually for Transform Diabetes and Drug Savings Review
- Dan- Avg 2:1 ROI with these programs
- Sen recommended we take this into consideration and get recommendations.

Broker Review

- No update to reporting as this is a supplemental meeting not a monthly meeting.
- Renewal Projections- shows 20% increase Stop Loss
- Steve reviewed different renewal rates
- Sean asked what the rate increase was this year which was 10%. Likes numbers but hard to tell if 9.5 or 12 percent is better without knowing where we are now. Steve- assume that at the end of year we are at 0 to be conservative. \$1.2 million in trust after paying January receipts.
- Quentin- asked Rory where we were at with Cash share. Rory said we will have it soon. Quentin asked if it included anything from last year. Rory- no. Won't be in account until everything is settled. Sean asked what recommendation should be for what is in account Steve apox.
- Avg monthly claims \$920k and \$420k for Rx in one month. Sean- so between 4 and 5 million.
- Sean- leaning toward 9.5% with what is going around recently.
- Heidi insite- rates are going between 9.5 to 19% average.
- Rory- for next 3 years, could you ask the Mayor to contribute X dollars to build trust but keep rates down for employees.
- Sean asked Steve if he thinks there is a significant difference between the 9.5 and 12 percent? Steve- no
- Sean said we should make a decision on rate and also decide on cost savings.

Set Insurance working rates

- Quentin- want to keep a single digit increase. Split the difference between 7.5 and 9.5 to 9%

MOTION: Chris Adams made a motion to set the rate at 9%. Chris Butler seconded. Joe liked Rory's thoughts. Chris Adams- rescinded his motion.

- Sean- does not want to make a decision based on what Rory said because City Council could say "Why would taxpayers front money to pay for employee insurance that don't all live in the City"

MOTION Chris Adams made a motion to set rates at 9%. Chris Butler second. Quentin-All those in favor of setting a working of 9%? Motion carried unanimously.

- Sean- can we get total rates based on others like GIC and other municipalities. Are we high or low?
- Quentin- glad we are voting on something less than double digits taking into consideration employee money but that we are investing in the future
- Joe-asked why has the PPO enrollment increased. Steve believes the enrollment is actually lower than it was with HNE. Steve checked and numbers were higher
- Steve- You can increase PPO rate which will deter them from enrolling in the PPO

MOTION: Joe O'Connor made a motion to adjourn. Quentin asked Joe to rescind his motion which he did

MOTION: Chris Butler made a motion to add 2 of the programs. Chris Butler rescinded his motion

Quentin made a recommendation to adjourn.

MOTION: Joe O'Connor made a motion to adjourn. Chris Butler second. Motion carried unanimously.

The meeting adjourned at 7:04 PM



City of Holyoke Health Benefit Trust Meeting

February 24, 2025

City Hall, Old Tax Collector's Office

The meeting was called to order by Chairman Quentin Donohue at 5:01 PM

In attendance:

PEC Representatives: Joe O'Connor- Retirees, Chris Butler-Fire Dept, Chris Adams- UFCW

City Representatives: Tanya Wdowiak-City Auditor, Sean Mangano- HPS CFO, Dazhana Argueta- Personnel Specialist

Others: Quentin Donohue - Chair, Steve Corbin - Dowd Insurance, Kelly Curran - HR Director, Rebecca Sutter - Dowd, Steve Corbin - Dowd, Joe Manzi-Business Accountant-Water Department, Rory Casey- City Treasurer, Heidi Fountain-BCBS

Agenda:

MOTION: Trustee Joe O'Connor made a motion to receive minutes Trustee Chris Butler seconded the motion. Motion carried unanimously.

Review and receive minutes from December 4, 2024 and January 11, 2025 meetings

Blue Cross Blue Shield- Heidi Fountain

- Heidi introduced herself and stayed at the meeting to provide input where needed.

MOTION: Trustee Chris Butler made a motion to discuss the update from Section 19 and upcoming meeting schedule. Chairman Quentin Donohue seconded the motion. Motion carried unanimously.

Update from Section 19 and upcoming meeting schedule

- Chris Butler provided the following Section 19 meeting dates:
 - March 24th, April 7th at 3pm and every Monday after that Section 19 is meeting at the Fire Department.
- Kelly Curran, Personnel Director asked Heidi to attend that meeting.

Water Department

- Quentin invited the Water Department to discuss the bill pay process. Sean explained how there was some discrepancy in turnovers for insurance payments. Kelly Curran added that we need deduction reports and need the Water Department to stop payments directly to BCBS. Sean explained how all funds come in and out of the Trust as so we are in need of the report to match what is being paid. Joe Manzi understands that the check would be payable to the Trust and will provide deduction reports to Rebecca to ensure funds are accounted for. Heidi added that the payments that have currently been received have been credited to the Water dept account. Quentin added that we want to ensure that funds coming in and out are accurate. Steve Corbin notified Joe Manzi that Rebecca Sutter is also available as a resource if needed. Rebecca will gather the credit amount to date for the Water

Department. Sean requested that Joe provide a list of checks sent to BCBS as of July of 2024. Rory Casey was asked how he wants the Water Department to send in money. He says we need to bill the Water Department and then the Water Dept provides a check made out to the City of Holyoke.

Broker Update - Steve Corbin, Dowd (Rate recommendation)

- Steve started off by discussing the renewal process. The process will be different now that we are self insured. First we will receive a Renewal for BCBS. The Admin fee can be put in writing to not increase broker fees for the next 5 years. Steve does not believe the City needs it. Steve will provide a Memorandum with this. Heidi mentioned that the 1.5% fee from BCBS is really to keep up with the cost of inflation. Heidi will ask if they would entertain a lower rate but it definitely would not be 0%. Dowd will continue to review claims and projections and any claim data should not be a surprise since this is reviewed monthly. The increase is not 20%. Stop Loss renewal will not be received until late April/early May. Increase is based on a much smaller number than what the rate change is.
- Quentin asked how often does the number change? Steve said it is dependent on trends. How that impacts overall increase is small. Heidi explained that stop loss is usually give or take 10%
- FY24 dental claims vs what claims were brought in. Ended up with 62k surplus.
- YTD through January- still running well with about 24k in excess funding. We can talk about where we want dental rate increases to be.
- Current YTD claims for medical at \$8,092,348.96. All RX, medical, specific claims and rebates are included in this amount. It should be noted that Rx rebates are reduced in the bill instead of going back to the insurance company as it would happen in a fully insured design. Received \$373,230.26 in rebates in the first quarter. We will see this every 3 months moving forward. We are currently at a surplus of \$1,482,872.78 through December
- Sean asked Sean if here is a percentage we should be shooting for in regards to claims. Steve- the simple formula is we should have 4 months worth. 90% is probably good until we build up that reserve.
- Medical premium and Enrollment by product of month
- Medex projections- modest increase that the Mayor absorbed.
- High Cost Claims-One person came off the high cost report but there is a new one that has come on.
- Predicted High Cost- list of employees who are likely to meet 100k in claims
- Steve but last 2 completed yrs and most recent year together for a full 31 months of claim data to projected increase which is 4.17%. Sean asked if this is active medical only. Steve confirmed that is true.
- Kelly asked that Steve should present to the Council when we get close to budget time. Joe- if stop loss goes up to 20% what would it be then. Steve will run numbers and provide them to the Trust.
- Example increases of 5% and 7.5%. Steve's recommendation is 7.5% the lowest. Heidi added that 9-19.9% is the current range with an average of 14%. Trust balance needs to be considered at the end of the year and prior to tax rates being made, we want to ensure that the City does not get charged the difference. In the past in other cities, the city paid and the Trust paid the City back. Tanya will look into whether there is a grace period in the first year.
- Chris Butler mentioned if we could add a plus one plan. Heidi said all that happens when you offer that tier, you end up increasing the cost for the families. Quentin is not opposed to the idea but believes this is not the year for it. Heidi can give us projections on that. Rory mentioned how that does not stop there as there are different types of plan needs (ex. EE + children, EE and Spouse and so on). Steve will gather the figures on a 9% increase.
- Rory recommended that Trustees look at all offers that BCBS has to offer
- Heidi provided one pager with a program offered to self insured accounts with 100+ members offering meaningful weight loss for GLP. If members want the GLP 1 for weight loss, they participate in the

program and meet requirements. If they do not meet them, the member would then be required to pay for the medication at 100%. There is an expense to this program. Heidi asked for it and will provide that saving for GLP1 and weight loss.

- Joe- 7.5% increase is not normal and believes that it would come back to bite us. Chris B. asked what Steve's recommendation would be. Steve- we were looking to stay in single digits. He will show us 9% and 12%
- Chris A- how does Section 19 come in. Chris B- we split the rates. Quentin- based on what the city number is. Trustees get a working rate and then we bring it to the Mayor and then his recommendation to the council.

New Business

- Next meeting March 10th at 5pm to set insurance rates.

Review Insurance Reimbursement Process

- Dazhana Argueta provided a draft reimbursement policy that was created between herself and Rebecca Sutter to ensure timely and accurate reimbursements to employees and retirees and ensure that the Trust is aware of money coming out of the Trust account. It was explained that retiree insurance reimbursements are no longer being processed in the Holyoke Retirement Board payroll and have seen an increase in delayed processing. Retirees are on a fixed income and so we primarily want to ensure that they are being reimbursed in a timely manner and accurately. To do so, each department must be aware of their responsibility. Dazhana also recommended setting a max amount to be reimbursed without the Trust approval.

MOTION: Chris Butler made a motion to adopt this policy so long as it is reviewed and approved by the Solicitors office and language adding a max reimbursement of \$1000 without Trust approval. Joe O'Connor second. Motion carried unanimously

MOTION: Chris Butler made a motion to adjourn. Trustee Joe O'Connor seconded. Motion carried unanimously.

The meeting adjourned at 6:56 PM

A handwritten signature in black ink, appearing to be "L. J. G.", written in a cursive style.

NEW: _____
RENEWAL: _____
\$10 per lane or table FEE: _____
TAX COLLECTOR LETTER: _____
TREASURER'S LETTER: _____

DATE: 3-20-25



Holyoke City Council Pool, Billiard and Bowling Alley Application

Please list # of each:

17 Pool Tables
 Billiard Tables
 Bowling Alleys

ADDRESS: _____

151 CHESTNUT

APPLICANT'S NAME: _____

THOMAS LUCCASE

APPLICANT'S ADDRESS: _____

380 COLLEGE H644 SOUTHAMPTON

APPLICANT'S TELEPHONE: _____

219-2500

EMAIL: _____

IVORY@IVORYBILLIARDS.COM

SS# _____

=====

Said license runs from May 1st to April 30th of each year; regardless of application date

ARTICLE II. - POOLROOMS, BOWLING ALLEYS AND SHOOTING GALLERIES

State Law reference— Poolrooms and bowling alleys, M.G.L.A. c. 140, §§ 177—180; shooting galleries, M.G.L.A. c. 140, § 56A.

DIVISION 1. - GENERALLY

Sec. 10-31. - Regulations for operation of bowling alleys. Bowling alleys operated under licenses granted under this article shall be operated under such regulations and restrictions as shall be prescribed from time to time by the city council with the approval of the mayor.

Sec. 10-32. - Employing children in bowling alleys after 6:00 p.m. No child under 16 years of age shall be employed in any bowling alley after 6:00 p.m. of any day.

Sec. 10-33. - Slot machines and gambling prohibited. A keeper, owner or manager of a billiard, pool or sippio room or table, shooting gallery or bowling alley shall

Sec. 10-34. - Hours.

A keeper, owner or manager of a billiard, pool or sippio room or table, or shooting gallery, shall close his place of business at 11:00 p.m. on each secular day. A keeper, owner or manager of a bowling alley shall close his place of business at 12:00 midnight on each secular day.

Sec. 10-35. - Inspection of premises by license committee.

The license committee of the city council shall make visits of inspection to all premises for which licenses have been issued under this article for the keeping of billiard, pool or sippio tables, shooting galleries or bowling alleys, and shall make report of the findings of such visits to the city council at the meeting following such visits. Such visits shall be made not less than twice in one year, and may be made at any time, at the discretion of the license committee.

Sec. 10-36. - Posting copy of article.

A copy of this article shall be given to each owner, keeper or manager of a billiard, *pool* or sippio room or *table*, shooting gallery or bowling alley, and such copy must be placed in a conspicuous place in the room for which a license has been granted under this article.

DIVISION 2. - LICENSE

Sec. 10-51. - Required.

No person shall operate or maintain any billiard, *pool* or sippio room or *table*, shooting gallery or bowling alley without first obtaining a license therefor from the city council.

Sec. 10-52. - Fees.

The license fee for operating or maintaining any billiard, *pool* or sippio room or *table* shall be \$10.00 for each *table* or board. The license fee for operating or maintaining a shooting gallery shall be \$2.00. The fee for such license shall be in the amount of \$10.00 for each alley or bowling lane or bed so called, located in each bowling establishment to be licensed under this division.

Sec. 10-53. - Location of business to be specified on license.

Every license granted under this division shall specify the location of the place of business in which the license is to be exercised, and the license shall not be valid in any other place.

Sec. 10-54. - Term; renewal.

The license granted under this division shall be for the period of one year unless revoked for any reason deemed sufficient in law, and may be renewed.

10-55. - Penalty.

The city police department and the city council shall enforce the provisions of this article.

Violation of any provision of this article may result in the revocation or suspension of a license issued hereunder. Any person who operates a billiard, *pool* or sippio *table*, bowling alley or shooting gallery without a license shall be fined not more than \$100.00. Each day that the device continues to be operated in violation of this article shall be deemed a separate violation.



Laura E. Wilson
Tax Collector

Rory Casey
Treasurer

City of Holyoke

Form A – Tax Compliance Form

DATE: 3/26/25

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:

Address:

Property Owner:

THOMAS LUCCHESI / IVORY DILLWARD
151 CHESTNUT ST.
SAME AS ABOVE

Respectfully,

Laura Wilson
Tax Collector
413.322.5530

Rory Casey
City Treasurer
413.322.5560

536 Dwight St Rm. 13. • HOLYOKE, MASSACHUSETTS 01040
PHONE: (413) 322-5530 • FAX: (413) 322-5531

Birthplace of Volleyball

NEW: ☒
RENEWAL: ☒
\$50 FEE: ☒
TAX COLLECTOR/TREASURER LETTER: _____

DATE: 3/24/2025



**CITY OF HOLYOKE CITY COUNCIL
SECOND HAND LICENSE APPLICATION**

ADDRESS: 250 Westfield Rd.
APPLICANT'S NAME: ECO ATM
APPLICANT'S ADDRESS: 10121 Barnes Canyon Rd. San Diego, CA
APPLICANT'S TELEPHONE: 858-766-7250 EMAIL: SEAN.FLAHERTY@ECOATM.COM 92121
SS# FEIN: 26-3879952

=====

Said license runs from May 1st to April 30th of each year; regardless of application date

Sec. 66-32. - Record of purchases.

Every person dealing in junk, old metals, rags, papers, bottles or secondhand articles or keeping a shop for the purchase, sale or barter of the same shall keep a book in which he shall record in plain English language, at the time of every purchase by him of any of the aforesaid articles, a description of the article purchased, the name, age and residence of the person from whom, and the day and hour when he so purchased it. No entry made in such book shall be erased, obliterated or defaced and the form of such book shall be prepared by the chief of police. Such book shall at all times be open to the inspection of the mayor and city council or any person by them authorized to make such examination.

Sec. 66-35. - Purchases from minors or apprentices; dealers to purchase only from licensed collectors.

No dealer in or keeper of a shop for the purchase or barter of junk, old metal or secondhand articles, and no collector of the aforesaid articles, shall, directly or indirectly, purchase or receive by way of barter or exchange any of the articles aforesaid from a minor or apprentice, knowing or having reason to believe him to be such. No such dealer or keeper of a shop shall, directly or indirectly, purchase or receive as aforesaid any of such articles from a person not a duly licensed collector of junk, except, however, that he may make such purchase directly from mills or manufacturers.

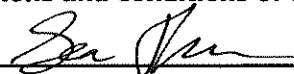
Sec. 66-61. - Dealers or shopkeepers.

No person shall be a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in the city, unless he is duly licensed therefor by the city council and shall exhibit his license when requested to do so.

Sec. 66-36. - Articles purchased not to be sold for 30 days.

No article purchased or received by a dealer or keeper of a shop for the purchase, sale or barter of junk, old metal or secondhand articles shall be sold until at least 30 days from the date of its purchase or receipt has elapsed

☐ **Sec. 66-39. - Persons who buy or sell secondhand articles except books, furniture, prints stamps, coins, automobiles and fabric shall be exempt from the provisions and conditions of this article.**

 (ON BEHALF OF ECOATM LLC)
APPLICANT'S SIGNATURE

536 DWIGHT STREET, ROOM 2 • HOLYOKE, MASSACHUSETTS 01040-5086
PHONE: (413) 322-5520 • FAX: (413) 322-5521 • E-MAIL: clerks@holyoke.org
Birthplace of Volleyball

NEW: ☒
RENEWAL: ☒
\$50 FEE: ☒
TAX COLLECTOR/TREASURER LETTER: _____

DATE: 3/24/2025



**CITY OF HOLYOKE CITY COUNCIL
SECOND HAND LICENSE APPLICATION**

ADDRESS: 2061 Northampton St.
APPLICANT'S NAME: ECO ATM
APPLICANT'S ADDRESS: 10121 Barnes Canyon, San Diego CA 92121
APPLICANT'S TELEPHONE: 858-766-7250 EMAIL: SEAN.FLAHERTY@ECOATM.COM
SS# FEIN: 26-3879952

=====

Said license runs from May 1st to April 30th of each year; regardless of application date

Sec. 66-32. - Record of purchases.

Every person dealing in junk, old metals, rags, papers, bottles or secondhand articles or keeping a shop for the purchase, sale or barter of the same shall keep a book in which he shall record in plain English language, at the time of every purchase by him of any of the aforesaid articles, a description of the article purchased, the name, age and residence of the person from whom, and the day and hour when he so purchased it. No entry made in such book shall be erased, obliterated or defaced and the form of such book shall be prepared by the chief of police. Such book shall at all times be open to the inspection of the mayor and city council or any person by them authorized to make such examination.

Sec. 66-35. - Purchases from minors or apprentices; dealers to purchase only from licensed collectors.

No dealer in or keeper of a shop for the purchase or barter of junk, old metal or secondhand articles, and no collector of the aforesaid articles, shall, directly or indirectly, purchase or receive by way of barter or exchange any of the articles aforesaid from a minor or apprentice, knowing or having reason to believe him to be such. No such dealer or keeper of a shop shall, directly or indirectly, purchase or receive as aforesaid any of such articles from a person not a duly licensed collector of junk, except, however, that he may make such purchase directly from mills or manufacturers.

Sec. 66-61. - Dealers or shopkeepers.

No person shall be a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in the city, unless he is duly licensed therefor by the city council and shall exhibit his license when requested to do so.

Sec. 66-36. - Articles purchased not to be sold for 30 days.

No article purchased or received by a dealer or keeper of a shop for the purchase, sale or barter of junk, old metal or secondhand articles shall be sold until at least 30 days from the date of its purchase or receipt has elapsed

☐ **Sec. 66-39. - Persons who buy or sell secondhand articles except books, furniture, prints stamps, coins, automobiles and fabric shall be exempt from the provisions and conditions of this article.**

 (ON BEHALF OF ECOATM LLC)
APPLICANT'S SIGNATURE

536 DWIGHT STREET, ROOM 2 • HOLYOKE, MASSACHUSETTS 01040-5086
PHONE: (413) 322-5520 • FAX: (413) 322-5521 • E-MAIL: clerks@holyoke.org
Birthplace of Volleyball

NEW: _____
RENEWAL: ☒
\$50 FEE: ☒
TAX COLLECTOR/TREASURER LETTER: _____

DATE: 3/24/2025



**CITY OF HOLYOKE CITY COUNCIL
SECOND HAND LICENSE APPLICATION**

ADDRESS: 50 Holyoke St.
APPLICANT'S NAME: ECO ATM
APPLICANT'S ADDRESS: 10121 Barnes Canyon San Diego, CA 92121
APPLICANT'S TELEPHONE: 858-766-7250 EMAIL: SEAN.FLAHERTY@ECOATM.COM
SS# FEIN: 26-3879952

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 (ON BEHALF OF ECOATM LLC)
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536 DWIGHT STREET, ROOM 2 • HOLYOKE, MASSACHUSETTS 01040-5086
PHONE: (413) 322-5520 • FAX: (413) 322-5521 • E-MAIL: clerks@holyoke.org
Birthplace of Volleyball

City of Holyoke

Request for Appropriation Transfer Within a Classification

Dept. Name Fire

Date 3 / 1 / 2025

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 _____

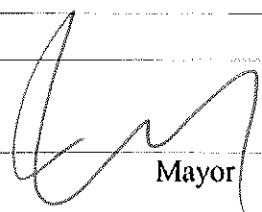
Account No.		Account Name	\$ Amount	
Organization	Object		From	To
12201	51103	PAY-FIRE CAPTAIN	(3,663.90)	
12201	51104	PAY-FIRE LIEUTENANT	(3,142.74)	
12201	51180	PAY-INJURED ON DUTY	()	6,806.64
			()	
			()	
			()	
			()	
			()	
			()	
			()	
			()	
			()	

Reason for request:

PP #18 IOD

Ledoux and R. Ortiz


Head of Department


Mayor

City of Holyoke

Request for Appropriation Transfer Within a Classification

Dept. Name Fire

Date 3 / 14 / 2025

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 _____

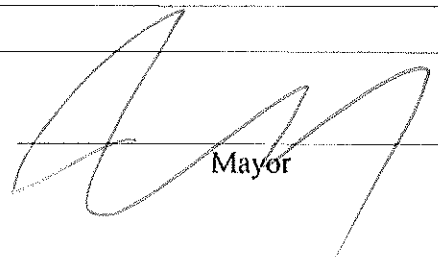
Account No.		Account Name	\$ Amount	
Organization	Object		From	To
12201	51103	PAY-FIRE CAPTAIN	(3,663.90)	
12201	51104	PAY-FIRE LIEUTENANT	(3,709.69)	
12201	51180	PAY-INJURED ON DUTY	()	7,373.59
			()	
			()	
			()	
			()	
			()	
			()	
			()	
			()	
			()	

Reason for request:

PP #19 IOD

Ledoux and R. Ortiz S. Sylvester


Head of Department


Mayor

City of Holyoke

Request for Appropriation Transfer Within a Classification

Fire

Dept. Name _____ Date 2/25/25

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.		Account Name	\$ Amount	
Organization	Object		From	To
12201	51102	PAY-DEPUTY FIRE CHIEF	\$54,000.00	
12201	51105	PAY-FIREFIGHTERS	\$14,000.00 ^{12,000}	
12201	51302	PAY-HAZ-MAT OVERTIME		\$7,000.00
12201	51510	PAY-SICK-LEAVE-BUYBACK		\$56,000.00
12201	51910	PAY-HAZ-MAT TEAM		\$5,000.00

Reason for request: To cover a Retirement Buyback, HazMat Overtime and HazMat Stipend

That includes to new HazMat Team Members

Head of Department

Mayor

Form TR-1 (6/92)



Mayor Joshua Garcia

City of Holyoke

Conservation Commission

Yoni Glogower, Director of Conservation & Sustainability

March 27th, 2025

Tessa Murphy-Romboletti
City Council President
Holyoke City Hall
536 Dwight St, Room 10
Holyoke, MA 01040

Re: EOEAA Municipal Vulnerability Preparedness 2.0 Planning Grant

Dear President Murphy-Romboletti and members of the City Council,

The City of Holyoke was recently awarded a \$102,420 Planning Grant from the Executive Office of Energy and Environmental Affairs (EOEEA) for the Municipal Vulnerability Preparedness (MVP) 2.0 Planning Process. This effort will update the climate resilience priorities from our 2018 MVP planning process and allow Holyoke to remain eligible for future rounds of action grant funding.

Primary activities for this grant include convening of a community team to revisit and assess climate resilience priorities for Holyoke, which will include city staff, community stakeholders, an assigned equity partner, and planning vendor. This process will take place over the remaining course of FY25 to February of FY26, whereupon the second phase of the grant will commence. This will be a "seed project" aimed at implementing the findings of the MVP 2.0 planning process.

The Office of Conservation and Sustainability respectfully requests your acceptance of \$102,420 to fund these climate resiliency efforts. Grant funding will be distributed to Holyoke up front in two stages (\$52,420 in FY25 for the planning efforts, and \$50,000 in FY26 for seed project implementation). There is no match requirement for this award. A signed grant agreement is attached along with an award letter that outlines the project scope, budget, and timeline.

Sincerely,

Yoni Glogower
Director, Office of Conservation and Sustainability

COMMONWEALTH OF MASSACHUSETTS | STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller, the Executive Office for Administration and Finance, and the Operational Services Division as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions and Contractor Certifications, the Commonwealth Terms and Conditions, the Commonwealth Terms and Conditions for Human and Social Services, or the Commonwealth IT Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access forms at macomptroller.org/forms or mass.gov/lists/osd-forms.

CONTRACTOR INFORMATION			COMMONWEALTH INFORMATION		
Contractor Legal Name City of Holyoke		d/b/a	Department Executive Office of Energy & Environmental Affairs		MMARS Code ENV
Legal Address Holyoke City Hall, Holyoke MA 01040		536 DWIGHT ST	Contract Manager Name Kara Runsten		Business Mailing Address 100 Cambridge St., 10 th Floor, Boston MA 02114
As entered on Form W-9 or Form W-4			Billing Address If Different		
Contract Manager Name Yoni Glogower			Phone 617-342-1594		Email Kara.runsten@mass.gov
Phone (413) 322-5615	Email glogowery@holyoke.org	Fax	Fax		
Vendor Code VC6000192102			MMARS Doc ID(s) CT-ENV-MVPPLAN009HOLYOKEF25		
Vendor Code Address ID AD			RFR/Procurement or Other ID Number ENV 25 MVP 02		
e.g. "AD001". Note: The Address ID must be set up for Electronic Funds Transfer (EFT) payments.					
NEW CONTRACT			CONTRACT AMENDMENT		
Procurement or Exception Type (Check one option only)			Current Contract End Date PRIOR to Amendment		
☐ Statewide Contract (OSD or an OSD-designated department.) ☐ Collective Purchase (Attach OSD approval, scope, and budget.) ☒ Department Procurement - Includes all Grants 815 CMR 2.00. (Attach Solicitation Notice or RFR, and Response or other procurement supporting documentation.) ☐ Emergency Contract (Attach justification for emergency, scope, and budget.) ☐ Contract Employee (Attach Employee Status Form, scope, and budget.) ☐ Interim Contract with new Contractor (Attach justification for Interim Contract and updated scope/budget.) ☐ Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope, and budget.)			Amendment Amount Or Enter "No Change"		
			Amendment Type (Check one option only. Attach details of amendment changes.)		
			☐ Amendment to Date, Scope, or Budget (Attach updated scope and budget.) ☐ Interim Contract with Current Contractor (Attach justification for Interim Contract and updated scope/budget.) ☐ Contract Employee (Attach any updates to scope or budget.) ☐ Other Procurement Exception (Attach authorizing language/justification and updated scope/budget.)		
TERMS AND CONDITIONS					
The Standard Contract Form Instructions and Contractor Certifications and the following document are incorporated by reference into this Contract and are legally binding (Check ONE option):					
☒ Commonwealth Terms and Conditions ☐ Commonwealth Terms and Conditions for Human and Social Services ☐ Commonwealth IT Terms and Conditions					
COMPENSATION (Check ONE option.)					
The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.					
☐ Rate Contract (No Maximum Obligation). (Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) ☒ Maximum Obligation Contract. Total maximum obligation for total duration of this contract (or new total if contract is being amended): \$102,420					
PROMPT PAYMENT DISCOUNTS (PPD)					
Commonwealth payments are issued through Electronic Funds Transfer (EFT) 45 days from invoice receipt. See Prompt Pay Discounts Policy .					
Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within: 10 days % PPD, 15 days % PPD, 20 days % PPD, 30 days % PPD.					
If PPD percentages are left blank, identify reason:					
☐ Statutory/legal ☐ Ready Payments (M.G.L. c. 29, §23A) ☒ Agree to standard 45-day cycle ☐ Only initial payment					
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT					
Enter the Contract file, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.					
To conduct the MVP 2.0 Planning Process and implement a climate resilience seed project as outlined in Attachment A.					
SUPPLIER DIVERSITY PROGRAM (SDP) PLAN					
Does the Supplier Diversity Program apply? ☒ YES If YES, the Contractor's annual SDP commitment for this Contract is					
☐ NO If NO, and the department is an Executive Department, enter the appropriate exemption:					
ANTICIPATED START DATE Complete ONE option (only)					
The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:					
☒ 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. ☐ 2. may be incurred as of , 20 , a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. ☐ 3. were incurred as of , 20 , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.					
CONTRACT END DATE					
Contract performance shall terminate as of June 30, 2027, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.					
CERTIFICATIONS					
Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contractor Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.					
AUTHORIZING SIGNATURE FOR THE CONTRACTOR			AUTHORIZING SIGNATURE FOR THE COMMONWEALTH		
Signature and date must be captured at time of signature.			Signature and date must be captured at time of signature.		
Signature		Date 3/11/2025	Signature Wallace Gathoni		Date 03/19/2025
Print Name Joshua A. Garcia		Print Title Mayor	Print Name Wallace Gathoni		Print Title Federal Funds Director

ATTACHMENT A - SCOPE OF SERVICES AND ADDITIONAL TERMS AND CONDITIONS

The Executive Office of Energy and Environmental Affairs (EEA) and the City of Holyoke ("the community") hereby contract for the community to complete the Municipal Vulnerability Preparedness (MVP) 2.0 process in the FY25 round. Once the contract has been signed by both parties, the community will be provided with an advance payment of **\$52,420.00 to complete the MVP 2.0 process scope (steps 1-8 and step 10)**. Of this award, \$2,420 is for interpretation and translation services. Once the community has completed step 7 (selected a Seed Project that was submitted to and approved by the respective MVP Regional Coordinator), or earlier if authorized by EEA, the community will be provided with an advance payment of **\$50,000.00 to implement their Seed Project (Step 9)**.

This project will run from the effective date of this contract through **June 30, 2027**. Failure to produce the required deliverables and documentation of spent funds by the contract end date will result in a return of the funds to the state by FY27 fiscal year end. The community may apply for a contract extension as needed and subject to EEA's discretion for approval.

Process Summary:

The MVP 2.0 program expands on the climate resilience work communities have done to date and supports communities with new methods, tools, and resources for building climate resilience. In particular, the contract will support the community in revisiting their climate resilience priorities with a focus on equity, and translating those priorities into action through project development and implementation. The MVP 2.0 program does this through:

- Convening a community team to do equitable climate resilience work;
- Providing training on strategies for building climate resilience, equity, and climate justice;
- Revisiting resilience priorities with the involvement of the wider community and a stronger assessment of social vulnerability and resilience;
- Helping the municipality and community to co-develop and implement a project that builds community resilience, with guaranteed funding for implementation; and
- Providing a process that can be replicated for future MVP Action Grants.

Resources and Support:

The community will work with a planning vendor and an equity partner to help manage and facilitate the process. MVP will provide a set of guidance documents and tools for completing the process, which are available on the [MVP 2.0 Planning Grant website](#). Additionally, the project team will use the [Guides for Equitable and Actionable Resilience \(GEAR\) online tool](#), which provides access to community data, downscaled climate projections, and guidance for investigating and understanding local climate vulnerability. The MVP Program's team of Regional Coordinators (RCs) will also provide support and guidance in the process (see list of MVP checkpoints below).

Process Details:

The community will conduct the following tasks to complete the MVP 2.0 process as outlined in the [MVP 2.0 Process Guide](#). From step 1 onward, the community will have support from their contracted planning vendor and their implementation vendor for step 9.

Phase 1: Developing a Core Team	
Step 1: Starting to Build Your Team (1-2 Months)	
Goals: • Hire a Planning Vendor (or vendor team) to support the MVP 2.0 process • Recruit the municipal staff who will be on the Core Team.	MVP Checkpoints: • Just after award - The Municipal Project Manager will receive an award letter, a timeline, a contract, and the name and contact information of the Equity Partner (EP) assigned to the community from the MVP team. The MVP

	Regional Coordinator (RC) for your region will contact you to schedule quarterly check-ins. • Just after award - The community's EP will be in contact to set up a meeting between the Municipal Project Manager, RC, and EP to kick off the process and to discuss Planning Vendor selection. • After selecting a Planning Vendor - Email the contract, contact information, and qualifications for your selected Planning Vendor to your RC, EP, and the MVP Inbox (mvp@mass.gov).
Step 2: Identifying Lived Expertise (1 Month)	
Goal: • Identify lived expertise of people who live and work in the community and perspectives that will be important to include on the Core Team.	MVP Checkpoints: • Upon completion- Email your completed <u>Community Exploration</u> to your RC and the MVP Inbox (mvp@mass.gov) before moving on to Step 3.
Step 3: Recruiting the Rest of Your Team (2 Months)	
Goal: • Recruit and onboard the Community Liaison Core Team Members.	MVP Checkpoints: • Upon completion- Email a list of your Core Team members to your RC and the MVP Inbox (mvp@mass.gov) before moving on to Step 4. Note which members are Community Liaisons, the community(ies) they are connected to, and how much they will be compensated.
Phase 2: Revisiting Resilience Priorities	
Step 4: Kicking off Collaboration (1 Month)	
Goal: • Create a foundation for working together through team building, orientation, and discussion.	MVP Checkpoints: • Upon completion- Email your completed Discussion Guide to your RC and the MVP inbox (mvp@mass.gov) before moving on to Step 5.
Step 5: Uncovering Social Resilience (3 Months)	
Goal: • To identify factors that contribute to vulnerability and resilience for people who live and work in the community and region.	MVP Checkpoints: • Upon completing your Engagement Plan- Email your completed <u>Engagement Plan</u> to your RC and the MVP inbox (mvp@mass.gov) before starting on your engagement activities. • Upon completion of Step 5 - Email your completed <u>Social Resilience Roadmap</u> to your RC and the MVP Inbox

	(mvp@mass.gov) before moving on to Step 6.
Step 6: Revisiting Resilience Priorities (2 Months)	
Goals: - Revisit and update community resilience priorities (from MVP 1.0) based on what was learned in Step 5. - Vet the updated priorities with the community.	MVP Checkpoints: Upon completion of Step 6 - Email your completed <u>Resilience Priorities Guide</u> to your RC and the MVP Inbox (mvp@mass.gov) before moving on to Step 7.
Phase 3: Implementing a Seed Project	
Step 7: Selecting a Seed Project (1 Month)	
Goals: - Identify a Seed Project idea(s) that will advance one or more of the community resilience priorities. - Vet the project idea(s) with the community.	MVP Checkpoints: Once you have identified a few Seed Project ideas - Email your preliminary Seed Project Ideas to your RC for feedback before vetting the Seed Project Ideas with the community. Upon completion - Email your completed <u>Seed Project Plan Part A</u> to your RC and the MVP Inbox (mvp@mass.gov) before moving on to Step 8. Submitting Part A and approval from your RC will unlock funding for Seed Project implementation.
Step 8: Developing an Implementation Plan (1 Month)	
Goal: Develop an Implementation plan for the Seed Project that will help translate the idea into action.	MVP Checkpoints: Upon completion - Email your completed <u>Seed Project Plan Part B</u> to your RC and the MVP Inbox (mvp@mass.gov) before moving on to Step 9. Upon completion - Submit the <u>MVP 2.0 Interim Submission Form</u>, which includes answering some summary questions about the process and uploading all completed deliverables thus far (Steps 1-8).
Step 9: Implementing the Seed Project (Ten months)	
Goal: Implement the Seed Project, and in doing so, build resilience and capability within the community or region.	MVP Checkpoints: Halfway through Seed Project implementation - Email or set up a call with your RC to provide a progress update.

Step 10: Reflecting, Adjusting, and Next Steps (1 Month)

Goals:

- Reflect on the process in order to evolve and improve it for future resilience building efforts.
- Close out the MVP 2.0 Process.

MVP Checkpoints:

- **Upon completion-** Submit the MVP 2.0 Final Submission Form, which includes uploading the completed deliverables from Steps 9 and 10, including documentation of the Seed Project.

Reporting and Final Deliverables:

The community will be required to meet quarterly with their Regional Coordinator.

To close out the MVP 2.0 process, the community is required to provide BBA with the following materials. These materials will be submitted as attachments to the MVP 2.0 Final Submission Form.

- Completed MVP Checkpoints listed under each step above
- Completed materials:
 - Community Exploration
 - Kickoff Videos Discussion Guide
 - Engagement Plan
 - Social Resilience Roadmap
 - Resilience Priorities Guide
 - Seed Project Plan Part A
 - Seed Project Plan Part B
 - Reflection Guide
- Close-out materials:
 - Final invoice(s) demonstrating all grant funding was spent according to the contract scope of work. (If multiple invoices, please compile into one PDF.)
 - Final deliverables from the Seed Project. (If multiple or too big to upload, please email to your MVP Regional Coordinator.)
 - Slide(s) with photos or images from the process and/or your Seed Project. (We may share these publicly so please only upload photos or images with any necessary permissions to share secured.)

Failure to produce the required deliverables and documentation of spent funds by the contract end date will result in a return of the money to the state by fiscal year end.

Any changes to the scope or deliverables must be approved in writing by the MVP Regional Coordinator or MVP staff.

Grantee/Municipal Staff Commitment:

The grantee/community must provide sufficient staff time to assure completion of this grant. The time commitment for the project manager and municipal members of the Core Team is estimated at roughly 105 hours and 85 hours, respectively, for steps 1-8 and step 10. The time commitment for step 9 is to be determined based on the seed project selected by the Core Team. The grantee does not need to track or report on this time provided that the following tasks are completed. Staff time will include the following activities:

- Complete a contract with the Commonwealth and maintain all necessary reporting;
- Procure a planning vendor based on the provided vendor qualifications (Step 1);
- Complete the Community Exploration to identify perspectives and lived experience within your community that will be important to include in your Core Team (Step 2);
- Recruit a Core Team, with at least half the members being community liaisons with strong connections to EJ and priority populations in the community (Steps 1 and 3);
- Participate in the Core Team collaboration and skill share (Step 4);
- Work with community liaisons on your Core Team to lead inclusive and equitable community outreach

Municipal Vulnerability Preparedness (MVP) 2.0

and engagement activities to gather insight on sources of vulnerability and resilience in the community and complete the Engagement Plan and Social Resilience Roadmap (step 5);

- Participate in discussions with your Core Team to revisit and update your community resilience priorities; vet the updated priorities with the community (Step 6);
- Participate in discussions with your Core Team to identify a Seed Project idea; vet the Seed Project idea with the community (Step 7);
- Participate in discussions with your Core Team to develop a Seed Project Implementation Plan; identify a subject matter advisor(s) to support this process (Step 8);
- Identify an implementation vendor to lead or support the implementation of the Seed Project; work with the implementation vendor and community stakeholders to implement the Seed Project (Step 9);
- Reflect on the MVP 2.0 process, and submit the MVP 2.0 Final Submission form with all associated deliverables to the MVP team (Step 10).

Materials:

All materials, software, maps, reports, and other products produced through the grant program shall be considered in the public domain and thus available at the cost of production. All materials created through this opportunity and as a result of this award should credit the Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness (MVP) program.

Other Terms:

Receipt of MVP funding shall not be considered state approval of the project for any necessary state, federal, or local permits, nor provide any indication of the project's competitiveness for future funding phases.

GRANTEE: CITY OF HOLYOKE

ATTACHMENT B - BUDGET AND APPROVED EXPENDITURES

(The Department and Contractor may complete this format or attach an approved alternative Budget format or Invoice.)

Items identified below which are not part of the Contract should be left blank.

Attach as many additional copies of this format as necessary, Maximum obligation should appear as last entry.

Contract Expenditures	Unit Rate (per unit, hour, day)	Number of Units	Other Fees or Charges (specify)	TOTAL
To be distributed February 2025; State FY25				\$52,420.00
To be distributed February 2026 (or upon completion of Step 7 in Att. A); State FY26				\$50,000.00

MAXIMUM OBLIGATION	Total \$102,420.00
---------------------------	---------------------------

Attachment B is subject to any restrictions or additional provisions outlined in Attachment A

Additional Terms:

- Funding awarded as a result of this contract must be placed in a non-Interest-bearing account.
- Failure to produce the required deliverables and documentation of spent funds by the contract end date will result in a return of the money to the state by fiscal year end.
- Requests for extensions or amendments to this contract are at the sole discretion of EEA and must be requested at least one month in advance of the contract end date.
- Please refer to the request for responses ENV 25 MVP 02 for additional requirements.

City of Holyoke

Request for Appropriation Transfer Between Classifications

Dept. Name COA / School

Date 3/28/2025

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 ☒ Capital Outlay ☒

Account No.		Account Name	\$ Amount	
Organization	Object		From	To
13003	58000	School-Cap Outlay	(38,600)	
15412	52500	COA R&M Building	()	38,600
---	---	---	()	---
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Reason for request:

Painting of COA Building

Navar Genovese Robles
Head of Department.

[Signature]
Mayor

Request for Appropriation Transfer Between Classifications

Date 3/28/2025

Personal Services _____ Expenses X Capital Outlay X

Reason for request:

Painting of COA Building

Mayor

Sean Mangano

Page 138 of 171



City of Holyoke,
Massachusetts
Birthplace of Volleyball

Tanya Wdowiak <wdowiakt@holyoke.org>

Fwd: IVAQ Approval

Joshua Garcia <garciaj@holyoke.org>
To: Tanya Wdowiak <wdowiakt@holyoke.org>

Wed, Feb 12, 2025 at 11:53 AM

Tanya see below. Can we throw away or close that approval?

Joshua A. Garcia, MPA
Mayor, City of Holyoke

Holyoke City Hall
536 Dwight Street, Rm #1
Holyoke, MA 01040
Office: 413-561-1600

www.holyoke.org
www.exploreholyoke.com

----- Forwarded message -----

From: **Sean Mangano** <semangano@hps.holyoke.ma.us>
Date: Tue, Feb 11, 2025 at 7:02 PM
Subject: IVAQ Approval
To: Anthony Soto <asoto@hps.holyoke.ma.us>, Joshua Garcia <garciaj@holyoke.org>

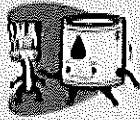
Hi all,

Quick update that we received approval to use IVAQ funds for the McMahon Boiler replacement. This was the project that we requested an emergency appropriation from the City Council. As of this time, we should not need to use that appropriation.

Let me know if you have any questions.

Thank you

--
Sean Mangano
Executive Director of Finance
Holyoke Public Schools
413-534-2000 ext. 1609



CHARLIE MANCINI
D.B.A Mancini Painting & Construction
390 Brush Hill Avenue
West Springfield, MA 01089
(413) 563-3224

November 12, 2024

Holyoke Senior Center
291 Pine St
Holyoke Ma 01040

Att: Matt

Re: Estimate Exterior Paint

Paint all dark Beige (color to be matched) to cover with Sherwin Williams SuperPaint low lustre

Approx gallons 45

Paint all light Beige (color to be matched) to cover with same as above , approx. gallons 25

Paint all white areas to cover same as above approx. gallons 5

Total L&M \$38,600.00

Thank You,


Charlie Mancini

Request for Appropriation Transfer Between Classifications

School	HED
--------	-----

Date 3/28/2025

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 _____ Capital Outlay ✓

[illegible]

Reason for request:

HFD Portable Radios

Head of Department.

Mayo

City of Holyoke

Request for Appropriation Transfer Between Classifications

Dept. Name School / HFD

Date 3/28/2025

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 _____ Capital Outlay ☒

Account No.		Account Name	\$ Amount	
Organization	Object		From	To
13003	58000	School Cap. Outlay	78,000.00	
12203	58002	Fire Cap Outlay Equip		78,000.00
-----	-----	-----	()	-----
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-----	-----	-----	()	-----
-----	-----	-----	()	-----

Reason for request:

HFD Portable Radios

Head of Department.

Mayor

Form TR-1 (6/92)

Sean Mangano

3/28/25



City of Holyoke,
Massachusetts

Birthplace of Volleyball

Tanya Wdowiak <wdowiakt@holyoke.org>

Fwd: IVAQ Approval

Joshua Garcia <garciaj@holyoke.org>
To: Tanya Wdowiak <wdowiakt@holyoke.org>

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Office: 413-561-1600

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----- Forwarded message -----

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Date: Tue, Feb 11, 2025 at 7:02 PM
Subject: IVAQ Approval
To: Anthony Soto <asoto@hps.holyoke.ma.us>, Joshua Garcia <garciaj@holyoke.org>

Hi all,

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Let me know if you have any questions.

Thank you

--
Sean Mangano
Executive Director of Finance
Holyoke Public Schools
413-534-2000 ext. 1609



We have prepared a quote for you

Holyoke NX-5200K2 Radios

Quote # 012599 v1

Prepared for:

Holyoke Fire Department

Jake Thibeault
thibeaultj@holyoke.org

Prepared by:

**Goosetown Communications -
Bloomfield**

Anthony Lillo
ALillo@goosetown.com



7A Old Windsor Rd • Bloomfield, CT 06002
(888) 466-7386 • FAX (845) 268-5345

Products

Description		Price	Qty	Ext. Price
PSE01	Use on orders purchased under PSE01 contract. Use on orders purchased under PSE01 contract.	\$0.00	1	\$0.00
NX-5200K2	Kenwood VHF (136-174MHz), 6.0 Watts NXDN Conventional / TYPE-C (Gen1/Gen2) Trunking Kenwood VHF (136-174MHz), 6.0 Watts NXDN Conventional / TYPE-C (Gen1/Gen2) Trunking	\$753.15	50	\$37,657.50
KWD-5100CV	Kenwood License Key for P25 Conventional Kenwood License Key for P25 Conventional	\$465.75	50	\$23,287.50
KRA-26M	Kenwood VHF helical antenna 146-162 MHz Kenwood VHF helical antenna 146-162 MHz	\$15.00	50	\$750.00
KNB-L2M	Kenwood Li-ion 2600mAh (Standard) Kenwood Li-ion 2600mAh (Standard)	\$126.75	50	\$6,337.50
KSC-52BK	Kenwood Rapid rate single unit charger for the existing KNB-L1, KNB-L2, KNB-L3, KNB-LS5, and KNB-LS7 batteries for VP8000/VP6000/VP5000 Kenwood Rapid rate single unit charger for the existing KNB-L1, KNB-L2, KNB-L3, KNB-LS5, and KNB-LS7 batteries for VP8000/VP6000/VP5000	\$72.98	50	\$3,649.00
KMC-70GR	Kenwood GREEN MIL-SPEC, IP54/55/67/68* Speaker Mic with Active Noise Reduction Note: IP68 is available only when used with NX-5000 series portable [Intrinsically Safe Option] Kenwood GREEN MIL-SPEC, IP54/55/67/68* Speaker Mic with Active Noise Reduction Note: IP68 is available only when used with NX-5000 series portable [Intrinsically Safe Option]	\$126.38	50	\$6,319.00
Subtotal:				\$78,000.50



7A Old Windsor Rd • Bloomfield, CT 06002
(888) 466-7386 • FAX (845) 268-5345

Holyoke NX-5200K2 Radios

Prepared by:

**Goosetown Communications -
Bloomfield**

Tony
(888) 466-7386
FAX (845) 268-5345
ALillo@goosetown.com

Prepared for:

Holyoke Fire Department

600 High St.
Holyoke, MA 01040
Jake Thibeault
(413) 534-2259
thibeaultj@holyoke.org

Bill To:

Holyoke Fire Department

Holyoke City Hall 536 Dwight Street
Holyoke, MA 01040
Dale Glenn
glennd@holyoke.org

Quote Number: 012599 • Version: 1 • Quote Date: 03/20/2025 • Expiration Date: 04/19/2025

Quote Summary

Description	Amount
Products	\$78,000.50
Total:	\$78,000.50

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Holyoke Fire Department

Signature: _____

Name: _____

Title: _____

Date: _____

City of Holyoke, Massachusetts
Policy for Designated Handicap Parking Spaces
on Public Streets in Residential Areas

RECEIVED

MAR 27 2025

Rules for Residential HP Usage: handicap parking spaces may be established by the City Council in accordance with Section 86-98(c) of the Code of Ordinances.

Holyoke City Clerk's
Holyoke, MA

1. Handicap Parking cannot be established in areas already restricted as "No Parking" or "Limited Time" parking spots.
2. Handicap Parking shall not be designated when off-street parking is available (driveway, garage or lot).
3. The street must be a Public Way, and the street width must be adequate to allow parking in front of or near the applicant's residence.
4. Handicap parking signs do not exempt a vehicle from other regulations such as snow emergency, street cleaning and/or repair work.
5. Spots established in accordance with this section may be used by anyone with a handicap plate or placard as issued from the Registry of Motor Vehicles. A placard shall not be used by family, friends or other individuals visiting the handicap person. Police may confiscate the HP placard for any violation and the Commonwealth of Massachusetts Registry of Motor vehicles may impose fines if violations occur in use of HP space(s).
6. The City Council shall deny an application under this section if it does not meet the criteria contained herein. The Council may remove any Handicap Parking spaces that it finds are infrequently used or cause a hazard to the motoring and walking public.
7. Handicap Parking spaces established under this section shall be valid for a period which coincides with the applicant's placard or plate. If there is no change in the residence of the individual, a renewal petition shall be submitted to the City Council with a copy of the updated placard. Any change in information will require submission of a new application. Failure to renew will result in the removal of the HP signs and require submission of a new application.
8. When the Handicap Parking space is not longer needed due to the applicant's change of residence or change in eligibility status, the applicant or another household member shall notify the ward councilor in writing within thirty (30) days of this change.
9. Failure to comply with any of the rules will result in fines and penalties as established by City Ordinances for misuse of Handicap Parking spaces.

To apply for a Handicap Parking space near your residence, please submit the following documentation to a city councilor:

1. The completed Residential Handicap Parking application.
2. A photocopy of the car registration if it has handicap number plates authorized by Chapter 90, Section 2 of the Massachusetts General Laws or a photocopy of the Handicap Placard issued to the applicant in accordance with the provisions of Chapter 632 of the Massachusetts General Laws.

APPLICANT'S CERTIFICATION

I am aware that it is my responsibility to properly use a handicap parking plate/placard subject to the rules and regulations of the Commonwealth of Massachusetts Registry of Motor Vehicles; I have read and understand the policy for designated Handicap Parking Spaces on Public Streets in the City of Holyoke. I certify that the information contained herein is true and correct to the best of my knowledge and belief.

Georgina Reyes Georgina Reyes 3/27/25
Applicant's Signature Print Name Date

For Office Use Only:

Date order filed with City Council and referred to Ordinance Committee/Handicap Commission _____

Date Handicap Commission recommendation received by Ordinance Committee _____

Date Ordinance committee recommendation _____

Date City Council approval/disapproval _____

CITY OF HOLYOKE MASSACHUSETTS
RESIDENTIAL HANDICAP PARKING APPLICATION

If this application is being completed by someone other than the Disabled person (the Applicant), please list that person's name below (PLEASE PRINT ALL INFORMATION):

Angel L Rivera Feliciano husband
Name of Person completing this application Relationship to Applicant

Applicant's (Disabled Person's) Name Georgina Reyes

Address: 292 Pine St #3 Holyoke MA 01040

Telephone: 413-552-9193 Date of Birth: (mm/dd/yy) 2/15/47

Handicap Placard/License Plate Number: PL8040630 Expiration Date: 01-08-26

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1.) Is there off-street parking (driveway, parking lot etc.) at your residence? YES [] NO []

1a.) If there is off-street parking are you allowed to use it? YES [] NO []

1b.) If you are not allowed to use off-street parking, please explain why:

Because there always car's, all times parking

2.) Explain why you feel that you are in need of Residential Handicap parking in front of/near your home.
(If needed, continue on reverse side or attach additional sheets)

I have medical condition, arthritis, osteoporosis, difficult to get in and out of vehicle short of breath

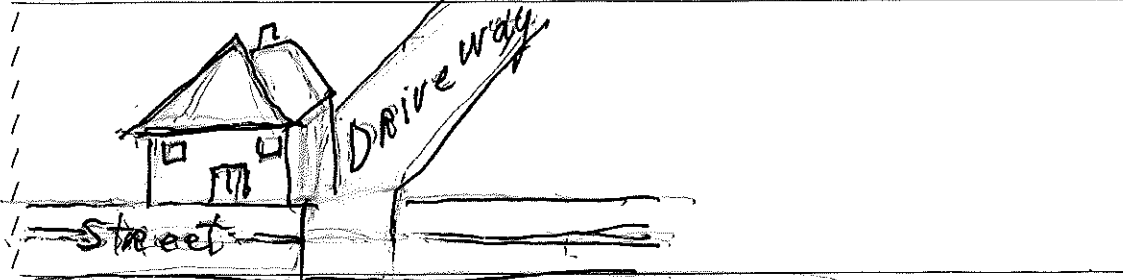
3.) Do you rent the property where you are residing? YES [] NO [] **If YES, your landlord will need to sign below.

^ ** I certify that I am the owner of the property or Property Manager at:
Insert address of resident: _____

** I further certify that off-street parking (driveway, garage or lot) is not available
To the applicant at this listed address.

Signature of Landlord or Property Manager Phone Date

ATTACH PICTURE OR SKETCH INCLUDING DRIVEWAYS, RAMPS AND ENTRANCES



CITY OF HOLYOKE MASSACHUSETTS
RESIDENTIAL HANDICAP PARKING APPLICATION

Applicant's Name (please print) Georgina Reyes
Applicant's Address 292 Pine St #3 Holyoke MA Phone 413-552-9193

To be Completed by the Holyoke Handicap Commission (HHC):

- ☐ Received Copy of the Massachusetts Registration and/or Placard
☐ Received Signature of Landlord – if applicable
☐ Site inspection by: _____ Date: _____
☐ Recommend Application Approved ☐ Recommend Application Denied – Reason for recommendation

HHC Chairperson's Signature: _____ Date: _____

To be Completed by City Council Ordinance Committee:

- Reviewed at meeting of Ordinance Committee (date): _____
☐ Recommend Application Approved ☐ Recommend Application Denied – Reason for recommendation

To be Completed by Holyoke City Council

- Reviewed at meeting of the Holyoke City Council (date): _____
☐ Application Approved ☐ Application Denied – Reason for Application Denial

Applicant's Certification

I am aware that it is my responsibility to file a complete application. I understand that the application will be returned to me if it is found to be incomplete, illegible, or otherwise not filed in compliance with the instructions. I certify that the information contained herein is true and correct to the best of my knowledge and belief.

Applicant's Signature: Georgina Reyes Date: 3/27/25

*Please remember to attach: a photocopy of the car registration if it has handicap number plates authorized by Chapter 90, Section 2 of the Massachusetts General Laws or a photocopy of the Handicap Placard issued to the applicant in accordance with the provisions of Chapter 632 of the Massachusetts General Laws.

RECEIVED

MAR 27 2025

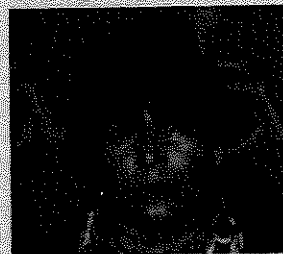
Holyoke City Clerk's
Holyoke, MA

PL8040630

Expires:

01-08-26

**Disabled Persons
Parking Identification Placard**



REYES

GEORGINA

**Commonwealth of
Massachusetts**

MUNICIPAL MODERNIZATION ACT OF 2025

If passed these changes would result in the following..

- Modernized Functions
 - Departments realigned to meet 21st central needs
 - Key positions renamed and duties reassigned
 - Address concerns raised in decades of independent audits
 - Employ technology that will improve workflow
 - Provide better service to constituents
- Increased Efficiencies and Cost Savings
 - Net loss of two unfilled positions
 - Budget neutral in FY26
 - Over \$100,000 of cost savings in FY27
 - Reduces reliance on contractors to perform basic functions
 - Ensures timely year-end closing and filing of all state and federal documents
- Improved Accountability
 - Provide additional oversight of the Mayor and financial departments
 - Additional auditing of all City departments and functions
 - Strengthen penalties for not following policies and procedures
 - Build in more fraud protections
 - Enhanced reporting to the Mayor, City Council and general public

Section 1

Charter Changes and Special Acts

- 1. Ordered that the Honorable Holyoke City Council petition the Great and General Court of Massachusetts to amend Section 1 of Chapter 44 of the Acts of 1979, “AN ACT RELATIVE TO THE MEMBERSHIP OF THE SOLDIERS’ MEMORIAL COMMISSION OF THE CITY OF HOLYOKE” to remove the City Treasurer as an ex-officio member and replace with the City Clerk.**

2. **Ordered that the Honorable Holyoke City Council petition the great and General Court of Massachusetts to amend Section 15 of the Holyoke Charter to include a provision that requires minimum qualifications for appointments to financial departments be set by ordinance.**
3. **Ordered that the Honorable Holyoke City Council petition the Great and General Court of Massachusetts to amend Section 27 of the Holyoke Charter to remove the City Treasurer from serving as acting Mayor.**
4. **Ordered that the Law Dept review and the Charter and previously adopted Special Act to identify any additional changes in order to reflect the recent change to the office of Treasurer.**

Section 2 Ordinance Changes

5. **Ordered that Division 1 of Chapter 2, Article III of the Holyoke Code of Ordinances be renamed "DEPARTMENT OF ADMINISTRATION AND FINANCE"; and that Sections 2-280 through 2-310 be deleted and replaced with the following language.**

ARTICLE 00 Department of Administration and Finance

§ 00-00. Establishment; responsibilities.

- A. In accordance with the provisions of MGL 43C there shall be established a Department of Administration and Finance.
- B. The Department of Administration and Finance shall be responsible for the overall budgetary, financial and personnel administration of the City.
- C. The Department shall be under the charge and control of the City's Chief Administrative and Financial Officer, herein referred to as the "CAFO."
- D. The Department of Administration and Finance, under the direction of the CAFO, shall oversee the Treasurer/Collector Department, Assessors Department, Information Technology Department, Comptroller Department and Purchasing Department, and such other departments as may be placed under the direction of the CAFO by the Mayor.
- E. The City shall annually appropriate amounts sufficient for the proper administration of the department, as determined in writing by the Secretary of Administration and Finance. If the City fails to appropriate such amounts, the Secretary shall direct the State Treasurer to deduct the necessary funds from the City's distribution from the State Lottery Fund and shall expend those funds directly for the benefit of the Department.
- F. Whenever the term "Department of Finance" appears in any general or special law or any ordinance, regulation, contract or other document with reference to the City of Holyoke, it shall be taken to mean the Department of Administration and Finance of the City of Holyoke.

- G. Whenever the term "Chief Financial Officer" appears in any general or special law or any ordinance, regulation, contract, or other document with reference to the City of Holyoke, it shall be taken to mean the Chief Administrative and Financial Officer of the City of Holyoke.

§ 00-00. Responsibilities and duties.

- A. The Department of Administration and Finance, under the direction and management of the CAFO, shall be responsible for the overall budgetary and financial administration of the City, including:
- (1) Coordination, administration, and supervision of all financial departments, services and activities;
 - (2) Assistance in all matters related to municipal financial affairs;
 - (3) Implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the School Department, boards, commissions, agencies and other units of City government, the operations of which have a financial impact upon the general fund and enterprise funds of the City, and including, but not limited to, maintenance of all financial and accounting data and records;
 - (4) Implementation and maintenance of uniform financial data processing capabilities for all departments;
 - (5) Supervision of all financial data processing and technological activities;
 - (6) Implementation and maintenance of uniform budget guidelines and procedures;
 - (7) Assistance in development and preparation of all department budgets and spending plans;
 - (8) Review of all proposed contracts and obligations with a term in excess of one year;
 - (9) Monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies of the status of accounts; and
 - (10) Review of the spending plan for each department as provided herein.
- B. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the CAFO, under the auspices of the Department of Administration and Finance, to promote, secure, and preserve the financial interests of the City.
- C. All department budgets and requests for budget transfers shall be submitted to the CAFO for review and recommendation by the Department of Administration and Finance prior to submission to the Mayor, City Council or School Committee, as appropriate.
- D. For each and every proposed appropriation order, and with respect to any proposed City Council vote necessary to effectuate a financial transfer, ordinance revision, or special legislation which may require the expenditure of funds or otherwise financially obligate the City for a period in excess of one year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than MGL c. 44, § 4, 6 or 6A, the CAFO shall, if it be the case, submit in writing to the Mayor and City Council a certification that is the CAFO's professional opinion, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without

a detrimental impact on the continuous provision of the existing level of municipal services. If the CAFO fails to provide a certification as aforementioned within seven days of a request for such certification from the City Council or Mayor, such appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, but the absence of the certification of the CAFO shall be expressly noted in such order or vote.

§ 00-00. Financial information.

- A. The City Council by majority vote may request in writing an assessment, analysis or other financial information, without otherwise limiting its general authority to request such, at any time it receives formal or informal notice of:
 - (1) An expenditure which is or may be in excess of an appropriation;
 - (2) A condition where an allotment is or may be exceeded;
 - (3) A certification of the CAFO that the City's financial resources and revenues are and will continue to be adequate to support a proposed expenditure or obligation pursuant to the terms set forth in this article; or
 - (4) Any actions with respect to temporary or permanent indebtedness.
- B. With respect to any year in which a loan remains outstanding, on or before July 1, the CAFO shall submit to the Director of Accounts a pro-forma tax rate recapitulation for the following fiscal year. The Director shall ascertain whether the City budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under MGL c. 59, § 23, and the Director shall report his conclusion to the Commissioner of Revenue.
- C. With respect to any such year, upon submission of the annual tax rate recapitulation, the Director shall also ascertain whether the City budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under MGL c. 59, § 23, and the Director shall report his conclusion to the Commissioner. If the Commissioner determines that the City budget as presented on the pro-forma or annual tax rate recapitulation would not permit certification of the tax rate for the applicable fiscal year, he shall certify this determination in writing and provide notice of this determination with a copy of the certificate to the Secretary of Administration and Finance.

§ 00-00. Requests for information from School Department.

- A. The CAFO and the Director of Internal Audit shall comply with all requests of the School Department to provide information relating to the operation of the School Department held within the authority or control of the CAFO or the Director of Internal Audit as the result of consolidation.
- B. If the CAFO, the Director of Internal Audit, or any employee thereof refuses to provide such information or engages in unreasonable delay, the School Department shall notify the Secretary of Administration and Finance that the CAFO, Director of Internal Audit or other employee has not made a good faith effort to provide said information in a timely manner. The Secretary shall, within a reasonable time, make a determination that any such information shall be provided to the School Department, which shall be binding upon the CAFO, the Director of Internal Audit and the School Department. The Secretary's determination shall not be an adjudicatory proceeding reviewable under

Chapter 30A of the General Laws. Nothing in this subsection shall abrogate any of the other powers or duties of the School Committee under Chapter 71 of the General Laws.

§ 00-00. Composition; appropriations; cooperation of other departments required.

- A. The Department of Administration and Finance shall consist of the CAFO and such other personnel as from time to time may be deemed necessary for the proper execution and fulfillment of his/her duties and responsibilities.
- B. The CAFO shall be responsible for overseeing and coordinating the work and administrative activities of those employees in the departments reporting to him/her, as well as those positions and departments placed under the direction of the CAFO by the Mayor.
- C. The CAFO may appoint a Deputy Chief Administrative and Financial Officer who shall be qualified by particular education and expertise. The powers and duties of the Deputy Chief Administrative and Financial Officer shall be such as are designated and assigned from time to time by the CAFO. In the temporary absence or disability of the Chief Administrative and Financial Officer, the Deputy Chief Administrative and Financial Officer shall temporarily assume the duties of the CAFO, subject to the approval of the Mayor.
- D. The City shall annually appropriate amounts sufficient for the proper administration of the Department, as determined in writing by the Secretary of Administration and Finance. If the City fails to appropriate such amount, the Secretary shall direct the State Treasurer to deduct the necessary funds from the City's distribution from the State Lottery Fund and shall expend those funds directly for the benefit of the Department.
- E. All City departments, employees, officials, boards, commissions, agencies and other units of City government, including the School Department, shall cooperate with the CAFO in the performance of his/her duties under this article. They shall furnish any information or other records requested by the CAFO within a reasonable period of time, except as otherwise prohibited by law. Any official who intentionally violates the provisions of this article by failing to cooperate with the CAFO may be subject to appropriate discipline. For the purposes of this article, the word "official" shall mean a chair, head or employee of a City department, board, commission or committee, temporary or acting, but shall not be construed to include the Mayor or the members of the City Council or School Committee.

§ 00-00. Consolidation of financial activities.

- A. Notwithstanding the provisions of any general or special law or ordinance to the contrary, all City financial activities shall be consolidated and transferred to the appropriate department as determined by the CAFO with the approval of the Mayor. For purposes of this article, the phrase "financial activity" shall mean all duties, responsibilities, tasks, jobs or employment positions within or assigned to any City department, board, commission, agency or other unit of City government, including the School Department, which substantially involve one or more of the following: accounting, auditing, billing, borrowing or leasing, budgeting, collecting, data processing, payroll and payments. The CAFO shall, from time to time, further review and reevaluate the financial activities of the City, and from time to time make, with the approval of the Mayor, such additional consolidations or transfers of financial activities as appropriate to promote the fiscal stability of the City; provided, however, that no consolidations or transfers of financial activities or professional positions of the office of the Director of Internal Audit shall

become effective unless and until approved by the Mayor and the City Council.

- B. To the extent that personnel performing financial activities as defined herein devote all or a substantial portion of their employment activities to matters related primarily to a particular department, board, commission, agency or other unit of City government, and such personnel are not paid from, or their employment expenses not charged to, the appropriation of such department, board, commission, agency or other unit of City government, the CAFO is authorized to and shall devise a reasonable "charge-back" system so as to provide for the recovery from the appropriation of such department, board, commission, agency or other unit of City government of the full employment expenses of the aforementioned personnel.

§ 00-00. Stabilization funds.

The City shall maintain all stabilization and reserve funds required by policy, ordinance and law.

§ 00-00. Expenditures in excess of appropriations; personal liability.

No official of the City, except in the case of an emergency involving the health or safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of such official's departmental appropriation duly made in accordance with law, nor commit the City to any obligation for the future payment of money in excess of such appropriations. Any official who intentionally violates this section may be personally liable to the City for any amounts expended in excess of an appropriation to the extent that the City does not recover such amounts from the person or persons to whom such sums were paid. The Trial Court of the commonwealth or a single justice of the Supreme Judicial Court shall have jurisdiction to adjudicate claims brought by the City hereunder and to order such relief as the Court may find appropriate to prevent further violations of this section. Any official who violates the provisions of this section shall be subject to removal. For purposes of this section, the word "official" shall mean a City department head, temporary or acting, including the Superintendent of Schools and all municipal boards, committees and commissions which recommend, authorize or approve the expenditure of funds. However, the word "official" shall not be construed to mean the Mayor or the members of the City Council or School Committee.

ARTICLE 00

Chief Administration and Financial Officer

§ 00-00. Appointment, term, qualifications and requirements of CAFO.

- A. The Chief Administrative and Financial Officer shall report to and be under the direction of the Mayor. The Mayor shall appoint the CAFO for a term of not more than three years. Before entering upon the duties of the office, the person shall be sworn to faithfully discharge the duties thereof.
- B. The CAFO shall be appointed solely on the basis of administrative and executive qualifications, and shall be especially fitted by education, training and previous experience to perform the duties of the office and shall hold no less than a bachelor's degree from an accredited college or university.
- C. Under the policy direction of the Mayor, the CAFO shall function with considerable independence and be directly accountable for his or her actions.

- D. The Chief Administrative and Financial Officer need not be a resident of the City or commonwealth when appointed, but shall become a resident of the City within one year of appointment to the extent required by law.

§ 00-00. Selection of CAFO.

- A. When the office of the CAFO is vacant or will become vacant, the Mayor shall initiate the selection process by giving notice of his intent to establish a "screening committee" to review applicants for the position. The Mayor shall send a copy of the notice to each agency or officer responsible for appointing persons to serve on the screening committee.
- B. The Mayor shall appoint a screening committee no later than 21 days after sending the notice. No screening committee is required if the Mayor reappoints an incumbent CAFO.
- C. The screening committee shall consist of seven members. The School Committee, City Council and Secretary of Administration and Finance of the commonwealth shall each appoint one person to serve on the screening committee. The Mayor shall appoint four other members to the screening committee, two of whom shall be experts in municipal management specifically in the areas of finance and/or personnel management.
- D. The screening committee shall recommend to the Mayor the names of not less than two nor more than five candidates whom it believes to be best suited to perform the duties of the CAFO. If the screening committee determines that there are not at least two candidates qualified to perform the duties of CAFO, the screening committee shall report to the Mayor that it is unable to complete its assigned task. In that event, the Mayor shall direct the screening committee to reopen the search.
- E. In the absence of a Chief Administrative and Financial Officer, or while the process of appointing a CAFO is proceeding, the Mayor may appoint an Acting CAFO for a term of no more than 90 days.

§ 00-00. Powers and duties of CAFO; violations and penalties.

- A. The Chief Administrative and Financial Officer shall cause the laws of the commonwealth and the ordinances, orders and regulations of the City to be executed and enforced by the officers under the direction of the CAFO. The CAFO shall exercise and have direct responsibility for the organization, administration and management of the following:
- (1) Coordination, administration, and supervision of all financial services and activities;
 - (2) Assistance in all matters related to municipal financial affairs;
 - (3) Implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the School Department, boards, commissions, agencies or other units of City government, the operations of which have a financial impact upon the general fund and enterprise funds of the City, and including, but not limited to, maintenance of all financial and accounting data and records;
 - (4) Implementation and maintenance of uniform financial data processing capabilities for all departments;
 - (5) Supervision of all financial and information technology and data processing activities; overseeing all management information systems; making recommendations for improvements and implementation of appropriate policies;

- (6) Implementation and maintenance of uniform budget guidelines and procedures;
 - (7) Direction, guidance and assistance in development and preparation of all department budgets and spending plans; establishing and overseeing budget processes from developing instructions and setting deadlines to providing recommendations;
 - (8) Coordination of the development of strategic financial goals;
 - (9) Review and approval of all proposed contracts and obligations with a term in excess of one year;
 - (10) Monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies on the status of accounts;
 - (11) Review of the spending plan for each department; reviewing all revenues collected and making recommendations concerning fees, charges, enterprise fund rates as well as new sources of revenue;
 - (12) Providing for the allotment of funds on a periodic basis as provided for in this article.
- B. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the CAFO to promote, secure, and preserve the financial interests of the City.
- C. All department budgets and requests for budget transfers shall be submitted to the CAFO for review and recommendation before submission to the Mayor, City Council or School Committee, as appropriate. For each proposed appropriation order, and with respect to any proposed City Council vote necessary to effectuate a financial transfer, ordinance revision, or special legislation which may require the expenditure of funds or otherwise financially obligate the City for a period in excess of one year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than MGL c. 44, § 4, 6, or 6A, the CAFO shall, if it be the case, submit in writing to the Mayor and City Council a certification that it is the CAFO's professional opinion, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services.
- D. If the CAFO fails to provide the certification in Subsection C above within seven days after a request for such certification from the City Council or Mayor, the appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, but only if the absence of the certification of the CAFO is expressly noted in that order or vote.
- E. All departments, officers, boards, commissions, agencies and other units of the City, including the school department, shall submit budget requests to the Mayor upon the schedule and in the form established by the CAFO.
- F. On or before March 30 of each year, the CAFO shall submit to the Mayor and City Council a four-year financial plan and a five-year capital plan that includes all capital needs of the City.
- G. The Board of Assessors, Treasurer/Collector, Comptroller, Director of Information Technology, Director of Purchasing, and employees performing similar duties but with different titles shall report to and be under the direction of the CAFO. The CAFO shall

appoint all such officers and employees with the approval of the Mayor.

- H. The CAFO shall assist in all aspects of the City's human resource and employee relations functions, including establishing and maintaining impartial and uniform personnel policies, job classifications, compensation, and benefits. The CAFO will oversee and coordinate budgets for insurance or self-insurance plans, including health, accident, life and other forms of insurance, including workers' compensation and unemployment compensation.
- I. The CAFO shall be responsible for overseeing all aspects of the City's labor-management activities. Working with the Mayor, City Solicitor and Personnel Director, the CAFO will provide professional guidance and oversee and coordinate all strategies, negotiations and settlements regarding collective bargaining, grievance/arbitration, and all matters related to the promotion and maintenance of a harmonious labor-management relationship. The CAFO shall protect the rights and interests of the City in all actions, suits, proceedings or claims brought against it.
- J. By executive order, the Mayor may place other positions and departments under the direction of the CAFO.
- K. The CAFO shall not assume the duties or responsibilities of the Director of Internal Audit or Treasurer/Collector and shall not hold any elective office or engage in any other business or occupation.
- L. If the CAFO finds, after receiving such information and report from the Director of Internal Audit, and after notice and opportunity for hearing, that an officer or employee of any unit of City government, including the School Department, has refused information or access to the office of the Director of Internal Audit, or knowingly or through neglect provided false information to the Director, the officer or employee shall be individually and personally subject to a civil fine of \$100 per violation, per day, until the violation is cured. This fine shall be payable to the general fund of the City. Notwithstanding any general or special law, contract or collective bargaining agreement to the contrary, a violation of this subsection shall be just cause for termination.

ARTICLE 0 Comptroller

§ 00-00. Appointment and term; oath; qualifications.

- A. There shall be in the City the Office of Comptroller. The Office of Comptroller will be part of the Department of Administration and Finance. The Chief Administrative and Financial Officer shall appoint, with the approval of the Mayor, a Comptroller for a term up to but not exceeding three years, solely on the basis of administrative and executive qualifications. The Comptroller shall report to and be under the direction of the Chief Administrative and Financial Officer, who may remove the Comptroller at will.
- B. The Comptroller shall be a person especially fitted by education, training and previous experience to perform the duties of the office. The Comptroller shall be a graduate of an accredited college or university.
- C. The City shall annually appropriate amounts sufficient for the proper administration of the Office of the Comptroller.

§ 00-00. Annual review of Comptroller.

The Comptroller shall present his/her annual goals to the Chief Administrative and Financial Officer by January of each year.

§ 00-00. Access to books and documents.

The Comptroller shall, so far as may be necessary for the proper performance of his/her duties, have access to all books, documents and vouchers in the possession of any party whose accounts he/she is authorized to examine, and which relate to such accounts.

§ 00-00. Books of accounts.

The Comptroller shall keep proper books of accounts in which he/she shall charge against their appropriations all claims approved by him/her as provided in § 67-37, and shall keep such other accounts as he/she may deem advisable.

§ 00-00. Powers and duties of Comptroller.

- A. The Comptroller shall have the powers and duties of a City Auditor under MGL c. 41, §§ 51 to 54A, inclusive. MGL c. 41, § 50, shall also apply to the Comptroller to the extent that it does not conflict with the duties of the Director of Internal Audit under Section XX, and this article and other duties and powers as provided herein.
- B. The Comptroller shall have the authority to hire, fire, discipline, and manage personnel under the Comptroller's direction. Employees of the Comptroller's Office shall be especially fitted by education, training and experience to assist in the performance of the duties of the office.

§ 00-00. Transfer of accounts.

The Comptroller may transfer from the accounts of any department any funding not projected to be necessary due to position vacancies or operating efficiencies developed during a fiscal year. This transfer shall be into a central holding account which shall expire on June 30 of each fiscal year. If a vacant position is filled after such a transfer, the Comptroller may reverse the portion of the transfer associated with that position to ensure sufficient funding in the relevant department. This transfer of authority shall extend to the School Department only during a year during which budgeted net school spending, as reported to the Department of Elementary and Secondary Education, is at or above the required amount under the provisions of Chapter 70 of the General Laws.

§ 00-00. Requests for information; annual reporting.

- A. Upon majority vote and at the written request of the City Council, within a reasonable time period after such a request, the Comptroller shall provide an oral or written assessment, or both, as the City Council may request, of the current and future financial impact of the cost of any proposed appropriation order, lease arrangement for a term in excess of one year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services.
- B. To the extent reasonable, this assessment shall include such analysis or other information of a financial nature as is specifically requested by vote of the City Council. The Comptroller shall provide this assessment and analysis as the Comptroller's professional opinion and the Comptroller shall not be obliged to represent the position of the Mayor or

the Chief Administrative and Financial Officer.

§ 00-00. Notice of exhaustion of appropriation.

Whenever any appropriation for any department has been exhausted, it shall be the duty of the Comptroller to notify the Chief Administrative and Financial Officer and head of such department of the fact in writing, and thereafter no further liability shall be incurred by the department until an additional appropriation has been made therefor.

§ 00-00. Capital projects.

- A. No funds may be expended for any capital project except from funds specifically appropriated for such project. In the case of any project which is recommended by the Board of Public Works, the initial appropriation therefor shall not exceed the estimate furnished to the City Council by such board; but nothing in this section shall prevent the City Council from making subsequent additional appropriations for such project upon the recommendation of the Chief Administrative and Financial Officer.
- B. No funds appropriated for any capital project may be expended for any other project not included in the appropriation order. On completion of each project for which an appropriation was granted, any unexpended funds shall revert to the account from which they were originally appropriated.
- C. The terms "capital project" and "project," as used in this section, mean any project for which bond funds may be expended under the laws of the Commonwealth. Appropriations to any such capital project may be made from bond funds, from the General Fund, or may be included in the annual budget. All departments performing work subject to this section shall keep their accounts for such work in accordance with procedures prescribed by the Comptroller.

§ 00-00. Custody of contracts.

The original copy of all written contracts shall be deposited with the Comptroller and one copy with the City Clerk within one week after their execution; and the City Clerk shall keep the contract or copy on file, open to public inspection during business hours.

§ 00-00. Contracts exceeding \$25,000.

In all cases where the amount of any contract made with the City, other than contracts for the purchase of supplies, covered by Chapter 82, Purchasing and Contracts, Article I, shall exceed \$25,000, the contract shall be in writing, shall be approved by the Comptroller as to available appropriation, and shall be signed by the Mayor and a majority of the committee, commission or board in charge of the work on the part of the City, and after being signed by the parties, no such contract shall be altered in any particular unless a majority of such committee, commission or board shall signify their assent thereto in writing, under their respective signatures, indorsed on such contract, and approved by the Mayor.

§ 00-00. Approval of claims.

No claim shall be paid by the City Treasurer unless it shall have been approved by the City Comptroller.

§ 00-00. Mayor's order required for payment of claims.

No money shall be drawn out of the City Treasury without the written order of the Mayor. The Mayor, and in case of his absence or inability, the acting Mayor, is authorized to draw orders on the City Treasurer for the payment of all accounts and claims allowed and certified by the City Comptroller.

§ 00-00. Department heads to certify and forward bills to Comptroller.

Heads of departments shall certify to the correctness of all bills incurred by them and, after approval thereof by the committee, commission or board authorized to approve their department expenditures, shall forward the same without delay to the Comptroller not later than the fourth day of each month.

§ 00-00. Filing of claims with Comptroller; transmission to Collector.

All departments of the City government shall file with the Comptroller itemized bills, duly approved, of all claims as they become due the City in the several departments, giving full names and addresses of the debtor. The Comptroller shall examine and record such claims and transmit them to the City Collector for collection.

§ 00-00. Claims uncollectible by City Collector.

Copies of all claims which the City Collector refers to the City Solicitor shall be filed with the Comptroller.

Article 00

Technical Services Division

§ 00-00. Establishment; responsibilities.

- A. There is hereby established under the jurisdiction of the Department of Administration and Finance a Division of the city to be known as the “Technical Services Division” (“Division”).
- B. It shall be the function of the Division to provide electronic information communications and processing systems and information management and support services to all city agencies including, but not limited to, the planning, analysis, development and support of information systems, including a geographic information system, for all agencies of the city, including the school department, as may be lawfully requested by the CAFO.
- C. The Division shall consist of a Director of Technical Services and such other personnel as the Mayor and City Council, with the advice of the CAFO, shall from time to time authorize.

§ 00-00. Responsibilities and duties.

- A. Technical Duties and Responsibilities. The Director of Technical Services shall be responsible for the performance of the technical functions of the Division and shall:

- (1) Organize and implement a centralized information systems center as authorized by the CAFO;
- (2) Direct, organize, and implement the planning, development and production of information systems, including the integrated municipal information system and the geographic information system;
- (3) Direct and control the data operations and personnel of the Division;
- (4) Coordinate through advice and counsel the data requirements of any other city agency;
- (5) Advise the city agencies on information systems matters, including the review of proposed applications or equipment acquisitions;
- (6) Provide support services to city agencies, in accordance with the priorities of the CAFO;
- (7) Maintain and safeguard data, city-wide network, information, programs and equipment of the Division;
- (8) Establish rules and regulations controlling the access and release of data, including, but not limited to, particular personnel information of municipal employees and other persons and arrest records or similar law enforcement data;
- (9) Maintain the confidentiality of any information or data collected or processed by the division except as authorized by the user agency, the chief financial officer or the CAFO.

B. Management Duties and Responsibilities. The Director of Technical Services shall be responsible for the performance of the management functions of the Division and shall:

- (1) Have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the Division;
- (2) Manage the budget for the Division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the CAFO or the Director of Internal Audit;
- (3) Supervise the personnel in the Division by establishing rules, policies and practices governing the operations of the Division; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the Division; evaluating the performance of individual employees in the Division, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (4) Keep the CAFO informed of the activities and needs of the Division and provide the CAFO with information developed by the Division which would have a material impact on the financial condition of the city;
- (5) Seek the advice of the CAFO prior to changing any existing policy or initiating any new program or service;

- (6) Prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the CAFO;
- (7) Perform such other tasks and functions as may be requested by the CAFO, or anyone acting under authority of the CAFO;
- (8) Ensure that all actions of the Division are taken in accordance with all executive orders and administrative directives issued by the CAFO, the financial procedures established by the CAFO and the Director of Internal Audit, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (9) Have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the Division by the Mayor and the City Council;
- (10) Determine the priorities of the Division and to prepare long-range strategic plans and objectives consistent with the strategic direction of the CAFO;
- (11) Prepare, implement, evaluate and improve Division operations, programs and projects in accordance with the goals and objectives established for the Division by the CAFO.

6. Ordered that the position of Comptroller be added to Schedule A

7. Ordered that Chapter 82, Article III of the Holyoke Code of Ordinances be deleted in its entirety; that Division 3 of Chapter 2, Article II be renamed “CITY TREASURER/COLLECTOR”; and that Sections 2-101 through 2-113 be deleted and replaced with the following language.

ARTICLE 0
Treasurer and Collector of Taxes

§ 00-00. Appointment and term; oath; qualifications.

- A. The present Treasurer/Collector shall hold his/her office during the term for which he/ she is appointed.
- B. During the month of January and each third year thereafter, and whenever a vacancy may occur, the Council shall appoint by majority vote, a Treasurer/Collector, and the incumbent Treasurer/Collector shall continue in office for a term of three years from the first day of the current January and until his/her successor is appointed and qualified. The Treasurer/Collector may be reappointed to successive terms.
- C. Before entering upon the duties of his/her office, the Treasurer/Collector shall be sworn to

the faithful discharge thereof.

- D. The person appointed Treasurer/Collector shall be a graduate of an accredited college or university, with a degree in accounting, public administration or business administration or especially suited by education, training and experience to perform the duties of the office.
- E. The Treasurer/Collector shall obtain and maintain certification from the Massachusetts Treasurer and Collector Association.
- F. The City shall annually appropriate amounts sufficient for the proper administration of the Office of the Treasurer/Collector.
- G. The Treasurer/Collector may be removed by the Mayor, with the approval of the City Council by majority vote.

§ 00-00. Annual review of Treasurer/Collector.

The Treasurer/Collector shall present his/her annual goals to the Chief Administrative and Financial Officer by January of each year.

§ 00-00. Duties of Treasurer/Collector.

- A. There is hereby established the position of Treasurer and the position of Collector of Taxes. Their duties and responsibilities shall be as set forth in Massachusetts General Laws, as amended, and as said laws may from time to time be amended, including, but not limited to, MGL c. 41, §§ 35 to 43A, and c. 60 inclusive, and in addition thereto, such powers and duties as provided for herein and elsewhere in the City ordinances. Wherever references to "City Treasurer" or "City Tax Collector" appear in the ordinances, they are to be construed to mean the "Treasurer/Collector"
- B. The Treasurer/Collector shall have the authority to hire, fire, discipline and manage personnel under the Treasurer/Collector's direction. Employees of the Treasurer/Collector's Office shall be especially fitted by education, training and experience to assist in the performance of the duties of the office.

§ 00-00. Bond.

The Treasurer/Collector shall give bond in such sum as the law of the commonwealth shall require, for the faithful performance of the duties of his office. The premium for such bond shall be paid for by the city and such bond shall be put into the custody of the city clerk.

§ 00-00. Deposits in banks.

As Treasurer, he shall keep his cash balances of all funds, monies and accounts belonging to or held by the City in trust or otherwise, on deposit in a bank or banks, and such balances shall be deposited at interest so far as is consistent with financial safety. He may, with the approval of the Mayor, call for bids for the deposit of the City's funds for any period, but he shall be under no obligation to accept any bid submitted in response thereto. It shall be the policy of the City Treasurer that City funds shall not be deposited in any bank owing back taxes to the City of Holyoke.

§ 00-00. Safe deposit of documents; delivery to successor.

As Treasurer, he shall cause all books, vouchers, papers and documents under his care and

belonging to or held by the City to be deposited and kept in a fireproof vault or safe and shall promptly deliver over to his successor in office all books, vouchers, papers, documents and other property belonging to that office.

§ 00-00. Assistant and deputy.

The Treasurer shall, with the approval of the Mayor, appoint at any time an Assistant Treasurer, who shall assist the Treasurer in the performance of his duties and who shall perform all the duties of that officer in his absence. The Assistant Treasurer shall, when appointed, be sworn to the faithful performance of his duties and shall give a bond to the City in a sum and with surety or sureties approved by the City Council for such faithful performance thereof.

§ 00-00. Care and custody of funds.

As Treasurer he shall receive, receipt for and have the care and custody of all funds and moneys of the City, the care and custody of which is not otherwise provided for by law or ordinance and also of all other funds, moneys, securities and property which are now or may hereafter be committed to his charge by virtue of any statute or ordinance or by virtue of any gift, devise, bequest or deposit.

§ 00-00. Accounts of receipts and expenditures.

The Treasurer shall keep, in books provided for that purpose, a true and accurate account of all his receipts and expenditures, such accounts to conform to the uniform system of accounting approved by the Massachusetts Department of Revenue, and, as nearly as may be without violation of this provision, to the system of accounts kept by the Auditor of Accounts.

§ 00-00. Payment of drafts, orders and warrants; check-signing methods.

- A. The Treasurer shall pay all drafts, orders and warrants directed to him in accordance with the provisions of these ordinances or of the laws of the commonwealth for the payment of bills, accounts and claims against the City and shall, on presentation of the evidence of such indebtedness, pay any sum of money due on the principal or interest of any note, bond or other security of the City or on any execution against the City.
- B. The City Treasurer be and hereby is authorized to use a check-signing machine and/or an electronic signature for the purpose of affixing his signature to City checks.

§ 00-00. Collection of rents, assessments, bills, claims, accounts and demands.

It shall be his duty as Treasurer to collect and receive all rents and assessments which may be due the City, and all bills, claims, accounts and other demands against all persons indebted to the City, when such bills, claims, accounts or other demands are duly delivered to him for collection, and the receipt of the Treasurer shall be deemed the only sufficient and valid discharge of any debt due the City, except as otherwise provided by law or ordinance. For the purpose of such collection, the Treasurer shall have and is hereby given authority to bring suit in the name of the City.

§ 00-00. Summary reports.

- A. The City Treasurer shall file with the City Council a summary of the tax title account, said summary to reflect name, address and tax outstanding, upon request.

- B. The City Treasurer shall file with the City Council a report of deposits and investments of municipal funds, upon request. This report will list transactions, dollar amounts and banking institutions.

§ 00-00. Monthly summary.

The Auditor of Accounts and Treasurer and Collector of Taxes shall file monthly with the City Council, for the City Council meeting held on the third Tuesday of each month, a copy of a report showing the cash flow, a statement of revenue and a statement of expenditures of the City of Holyoke for the previous month.

§ 00-00. Deposits for care of burialplaces—Generally.

The city treasurer may receive, hold and apply any funds, money or securities deposited with him as city treasurer for the preservation, care, improvement or embellishment of any public or private burial places situated in the city or of burial lots situated in such burial places, in accordance with the provisions of M.G.L.A. c. 114, § 19, or acts supplementary thereto or amendatory thereof.

§ 00-00. Same—Filing of instrument declaring purpose for which funds to be applied.

The depositor shall, at the time of making the deposits provided for in section 2-108, file with the city treasurer a copy of the instrument which declares the purpose for which the funds, money or securities so deposited is intended to be applied.

§ 00-00. Same—Collection of income; investments.

The city treasurer shall collect and receive the income from any funds, money or securities deposited under the provisions of this division, and shall deposit all money received in savings banks of Massachusetts or invest the same in securities in which savings banks of Massachusetts are authorized to invest.

§ 00-00. Same—Distribution of income from deposits.

The income received from the funds, money or securities deposited under the provisions of this division shall be paid by the city treasurer each year to the financial officer of the respective associations in which are situated the burial lots, or burial places, designated by the respective depositors, the same to be expended and applied as directed in the instruments filed by the depositors, and the payment of such money to such officers shall release the city and any officer thereof from any further liability.

§ 00-00. Same—Responsibility for funds; enforcing proper expenditure of income.

Neither the city nor any officer thereof shall be responsible for any funds, money or securities deposited under the provisions of this division except for wilful negligence or default, but the city treasurer may enforce in his own name the proper expenditure and application of the incoming arising from such funds, money or securities.

- 8. Ordered that Division 4 of Chapter 2, Article II of the Holyoke Code of Ordinances be renamed "DIRECTOR OF INTERNAL AUDIT"; and that Sections 2-131 through 2-137 be deleted and replaced with the following language.**

ARTICLE 0
Director of Internal Audit

§ 00-00. Appointment and term; oath; qualifications.

- A. The present Director of Internal Audit shall hold his/her office during the term for which he/ she is appointed.
- B. During the month of January and each third year thereafter, and whenever a vacancy may occur, the Council shall appoint by majority vote, a Director of Internal Audit, and the incumbent Director of Internal Audit shall continue in office for a term of three years from the first day of the current January and until his/her successor is appointed and qualified. The Director of Internal Audit may be reappointed to successive terms.
- C. Before entering upon the duties of his/her office, the Director of Internal Audit shall be sworn to the faithful discharge thereof.
- D. The person appointed Director of Internal Audit shall be a certified public accountant or have equivalent experience, and shall be a graduate of an accredited college or university, with a degree in accounting, public administration or business administration or especially suited by education, training and experience to perform the duties of the office.
- E. The City shall annually appropriate amounts sufficient for the proper administration of the Office of the Internal Auditor.
- F. The Director of Internal Audit may be removed by the Mayor, with the approval of the City Council by majority vote.

§ 00-00. Annual review of Director of Internal Audit.

The Director of Internal Audit shall present his/her annual goals to the City Council by January 31 of each year. By November 1, the Audit Committee shall conduct an annual review of the performance of the Director of Internal Audit, with a report to the full Council by December 15.

§ 00-00. Access to books and documents.

The Director of Internal Audit shall have access to all books, documents and vouchers in the possession of any City department or any other party whose accounts he/she is authorized to examine, and which relate to such accounts.

§ 00-00. Duties of Director of Internal Audit.

- A. The Director of Internal Audit shall have the powers and duties of a city auditor under MGL c. 41, §§ 50 and 53, inclusive, and in addition thereto, such powers and duties as provided for herein and elsewhere in the City ordinances. Wherever references to "City Auditor" appear in the ordinances, they are to be construed to mean the "Director of

Internal Audit" unless otherwise noted as pertaining to the Comptroller.

- A. The Director of Internal Audit shall have the authority to hire, fire, discipline and manage personnel under the Director's direction.
- B. The Director of Internal Audit shall examine or cause to be examined the financial and other records of the City and its departments, including the City retirement system and any other audits or reviews as determined necessary by the Director of Internal Audit. The Director shall conduct or cause to be conducted both financial and performance audits to prevent and detect waste, fraud and abuse and to improve the efficiency, effectiveness and quality of public services provided in and by the City. Department heads are encouraged to use the resources of the Director of Internal Audit.
- C. The Director of Internal Audit shall, on or before March 30 of each year, propose to the City Council an audit plan for the following fiscal year, which shall be reviewed and accepted by the City Council, subject to modification by majority vote. The audit plan may be filed, considered, modified and approved in an Executive Session of the City Council if public reviews, consideration, modification or approval would negatively impact the ability of the Director to execute the audit plan.
- D. The Director of Internal Audit shall maintain a fraud hotline for the City of Holyoke. This hotline should be made available to the public and to City employees to enable them to report fraud, waste, and abuse.
- E. No employee, officer, board, commission, agency or other unit of the City government, including the School Department, shall interfere with any audit or review conducted by the Director of Internal Audit or his/her staff.
- F. If, during an audit or review, the Director of Internal Audit becomes aware of abuse or illegal acts or indications of such acts, the Director of Internal Audit shall report the irregularities to the appropriate law enforcement authorities.

§ 00-00. Requests for information.

All officers and employees of officers, boards, commissions, agencies and other units of City government, including the School Department, shall comply with all requests for information or access to system and records by any employee of the Director acting in an official capacity. If any such officer or employee refuses to provide or engages in unreasonable delay in providing information or access, or knowingly or through neglect provides false or misleading information, the Director may bring to the Chief Administrative and Financial Officer an administrative complaint against that employee or officer.

If the Chief Administrative and Finance Officer finds, after notice and opportunity for hearing, that the officer or employee refused information or access to the office of the Director of Internal Audit or knowingly or through neglect provided false information, the employee or officer shall be individually and personally subject to a civil fine of \$100 per violation per day until the violation is cured. This fund shall be payable to the general fund of the City.

Notwithstanding any law, contract or collective bargaining agreement to the contrary, a violation of this section shall be just cause for termination.

§ 00-00. Requests for Information by School Department.

The Director of Internal Audit shall comply with all requests of the School Department to provide any information relating to the operation of the School Department held within the authority or control of the Director as a result of consolidating the operation of the Business and Financial Services Department of the School Department with those of the City. If the Director of Internal Audit or any employee of the Director refuses to provide such information or engages in unreasonable delay, the School Department shall notify the Secretary for Administration and Finance. The Secretary shall, within a reasonable time, make a determination that any such information be provided to the School Department, which shall be binding on the Director of Internal Audit and the School Department. The Secretary's determination shall not be an adjudicatory proceeding reviewable under Chapter 30A of the General Laws. Nothing in this section shall abrogate any of the other powers or duties of the School Committee under Chapter 71 of the General Laws.

§ 00-00. Use of outside firms.

- A. The Director of Internal Audit shall ensure that an independent audit of the City is conducted on an annual basis.
- B. The Director of Internal Audit may retain the assistance of audit firms and others in the conduct of the work of the Director's office.

§ 00-00. Disability or vacancy in office.

If by reason of illness, absence or other cause the Director of Internal Audit is temporarily unable to perform the duties of his/her office, the Mayor, with the majority vote of the City Council, may appoint an individual to serve as Acting Director of Internal Audit for a term not to exceed 90 days or until such disability ceases, and if a vacancy occurs in the office of Director of Internal Audit, the Mayor, with approval of the City Council, may appoint an Acting Director of Internal Audit, who shall perform the duties of such office until such vacancy is filled as provided for in this article.