

AGENDA FOR THE CITY COUNCIL
MARCH 6, 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, as amended, deleting November 4, 2024 and replacing it with November 5, 2024, as well as deleting October 3, 2023 and replacing it with March 6, 2024.

COMMUNICATIONS

3. From Mayor Joshua Garcia, letter re-appointing Ms. Elizabeth A. Larivee of 198 Pleasant St. in Holyoke, to serve as a member of the Commission on Disabilities. Ms. Larivee will serve a three-year term, expiring March 2027.
4. From Mayor Joshua Garcia, communication regarding two orders filed by Councilor Ocasio
5. From City Clerk Brenna Murphy McGee and Admin. Assistant, minutes from the February 20, 2024 meeting
6. From Treasurer Rory Casey, Holyoke Public Schools Top 100 Salaries Report, Holyoke Elected Officials Salaries Report and City of Holyoke Top 100 Salaries Report.
7. From City Auditor Tanya Wdowiak, budget reports
8. From Councilor Bartley, communication regarding HEDIC fund balance - Oct 2023
9. Communication from Councilor Bartley, regarding Stabilization Accounts
10. From Board of Fire Commission, minutes from the January 10, 2024 meeting

PETITIONS

11. Petition from Holyoke Housing Authority for a zone change for various addresses on South East Street. the current zone is IG and the proposed zone change is DR.
12. Petition from Dylan Bradford of 42 Arnodale Ave, for a Special Permit for a Home Occupation.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

13. The Committee on Ordinance to whom was referred an order Petition of ACMJ for a special permit extension for the Marijuana Manufacturing Establishment at 532 Main St (026-03-012)
Recommended that the special permit extension be granted with the following conditions:
 1. That the applicant put their corporation into good standing with the Commonwealth
 2. That the applicant provide updated site drawings to the Council.
14. The Committee on Ordinance to whom was referred an order That a handicap sign be placed in front of 799 High St. for Francisco Rivera Chevere, Placard # PL1770918, Exp: 04/16/24.
Recommended that the order be adopted.
15. The Committee on Ordinance to whom was referred an order that an ordinance be created to allow wind turbines for residential use. See attached model type rules.
Recommended that the order be given a leave to withdraw.
16. The Committee on Ordinance to whom was referred an order A zone change to Holyoke's marijuana ordinance be adopted to extend the time from two to three years that a special permit so granted may exist until it lapses. See OPED letter dated 11/3/22 for background and rationale. The city council would thus adopt MGL Chapter 40A language that allows municipalities to extend permits from two to three years.
Recommended that the order be given a leave to withdraw.
17. The Committee on Ordinance to whom was referred an order that Zoning Ordinance 4.4.6 "Location of Accessory Structures" be updated to align with zoning in our neighboring municipalities in an effort to allow more flexibility on residential lots. -Send to Ordinance and request Building Commissioner study be shared with all City Council members.
Recommended that the order be given a leave to withdraw.
18. The Committee on Ordinance to whom was referred an order to amend the Holyoke Zoning Ordinance to reflect the following: (54) a zone change to BG for the parcels 091-00-062 & 091-00-063 (a future SP condition item could be, to join both parcels by ANR).
Recommended that the order be given a leave to withdraw.
19. The Committee on Ordinance to whom was referred an order to amend the Holyoke Zoning Ordinance to reflect the following: (2) Section 7.2.13, amend text by adding the BG zone to the others currently listed (BH, IG, BE).
Recommended that the order be given a leave to withdraw.
20. The Committee on Ordinance to whom was referred an order to amend the Holyoke Zoning Ordinance to reflect the following: (1) Sec 4.3, amend table to allow Motor Vehicle Sales (use) in BG by Special Permit (CC).
Recommended that the order be given a leave to withdraw.
21. The Committee on Ordinance to whom was referred an order to amend the Holyoke Zoning Ordinance to reflect the following: (3) Create a new Special Permit for allowing

the non-conforming use in a historic structure in BG zone.
Recommended that the order be given a leave to withdraw.

22. The Committee on Ordinance to whom was referred an order that the City Council review Section 7.10, Marijuana Facilities, to ensure that the review process is business sensible and that the review process for obtaining the Special Permit is being adhered to by Ordinance; amendments to this Section may be proposed and approved as part of this discussion.
Recommended that the order be given a leave to withdraw.
23. The Committee on Ordinance to whom was referred an order that the City Council add a Section for Battery Storage Facilities to the Zoning Ordinance (Section TBD) to reflect technology advancements and future need for such installations; new facilities will be reviewed through Section 10.0, Major Site Plan Review.
Recommended that the order be given a leave to withdraw.
24. The Committee on Ordinance to whom was referred an order that the City Council review Section 5.3, Special Permit to Exceed Height Limitation, in order to allow increased building height for all uses and additional zoning districts. Ensuring the allowable height may be increased by Planning Board Special Permit and in conjunction with those projects meeting the applicability of Section 10.1.2, Major Site Plan Review.
Recommended that the order be given a leave to withdraw.
25. The Committee on Ordinance to whom was referred an order that the City Council review Section 6.4, Signs, in its entirety in order to make changes to the existing Ordinance to further refine and streamline the signage regulations.
Recommended that the order be given a leave to withdraw.
26. The Committee on Ordinance to whom was referred an order that we create an ordinance to allow backyard hens in residential zones.
Recommended that the order be given a leave to withdraw.
27. The Committee on Ordinance to whom was referred an order That the city revisit previous legal language to create an ordinance allowing backyard chickens in residential areas in an effort to enhance food equity.
Recommended that the order be given a leave to withdraw.
28. 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 "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.
Awaiting disposition
29. 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 "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.
Awaiting disposition

30. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, EIGHT HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$850,000.00) as follows:

FROM:

3000-10400 SCHOOL ROOF PROJECTS \$9,718.40
3010-10400 DPW HIGHWAY RECONSTRUCTION \$2,269.50
3040-10400 DESIGN OF CONNECTOR ROAD \$10,113.55
3100-10400 POLICE STATION \$29,859.85
3130-10400 PROPERTY DEMOLITION PROJECT \$2,080.25
3150-10400 FIRE STATION \$3,453.54
3170-10400 MOSHER STREET CSO \$96,784.01
3250-10400 COMMUNITY FIELD \$44,721.97
3270-10400 APPLETON STREE SEWER SEPARATION \$1,568.25
3290-10400 FLOOD CONTROL LEVEE CERTIFICATION \$614.63
3320-10400 PARKING GARAGES RECONSTRUCTION \$16,602.59
3330-10400 DEAN VOC SCIENCE LAB \$156,211.90
3340-10400 FIRE TRUCKS \$20,692.14
6040-10400 SEWER PLANT IMPROVEMENTS \$7,309.42
0430-10400 SALE OF REAL ESTATE \$303,000.00
8811-10400 CAPITAL STABILIZATION \$145,000.00

TO:

13003-58200 CAPITAL OUTLAY-SCHOOL BUILDINGS \$850,000.00

Awaiting disposition

31. The Committee on Finance to whom was referred an order that the City Council consider approving the purchase by the City of 225 High Street, Holyoke by a consensual order of taking. This order is a companion order to a previous order requesting a transfer in FY 2024 of \$850,000.00 from several accounts to Capital outlay-school buildings.

Awaiting disposition

32. 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 "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.

Awaiting disposition

33. 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 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

Awaiting disposition

34. The Committee on Finance to whom was referred an order that the City Council be provided with a report of retirement payouts for the Police Department for the past 20 years.
Awaiting disposition
35. The Committee on Finance to whom was referred an order From Holyoke Police Department, response to Councilor Israel Rivera's order asking for the report of payouts for the Police Dept form the past 20 years.
Awaiting disposition
36. The Committee on Finance to whom was referred an order that the honorable city council ask the police department to provide us with an itemized budget breakdown of dollars received and expended over the last 5 years from the criminal seizure and forfeiture account.
Awaiting disposition
37. 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 "FY23 TDI EQUITY, \$38,550, 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.
Awaiting disposition
38. The Committee on Public Safety to whom was referred an order that members of the Fire Commission come into Public Safety to discuss the recent issue concerning firefighters obtaining their EMT certifications.
Recommended that the order has been complied with.
39. The Committee on Public Safety to whom was referred an order that honorable city council request the chief of police come into public safety to discuss the potential development of a traffic division solely focused on mitigating traffic issues throughout the city of Holyoke.
Recommended that the order has been complied with.
40. The Committee on Public Safety to whom was referred an order that the police department present an update on the goals or steps taken to address some of the

concerns raised out of the MRI audit.

Recommended that the order has been complied with.

41. The Committee on Public Safety to whom was referred an order that the city council work with the mayor and school superintendent to address the reinstatement of bus services for Lyman Terrace as soon as possible, as a matter of public safety. This has been a service they have received for the past 20 years.
Recommended that the order has been complied with.
42. The Committee on Public Safety to whom was referred an order In the interest of public safety, that a traffic safety pledge be created, in good faith, and that this pledge be taken by all city employees and officials. All city employees and officials should be expected to model righteous behavior by adhering to speed limits and following all traffic laws, ESPECIALLY when using CITY VEHICLES. How can we expect our community to respect its laws if city employees are blatantly disregarding them.
Recommended that the order has been complied with.
43. The Committee on Public Safety to whom was referred an order that the city provide an update on any antiracism and diversity training already in place for employees, and update on how it can be improved.
Recommended that the order has been complied with.
44. The Committee on Public Safety to whom was referred an order that we create a Food Economy Coalition to identify and propose innovative policies, programming, and/or project solutions to improve the Holyoke food system and food entrepreneurship. Recommendations will be made to aligned bodies, such as the Office of Planning & Economic Development, the City Council, and relevant city departments (eg. DPW, BOH, etc.)
Recommended that the order has been complied with.
45. The Committee on Public Safety to whom was referred an order that the City council invite the Department of Public Works as well as the Parks & Recreation Department to a Public Safety committee meeting to address the upkeep and or improvement of Laurel St. Park.
Recommended that the order has been complied with.
46. The Committee on Public Safety to whom was referred an order That the DPW seek an alternative solution for rock salt. Salt is corrosive to vehicles and roads, and can contaminate drinking water and be toxic to wildlife.
Recommended that the order has been complied with.
47. The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter appointing Mr. Axel Fontanez, 71 Lynch Dr. to serve as an Associate of the Board of Appeals for the City of Holyoke: Mr. Fontanez will serve a three year term; said term will expire on July 1, 2026.
Recommended that the appointment be confirmed.
48. The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia, letter appointing Ms. Patricia Normand, 36 Pleasant St. to serve as a member of the Conservation Commission for the City of Holyoke: Ms. Normand will

replace Ms. Chelsea Gazillo and will serve Ms. Gazillo's remainder term; said term will expire on February 1, 2025.

Recommended that the appointment be confirmed.

49. The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter appointing Ms. Zaisha Robert, 267 Walnut St. to serve as a member of the Historical Commission for the City of Holyoke; Ms. Robert will replace Luis Salazar and will serve a three year term; said term will expire on December 1, 2026.
Recommended that the appointment be confirmed.
50. The Committee on Public Service to whom was referred an order that a Tree be planted out front of city hall near the Dwight side in order to have a Permanent tree for lighting purposes.
Recommended that the order be given a leave to withdraw.
51. The Committee on Public Service to whom was referred an order From Mayor Joshua A. Garcia letter appointing Ms. Rosanna A. Lopez, 253 Sargeant St. to serve as a member of the Board of Appeals for the City of Holyoke: Ms. Lopez will replace Ms. Mary Monahan and will serve Ms. Monahan's remainder term; said term will expire on July 1, 2024.
Recommended that the order be given a leave to withdraw.
52. The Committee on Development and Governmental Relations to whom was referred an order That OPED come to the D&GR committee to discuss how to help people start new small businesses in the city.
Recommended that the order has been complied with.
53. The Committee on Development and Governmental Relations to whom was referred an order That the DPW Director and Board Members be invited to a Dev & Gov Relations Committee meeting to update the council on the status of operations, projects, and initiatives.
Recommended that the order has been complied with.

MOTIONS, ORDERS AND RESOLUTIONS

54. Magrath-Smith - That Section 8.1.9 be amended to include the following language after the last sentence: Requirement to submit new technical data
If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist
Federal Emergency Management Agency, Region I
55. Magrath-Smith. I. Rivera- Ordered, 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

56. Magrath-Smith- Ordered, that the Director of Economic Development and Planning come into the Finance Sub-Committee to discuss the use of cannabis impact fee funds and future implications for us as a city.
57. Vacon- Ordered that a handicap sign be installed at 34 Maple Crest Circle Apt F, for Victor Acoasta. Handicap Placard number PL6370776.
58. Murphy-Romboletti- Ordered, that Ordered that the City Council sign and support the attached amended Resolution to create a state-authorized cultural district for at least (10) years to be named the Puerto Rican Cultural District.
59. Devine-ORDERED that 2 separate votes be taken by the City Council on the Community Preservation Act (CPA) as follows:
#1 whether to reduce the percentage from 1.5 % to 1%
#2 vote to put the CPA results from this question on the ballot
60. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, THIRTEEN THOUSAND THREE HUNDRED FORTY TWO AND 00/100 Dollars (\$13,342) as follows:

FROM:

11411-51103 PRINCIPAL CLERK - ASSESSOR \$13,342
TOTAL: \$13,342

TO:

16912-52420 REPAIR & MAINTENANCE WISTARIAHURST \$13,342
TOTAL: \$13,342

61. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, FOUR THOUSAND SEVENTY AND 10/100 Dollars (\$4,070.10) as follows:

FROM:

12201-51105 FIREFIGHTER \$4,070.10
TOTAL: \$4,070.10

TO:

12201-51101 FIRE CHIEF \$4,070.10
TOTAL: \$4,070.10

62. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY SEVEN THOUSAND FOUR HUNDRED THIRTY AND 00/100 Dollars (\$27,430) as follows:

FROM:

12942-53010 CONTRACTED SERVICES-FORESTRY \$27,430
TOTAL: \$27,430

TO:

12941-51104 TREE CLIMBER \$27,430
TOTAL: \$27,430

63. Devine- Ordered that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "Friends of City Hall" \$10,000 donation 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 donation.

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.

64. Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MASS DEPARTMENT OF ENERGY RESOURCES GREEN COMMUNITIES COMPETITIVE GRANT, \$197,404, 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.

65. JOURDAIN - Ordered, that the Joint City Council and School Committee have a standing order to report to the City Council on meeting topics originating from the School Committee.
66. Givner- Ordered, that the Honorable City Council accept the revised proposal for 689 Main Street (Assessors Map 055, Block 00, Parcel 009) as described in the letter (attached) previously submitted as a communication to the City Council.

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