

AGENDA FOR THE CITY COUNCIL
FEBRUARY 20, 2024

PUBLIC HEARING

PUBLIC COMMENT

LAIID ON THE TABLE

1. Givner- With community support, order that a street light be installed between 31 and 33 O'Connor Ave on the odd side of the street. There have been multiple vehicle break ins here. A light would provide pedestrian safety and deter vehicle break ins on this very dark section of the street.
-Ordinance / Copy to DPW
2. The Committee on Finance to whom was referred an order that the ballot question approved by the City Council be placed on the ballot on November 4, 2024 as referenced in the 9/26/23 decision by Judge Mulqueen.
Ballot Question
Shall the City of Holyoke amend the current Community Preservation Act real estate surcharge, as established in accordance with the provisions of Section 3 of Chapter 44B of the Massachusetts General Laws, and which amendment of such surcharge is permissible pursuant to Section 16 of Chapter 44B of the Massachusetts General Laws, and approved by its legislative body, from 1.5% to 1.0%, a summary of which appears below?
(with revised dates)
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Community Preservation Act Ballot Question and Draft Summary
Ballot Question
Shall the City of Holyoke amend the current Community Preservation Act real estate surcharge, as established in accordance with the provisions of Section 3 of Chapter 44B of the Massachusetts General Laws, and which amendment of such surcharge is permissible pursuant to Section 16 of Chapter 44B of the Massachusetts General Laws, and approved by its legislative body, from 1.5% to 1.0%, a summary of which appears below?
Summary of Question
On October 3, 2023, the City Council voted, without taking a position, to place a question on the ballot which will allow voters to reduce the current Community Preservation Act real estate surcharge from 1.5% to 1.0%.. The question will be approved, and the real estate surcharge shall be so reduced, if a majority of the voters voting on the ballot question vote "yes". The question will not be approved, and the real estate surcharge shall remain the same, if a majority of the voters voting on the ballot question vote "no"
On November 8, 2016, the voters of the City of Holyoke voted to accept Sections 3 to 7 of Chapter 44B, known as the Community Preservation Act (hereinafter referred to as the "Act"). By accepting the Act, a funding source was established to enable the City of Holyoke to: (1) acquire, create and preserve open space, which includes land for parks,

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

COMMUNICATIONS

3. From Mayor Joshua Garcia, letter reappointing Ms. Gladys Lebron-Martinez of 224 Elm St. Holyoke to serve as a Commissioner on the Holyoke Housing Authority. Mr. Lebron-Martinez will service a five-year term, expiring on April 1, 2029.
4. From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, minutes from the February 6, 2024 meeting
5. From Jane Mantolesky, Assistant City Solicitor, Approval of Zoning Ordinance Amendment
6. Communication from Jane Montolesky, Assistant City Solicitor, letter regarding \$300,000 transfer
7. From HEDIC, meeting minutes from December 12, 2023 meeting
8. From Sean Mangano, Executive Director of Finance, "Permission for the Superintendent of Schools to submit Statements of Interest to the MA School Building Authority for invitation into the Accelerated Repair Program for potential roof replacements at the Holyoke High, Kelly, Sullivan, McMahon and Donahue Schools."

PETITIONS

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

9. The Committee on Ordinance to whom was referred an order With community support, order that all ordinances and charter rules reflecting city council and city council subcommittee meeting notices be updated to reflect acceptance of email as sufficient method of notice, and city website posting as sufficient method of public notice. Recommended that the order has been complied with.

10. The Committee on Ordinance to whom was referred an order that the Director of the Office of Planning & Economic Development be authorized to provide a flexible work schedule for PSA members. Flexible work schedule will allow for evening meetings to be incorporated into the formal work day. A flexible schedule will still be required to fulfill the 35 hours a week requirement. All additional contractual and ordinances related to these positions will be adhered to.
Recommended that the order has been complied with.
11. The Committee on Ordinance to whom was referred an order Per constituent request, order that the handicap placard be removed from 277 Walnut St as resident Jane Pafford has moved.
Recommended that the order be adopted.
12. The Committee on Ordinance to whom was referred an order that the handicap sign located in front of 184 Sargeant St be removed.
Recommended that the order be adopted.
13. 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 "2024 MASSDEP RECYCLING DIVIDENDS/SUSTAINABLE MATERIALS RECOVERY PROGRAM , \$9,100, 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.
Recommended that the order be adopted.
14. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, NINETY THOUSAND EIGHT HUNDRED SIXTY ONE AND 00/100 Dollars (\$90,861) as follows:
- FROM:
- | | | |
|-------------|-------------|----------|
| 12201-51105 | FIREFIGHTER | \$90,861 |
| TOTAL: | | \$90,861 |
- TO:
- | | | |
|-------------|-------------------------------|----------|
| 12201-51102 | DEPUTY FIRE CHIEF | \$65,588 |
| 12201-51300 | OVERTIME | 8,307 |
| 12201-51500 | VACATION/PERSONAL DAY BUYBACK | 4,506 |
| 12201-51510 | SICK LEAVE/INCENTIVE BUYBACK | 12,460 |
| TOTAL: | | \$90,861 |
- Recommended that the order be adopted.
15. The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2024 SHANNON COMMUNITY SAFETY INITIATIVE (CSI), \$576,814.28, 25% MATCH PAID BY SUBRECIPIENTS" 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.
Recommended that the order be adopted.

16. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, THREE HUNDRED THOUSAND AND 00/100 Dollars (\$300,000) as follows:
FROM:
8810-10400 CITY STABILIZATION \$300,000
TOTAL: \$300,000
TO:
19412-57630 CLAIMS & DAMAGES \$300,000
TOTAL: \$300,000
Recommended that the order be denied.

MOTIONS, ORDERS AND RESOLUTIONS

17. Jourdain, Vacon- Ordered, amend Rule 6E by adding the following: that no member of the City Council shall make references to or about another member but in respectful terms whether inside or outside the City Council Chambers including on social media.
18. Jourdain- That the city's Ethics Ordinance 2-69 be amended as follows:
- a. That the city government shall create and maintain an Ethics and Compliance hotline for the City of Holyoke overseen by a professional, reliable, and independent hotline services provider for the purpose of eliminating waste, fraud and abuse in our city government. The program shall foster a strong "see something, say something" culture in Holyoke government.
 - b. The city shall take extensive efforts to spread the awareness of the hotline for use by everyone including but not limited to employees, managers, vendors, elected officials, regulators, and the general public;
 - c. It shall also provide various options for communicating information;
 - d. We shall ensure confidentiality, anonymity and protection from retaliation;
 - e. The ordinance and the hotline vendor itself shall establish clear-cut message handling and investigative procedures.
 - f. It is recommended that the Personnel Director and City Auditor shall be the city officials in charge of working with the hotline vendor to manage the hotline for all messages, incidents or complaints related to all city operations and departments except the school department. School department messages, incidents or complaints shall be managed by Superintendent of Schools or their designee.
 - g. The hotline vendor shall produce an annual report every January of the messages, incidents, or complaints of the prior calendar year to provide a statistical analysis by department in a way that reasonably balances confidentiality and the public's right to know. This annual report shall be published and provided to the City Council, Mayor and published on city website for public review.
 - h. The City Council may from time to time hold meetings with the hotline vendor and/or key city officials to review data and overall improve the efficiency and effectiveness of the program.
19. Jourdain, Vacon- Ordered, add a new Rule 6G that no member shall make any external statements, social media posts, or texts regarding City Council business during any meeting of the City Council or its committees in the spirit of the open meeting law.

20. Jourdain- Ordered, that the Treasurer pursuant to Ordinance 2-106 please provide the City Council with a report of all of the bonds currently in existence in the city for city officers (including his own). Please provide the name of individual, title, amount, name of surety company, and annual premium cost to the city.
21. Jourdain- Ordered, that the Mayor, Administrative Assistant to the City Council, Tax Collector and Treasurer please review Ordinance 82-3A and please make sure it is being complied with relative to all future appointments that come before the City Council. That a copy of this order be sent to all named in this order.
22. Ocasio- Ordered that DPW or whoever is responsible, to do a street sweep and side walks clean up. All over South Holyoke.
23. Ocasio- Who responsibility to get names to remove Handicap sign when individuals no longer live there
24. Ocasio- Ordered that DPW pave the hole in the alleys ,do to safety for residents. And specifically Handicap that thier way out in in the back.
25. Ocasio- Ordered that Someone who is in charge of Shool Buses ,to come in an explain to parents, why kids not getting busses and if they ever going to get them.
26. Ocasio- Ordered that the DPW go back and clean up where they cut the branches in corner of East and Sargent St
27. Ocasio- Ordered that DPW follow up on Sign on sidewalk that people hatd to get by with wheelchair, electric scooters and parents with strollers.
28. Sullivan- That the Vacant Building fee be adjusted to take into account the size (SF) of the building. Currently, a flat fee is assessed which is not reflective of the burden to the city and it's taxpayers.
29. Vacon- that the law department provide the total amount spent to date and status defending the Planning Board in response to the lawsuit filed by Log Cabin.
30. Vacon-That DPW purchase six to ten of the rubber/portable speed bumps and put them in trouble spots temporarily around the city and move them randomly. DPW Director and/or City Engineer will decide safe placement.
31. Vacon- The City Solicitor provide an update to the City Council on the status of the 11Yale St. lawsuitand if pilot payments are being made by the program located there.
32. Bartley- Ordered, that the City Council approve an Amendment to a Home Rule Petition for the purposeof expanding the Center City Liquor License Area.
33. Devine- That the Law Department give an opinion as to the following:
 - 1) Can a tabled order be taken up through a subcommittee of the City Council or
 - 2) Must it be legally taken up at a regular City Council meeting? If possible can an opinion be given prior to the next City Council meeting?

34. Devine- ORDERED that the Law Department and Secretary of State render an opinion if the following ballot question can be placed on the November 2024 ballot.

Shall the City of Holyoke make no changes to the current Community Preservation Act (CPA) as established in accordance with the provisions of Massachusetts General Laws?

35. Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MA DEPARTMENT OF FIRE SERVICES FY24 FIREFIGHTER EQUIPMENT GRANT, \$17,245.53, 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.
36. Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MA DEPT OF AGRICULTURAL RESOURCES- ARPA SPENDING BILL EARMARK, \$90,000, " 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.
37. Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MASS STATE POLICE-PROJECT SAFE NEIGHBORHOODS, \$40,000, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.
38. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, NINETY FIVE THOUSAND EIGHT HUNDRED AND 00/100 Dollars (\$95,800) as follows:

FROM:

12101-51107	PATROLMEN	\$95,800
TOTAL:		\$95,800

TO:

12102-52410	R&M MOTOR VEHICLES	\$8,000
12102-52500	R&M BUILDINGS	2,000
12102-53010	DATA MAINTENANCE	13,000
12102-53030	PRINTING	2,000
12102-54220	SUPPLIES-OTHER	500
12102-54800	M/V FUEL	37,000
12102-54830	M/V SUPPLIES	32,000
12102-57301	LEGAL DEFENSE	1,300
TOTAL:		\$95,800

39. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, THIRTY NINE THOUSAND SEVEN HUNDRED SIX AND 65/100 Dollars (\$39,706.65) as follows:

FROM:

12101-51105	SERGEANTS	\$10,493.16
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12101-51107 PATROLMEN 29,213.49

TOTAL: \$39,706.65

TO:

12101-51180 INJURED ON DUTY (PAYROLL 2/3/24) \$39,706.65

TOTAL: \$39,706.65

LATE FILED ORDERS AND COMMUNICATIONS

Addendum:

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