

AGENDA FOR THE CITY COUNCIL
APRIL 2, 2024

PUBLIC HEARING

1. Petition for Pole and Wire Locations. The Holyoke Gas and Electric Department requests permission to locate a line of wires, cables, poles and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:
One (1) street light hole between property line of 31 O'Connor Ave and 33 O'Connor Ave. Holyoke

PUBLIC COMMENT

LAI D ON THE TABLE

COMMUNICATIONS

2. From Mayor Joshua Garcia, letter reappointing Preston Macy of 72 Shawmut Ave, to serve as a member of the Registrar of Voters. Mr. Macy will serve a three-year term, expiring on March 31, 2027.
3. From Mayor Joshua Garcia, letter reappointing Liana Pasialis of 1081 Hamden St to serve as a member of the Commission on Disabilities. Ms. Pasialis will serve a three-year term, expiring March 2027.
4. From Mayor Joshua Garcia, letter appointing Marlene Connor of 275 Southampton St. to serve as a member of the Commission on Disabilities. Ms. Connor will serve a three-year term, expiring March 2027.
5. From City Clerk Brenna McGee and Admin. Assistant Jeffery Anderson-Burgos, minutes from the March 19, 2024 meeting
6. From Attorney Kathleen Degnan, legal opinion regarding context of "senior"
7. From Board of Fire Commissioners, minutes from February 12, 2024 meeting

PETITIONS

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

8. The Committee on Ordinance to whom was referred an order that the City Council review and adopt the Mayor's proposal for the city's financial policies by ordinance. Recommended that the order be adopted, pending creation of the CAFO position.
9. The Committee on Ordinance to whom was referred an order From Mayor Joshua A. Garcia, emails providing feedback from various department heads in regards to financial

policies manual

Recommended that the order has been complied with.

10. The Committee on Ordinance to whom was referred an order City of Holyoke Financial Policies Manual from Division of Local Services MA Department of Revenue.
Recommended that the order has been complied with.
11. The Committee on Ordinance to whom was referred an order to add the position of City Engineer to the Ordinance under Schedule A, Grade 13.
Recommended that the order be adopted, pending resolution of an open questions with regard to the union.
12. The Committee on Finance to whom was referred an order 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

Recommended that the order be adopted.

13. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, EIGHTY SEVEN THOUSAND AND 00/100 Dollars (\$87,000) as follows:

FROM:

14101-51101	PAY-ENGINEER	\$20,000
14251-51106	PAY-PROP MAIN & DEMO	22,000
14301-51103	PAY-REFUSE LABORER	20,000
14251-51107	PAY- HIGHWAY LABORER	14,000
16501-51106	PAY-HMEO PARKS	10,000
16501-51106	PAY-HMEO PARKS	1,000
TOTAL:		\$87,000

TO:

14102-53010	PROFESSIONAL ENGINEERING SERVICES	\$20,000
14252-52600	R&M STREETS	22,000
14301-51300	PAY-REFUSE OVERTIME	20,000
14221-51300	PAY-CITY PROPERTY OVERTIME	14,000
16501-51300	PAY-PARKS OVERTIME	10,000
14211-51300	PAY-ADMIN OVERTIME	1,000
TOTAL:		\$87,000

Recommended that the order be adopted.

14. 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

"EXECUTIVE OFFICE OF LABOR & WORKFORCE DEVELOPMENT WORKPLACE SAFETY GRANT, \$11,000, 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.

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.

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 "MASSACHUSETTS OFFICE ON DISABILITY, \$89,850, 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.

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, 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

Recommended that the order be adopted.

17. 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 "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.

Recommended that the order be adopted.

18. 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 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.

Recommended that the order be adopted.

19. 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 "FFY2023 MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY EMPG GRANT, \$12,350, 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.

Recommended that the order be adopted.

20. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND THREE HUNDRED AND 00/100 Dollars (\$21,300) as follows:

FROM:

8811-10400 CAPITAL STABIZATION \$21,300

TOTAL: \$21,300

TO:

15412-52500 R&M BUILDINGS & GROUNDS \$21,300

TOTAL: \$21,300

Recommended that the order be returned to the Auditor.

21. The Committee on Charter and Rules to whom was referred an order That the City of Holyoke, through its Honorable City Council and Honorable Mayor, hereby petitions the

Massachusetts General Court to enact legislation “Establishing an Appointed Treasurer for the City of Holyoke” in the form set forth below; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

“An Act Establishing an Appointed Treasurer for the City of Holyoke” – This act proposes to change the City Treasurer from an elected position to an appointed one; the appointment will be made by the Mayor, with approval of the City Council, for a term not to exceed five (5) years and qualifications for the position may be established by ordinance. If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer will be appointed to the position following the expiration of that term in January 2026 or sooner if the office is vacated.

*Tabled 10-24-22, 7-17-23, referred back to committee 8-1-23

Recommended that the order be referred to the Council without recommendation.

22. The Committee on Charter and Rules to whom was referred an order That the City of Holyoke, through its Honorable City Council and Honorable Mayor, hereby petitions the Massachusetts General Court to enact legislation “Establishing an Appointed Treasurer for the City of Holyoke” in the form set forth below; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition. “An Act Establishing an Appointed Treasurer for the City of Holyoke” – This act proposes to change the City Treasurer from an elected position to an appointed one; the appointment will be made by the City Council, for a term not to exceed five (5) years and qualifications for the position may be established by ordinance. If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer will be appointed to the position following the expiration of that term in January 2026 or sooner if the office is vacated.
Recommended that the order has been complied with.
23. The Committee on Charter and Rules to whom was referred an order that the position of Chief Administrative and Financial Officer be created and added to Schedule A.
Recommended that the order has been complied with.
24. The Committee on Charter and Rules to whom was referred an order RULE 6 DECORUM section E add the words or city employees after the words “another member”
Recommended that the order be adopted.
25. The Committee on Charter and Rules to whom was referred an order that the city charter be amended so that if there is a vacancy in the mayor's office and the president of the city council cannot assume the duties full time, the full council would then select another councilor to assume the role of acting mayor by majority vote of the council. The acting mayor would still continue to represent their constituents as a councilor.
Recommended that the order be given a leave to withdraw.
26. The Committee on Charter and Rules to whom was referred an order that the honorable city council add the following committee:

Communications Committee
Senior citizen quality of life Committee

Recommended that the order be given a leave to withdraw.

27. The Committee on Charter and Rules to whom was referred an order that the city solicitors office begin drafting a ballot question for next election cycle around marijuana Social consumption sites such as bars and cafes for residents to vote on next election cycle similar to the language below. "The sale of marijuana products, as those terms are defined in G.L. c.94G, 1, for consumption on the premises where sold, is permitted when the sale occurs at Restaurants, Bars, Cafes, or any establishment in which food or beverages are Recommended that the order be given a leave to withdraw.
28. The Committee on Charter and Rules to whom was referred an order that committee chairs limit the amount of public hearings added to an agenda, It is not fair and undemocratic to have the public wait until 10:30 - 11:00 pm so they can be heard. Recommended that the order be given a leave to withdraw.
29. The Committee on Charter and Rules to whom was referred an order that Establish a City Council rule to allow one City Councilor to call for an end to debate on a spending/bonding issue with referral to the auditor to review the matter and report back to the City Council. This rule is in effect when debate continues for more than 30 minutes, each City Councilor who wishes to be recognized has spoken and the matter has not yet been voted to approve or deny the motion. Recommended that the order be given a leave to withdraw.
30. The Committee on Charter and Rules to whom was referred an order that we add to our charter that if a councilor is absent from full council meeting for more than 3 consecutive meetings without written notice, their seat is considered open. Recommended that the order be given a leave to withdraw.
31. The Committee on Charter and Rules to whom was referred an order that the City Council create a rule where any candidate or elected official must disclose with the City Clerk's office any federal or state litigation that may be pending related to the individual seeking or holding office. The candidate or official should have the opportunity to include a written explanation of the offense and any mitigating circumstances. Recommended that the order be given a leave to withdraw.
32. The Committee on Charter and Rules to whom was referred an order that a fund be created to implement a series of studies rotating between city departments each year to study best practices and methods of implementation for improvement of processes. Our city should constantly be seeking to improve how the public is served and that requires regularly looking at internal Recommended that the order be given a leave to withdraw.
33. The Committee on Charter and Rules to whom was referred an order That recall provisions be established for every elected official in the city. These provisions should be fair and equitable to allow citizens a path to recall but also protect the system from nuisances. Recommended that the order be given a leave to withdraw.

34. The Committee on Charter and Rules to whom was referred an order that we create a ballot question asking if there should be a recall process for all elected officials. The question should include a recall process and the decision should be binding.
Recommended that the order be given a leave to withdraw.
35. The Committee on Charter and Rules to whom was referred an order From Mayor Joshua A. Garcia letter of VETO regarding the following order: that the City Council retain independent legal counsel to work with the City Council and legal department to review its rules and powers under the Charter, state law, city ordinances and its rules.
Recommended that the order be given a leave to withdraw.
36. The Committee on Charter and Rules to whom was referred an order that city council rule 7b be amended to add to the end : that 10 minutes of response time will be allowed for councilors to address and answer questions or comments, no councilor shall have more than 2 minutes of response time.
Recommended that the order be given a leave to withdraw.
37. The Committee on Charter and Rules to whom was referred an order With community support, order that a 30min public comment period be added to City Council meetings, in an effort to give the public a true platform in person, written, and/or remote as long as a remote option for council meetings exists. Consideration should be given to having meetings begin earlier in an effort to accommodate Holyoke residents and inspire participation.
Recommended that the order be given a leave to withdraw.
38. The Committee on Charter and Rules to whom was referred an order That we consider a ballot question to determine if the term of office for mayor should be reduced to 2 years, amid historically low voter turnout and pending administrative changes under consideration.
Recommended that the order be given a leave to withdraw.
39. The Committee on Charter and Rules to whom was referred an order Communication providing article on Juan Montano arrest
Recommended that the order be given a leave to withdraw.
40. The Committee on Charter and Rules to whom was referred an order that the city council takes necessary steps towards imposing term limits for all elected officials. Maximum 5 terms per elected official.
Recommended that the order be given a leave to withdraw.
41. The Committee on Charter and Rules to whom was referred an order That a new rule regarding proclamations be established: When a proclamation is issued by the City Council recognizing good citizenship of a person, it shall be withdrawn upon discovery & documentation of repeated criminal convictions (such as illegal guns and drugs).
Recommended that the order be given a leave to withdraw.
42. The Committee on Charter and Rules to whom was referred an order that RULE 8 DECORUM/SPEAKING section C “ During debate, if objection is made thereto, no member shall speak more than twice to the same question without leave if the City Council, no more than once until all other members choosing to speak have

spoken. CHANGE: Delete the words “without leave of the Council”
Recommended that the order be given a leave to withdraw.

43. The Committee on Charter and Rules to whom was referred an order RULE 7 AGENDA section ii Delete all the words after “The Pledge of Allegiance”
Recommended that the order be given a leave to withdraw.

MOTIONS, ORDERS AND RESOLUTIONS

44. Devine- ORDERED: that the Law Department render an opinion stating applicable law(s) or ordinances regarding obtaining petition signatures in public buildings or buildings maintained by the City of Holyoke.
45. Devine- ORDERED that the attached letter from Chief David Pratt be added to the next agenda so that it may become part of the official record and be sent to the Finance Committee
46. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND THREE HUNDRED AND 00/100 Dollars (\$21,300) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$21,300

TOTAL: \$21,300

TO:

14222-52505 R&M BLDGS - COUNCIL ON AGING \$21,300

TOTAL: \$21,300

47. Devine- ORDER:

WHEREAS:: Mass. General Law, Chapter 440, Section 5B authorizes a municipality to create a stabilization fund for a specified purpose and to appropriate amounts thereto, provided that such action is effective for at least three years and;

WHEREAS: Chapter 77 of the General Acts of 2023 eliminated the minimum three year provision and authorizes a municipality to terminate a specialized stabilization fund at any time and;

WHEREAS: the City of Holyoke, through its City Council, had voted in June, 2023 to create such a fund to accumulate revenue received from the Massachusetts Statewide Opioid Settlement and;

WHEREAS; The City of Holyoke now wishes to terminate the Opioid Settlement Stabilization Fund and the dedication of revenues received from the settlement as authorized under Chapter 77 of the Acts of 2023. and to create a special revenue fund for ongoing opioid settlement revenues as authorized by the Department of Revenue (as per attached DOR Bulletin-2023-7).

NOW THEREFORE BE IT ORDERED;

The stabilization fund created in June, 2023 to receive opioid settlement funds and the dedication of any revenues thereto is hereby terminated as authorized by Chapter 77 of the Acts of 2023 and under MGL Chapter 40, Section 5B.

48. Devine-Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows:

FROM:

12101-51103	CAPTAINS	\$40,000
12101-51117	DISPATCHERS	80,000
12101-51920	QUINN BILL	30,000
TOTAL:		\$150,000

TO:

19412-57630	CLAIMS & DAMAGES	\$150,000
TOTAL:		\$150,000

49. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows:

FROM:

12101-51103	CAPTAINS	\$40,000
12101-51117	DISPATCHERS	80,000
12101-51920	QUINN BILL	30,000
TOTAL:		\$150,000

TO:

19412-57630	CLAIMS & DAMAGES	\$150,000
TOTAL:		\$150,000

50. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY THOUSAND AND 00/100 Dollars (\$20,000) as follows:

FROM:

8815-10400	CANNABIS STABILIZATION	\$20,000
TOTAL:		\$20,000

TO:

19442-53005	CANNABIS - OPED LEGAL SERVICES	\$20,000
TOTAL:		\$20,000

51. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY FIVE THOUSAND FOUR HUNDRED EIGHTY ONE AND 34/100 Dollars (\$25,481.34) as follows:

FROM:

12101-51105	SERGEANTS	\$10,493.16
12101-51107	PATROLMEN	14,988.18
TOTAL:		\$25,481.34
TO:		
12101-51180	INJURED ON DUTY	\$25,481.34
TOTAL:		\$25,481.34

52. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, SEVEN THOUSAND ONE HUNDRED FORTY FIVE AND 96/100 Dollars (\$7,145.96) as follows:

FROM:		
8811-10400	CAPITAL STABILIZATION	\$7,145.96
TOTAL:		\$7,145.96
TO:		
14222-52502	R&M CITY HALL	\$7,145.96
TOTAL:		\$7,145.96

53. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, EIGHT THOUSAND AND 00/100 Dollars (\$8,000) as follows:

FROM:		
16101-51103	REFERENCE LIBRARIAN	\$8,000
TOTAL:		\$8,000
TO:		
16101-51112	FINANCIAL MANAGER	\$8,000
TOTAL:		\$8,000

54. Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, EIGHT THOUSAND AND 00/100 Dollars (\$8,000) as follows:

FROM:		
16101-51103	REFERENCE LIBRARIAN	\$8,000
TOTAL:		\$8,000
TO:		
16101-51112	FINANCIAL MANAGER	\$8,000
TOTAL:		\$8,000

55. Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "PLYMOUTH PAPER DONATION, 12 PALLETS - ASSORTED PAPER GOODS, ESTIMATED VALUE \$23,882, " 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.

56. Devine- Ordered, that the amount of ONE THOUSAND ONE HUNDRED TWENTY SIX AND 29/100 Dollars (\$1,126.29) be authorized from the TREASURER Department's R&M OFFICE EQUIPMENT (11452-52400) appropriation in fiscal year 2024 for services rendered in fiscal year 2023 which were unencumbered at the 2023 fiscal year end.
57. Givner- With community support, order that the law department provide stat of pothole claims over last 10 years along with percentage of claims approved and denied.
58. Givner- With community support, that the chief of police supply a written or in person update on what steps have been taken to address traffic concerns in Holyoke, especially in wards 1,2,3,4, & 6, as REQUIRED by to our city's Ordinance:Sec. 50-42. - Traffic squad—Designation and training of members.

The chief of police shall designate six members and such additional members as may from time to time be required to act as traffic officers. Such members shall receive and be given thorough and adequate training in the regulation and direction of traffic, in accordance with a uniform and recognized standard.

59. Givner- With community support, order that \$15 pothole claims fee be reduced to \$0 to reflect practices of neighboring cities and towns. Charging a fee to residents for a service paid for by taxes seems redundant. Introduced by ordinance in 2018, this nominal fee generates +/- \$400 annually.
60. Magrath-Smith- Ordered, that City Council rule 10.C be revisited in discussion.

C. City Council shall appoint a Youth Ambassador to the City Council. The term shall last one year starting July 1 to June 30. Appointees shall only be Eligible to serve one term. Individuals eligible for this position must be a Holyoke Resident, enrolled in a local high school or equivalent program and be in the range of 15 to 17 years of age. The Youth ambassador shall be required to attend all full City Council meetings and may attend any subcommittee meetings. As well as:

- Be allowed to speak during public comment period
- Attend all regular meetings of the City Council and whichever subcommittee Meetings they would like
- Give a "Youth Ambassador Report" at the beginning of the first meeting of every month updating the Council about the Youth Community, Positive Or Negative (Similar to the Presidents Report)
- Request that a City Councilor file an order to give a proclamation to a young Person or someone who works with City youth
- Sit in Council Chambers and assist the Administrative Assistant during Full Council Meetings and any Subcommittee Meetings
- Attend Youth related events on behalf of the City Council
- Meet with Youth in other Municipalities
- Sit at the committee table during regular meetings

Selection Process: Opening for Youth Ambassador position shall be posted for 2-3 Weeks. Youths will apply through their Guidance Counselor who will then screen the

applicants and forward qualified resumes to the City Council. All qualifying Candidates will be interviewed by Public Service and Human Resources Committee and provide two letters of recommendation. First candidate to reach eight votes by full Council shall get the position. Individual chosen for position is subject to removal upon two thirds Vote of the City Council.

61. Magrath-Smith- Ordered, that a Home Rule Petition be filed with amendments to the City Charter as required for consistency with state law, pertaining to our city's restructuring of municipal finance.
62. Magrath-Smith- Ordered, that City Council rule 10.D be revisited in discussion. D. Every month the City Council invite in a Holyoke School Student to lead in the Pledge of Allegiance.
63. Magrath-Smith- Ordered, that the Legal Department clarify the meaning of "senior member" as related to City Council rules 3B and 8D.
64. Magrath-Smith-Ordered, that City Council Rule 7B be amended to allow speakers during Public Comment to speak for up to 3 minutes. The current rule allows for up to ten speakers to each speak for 1.5 minutes.
65. Magrath-Smith- Ordered, that all Charter references to an Assistant Superintendent of Public Works be updated to Assistant Director of Public Works.
66. Magrath-Smith- Ordered, that the City Council adopt the provisions of MGL Chapter 43C for the purpose of changing the position of Treasurer from elected to appointed.

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

APPENDIX A

PETITION FOR POLE AND WIRE LOCATIONS

Holyoke, MA February 21, 2024

To the CITY COUNCIL of Holyoke, Massachusetts.

The GAS AND ELECTRIC DEPARTMENT requests permission to locate a line of wires, cables, poles and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:

- *One (1) street light pole between property line of 31 Oconnor Ave & 33 Oconnor Ave, Holyoke MA*

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain a line of wires, cable and poles, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked HG& E Dept. NO. P4-OCANNOR AVE and Dated 02/21/2024.

Also, for permission to lay and maintain underground services, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Your petitioner agrees to reserve space at a suitable point on each of said poles for the fire, police, telecommunications, and control signal wires belonging to the municipality and used by it exclusively for municipal purposes.

HOLYOKE GAS AND ELECTRIC DEPARTMENT

By _____

APPENDIX B

ORDER FOR POLE AND WIRE LOCATIONS

By the CITY COUNCIL of the City of Holyoke, Massachusetts.

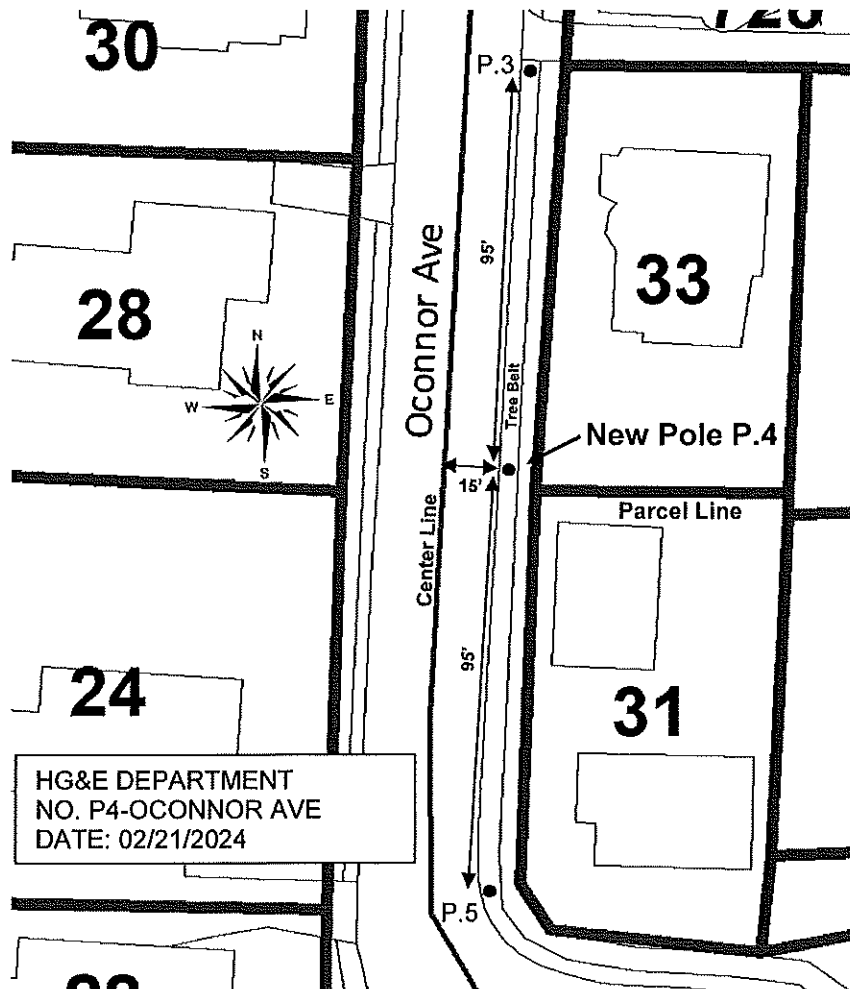
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the **GAS AND ELECTRIC DEPARTMENT** be and it is hereby granted a location for and permission to erect and maintain a line of wires, cables and poles together with such sustaining and protecting fixtures as said **DEPARTMENT** may deem necessary, in the public way or ways hereinafter referred to as requested in petition of said **DEPARTMENT** dated the day of 20 .

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan shown below.



The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

- *One (1) street light pole between property line of 31 Oconnor Ave & 33 Oconnor Ave,
Holyoke MA*

Also, that permission be and hereby is granted said **GAS AND ELECTRIC DEPARTMENT** to lay and maintain underground services, cable and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

I hereby certify that foregoing order was adopted at a meeting of the CITY COUNCIL of the City of Holyoke, Massachusetts, held on the _____ day of _____ 20__.

City Clerk

I hereby certify that on _____ 20__, at _____ o'clock, _____ M. at _____

A public hearing was held on the petition of the **GAS AND ELECTRIC DEPARTMENT** for permission to erect the line of wires, cables, poles, fixtures and connections described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the **DEPARTMENT** is permitted to erect the line of wires, cables, poles, fixtures and connections under said order. And that thereupon said order was duly adopted.

City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the CITY COUNCIL of the City of Holyoke, Massachusetts, on the day of 20 , and recorded with the records of location orders of said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of Massachusetts General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk



MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

March 21, 2024

RECEIVED

MAR 22 2024

Holyoke City Clerk's
Holyoke, MA

The Honorable City Councilors
City of Holyoke
City Hall
Holyoke, MA 01040

Dear Councilors:

Subject to your approval I hereby reappoint the following individual to serve as the *Republican Member* for the *Board of Registrar of Voters* for the City of Holyoke:

Mr. Preston Macy
72 Shawmut Avenue
Holyoke, MA 01040

Mr. Macy will serve a three-year term; said term will expire on March 31, 2027.

Respectfully submitted,

Joshua A. Garcia, Mayor

Cc: Mr. Preston Macy
Personnel Office
Richard Berrena, Chairman Republic Committee



MAYOR JOSHUA A. GARCIA
CITY OF HOLYOKE

RECEIVED

March 19, 2024

MAR 21 2024

Holyoke City Clerk's
Holyoke, MA

The Honorable City Council
City of Holyoke
Holyoke, MA 01040

Dear Council Members:

I hereby re-appoint the following individual to serve as a member of the
Commission on Disabilities for the City of Holyoke:

Ms. Liana Pasialis
1081 Hampden Street
Holyoke, MA 01040

Ms. Pasialis will serve a three-year term; said term will expire in March 2027.

Respectfully submitted,

Joshua A. Garcia, Mayor
JAG: nmo

CC: Ms. Liana Pasialis
Ms. Elizabeth Larivee
Personnel



MAYOR JOSHUA A. GARCIA
CITY OF HOLYOKE

RECEIVED

March 19, 2024

MAR 20 2024

Holyoke City Clerk's
Holyoke, MA

The Honorable City Council
City of Holyoke
Holyoke, MA 01040

Dear Council Members:

I hereby appoint the following individual to serve as a member of the
Commission on Disabilities for the City of Holyoke:

Ms. Marlene Connor
275 Southampton Street
Holyoke, MA 01040

Ms. Connor will replace Mr. Donald Welch and will serve a three-year term;
said term will expire in March 2027.

Respectfully submitted,


Joshua A. Garcia, Mayor
JAG: nmo

CC: Ms. Marlene Connor
Ms. Liana Pasialis
Personnel

RECEIVED

MAR 20 2024

Holyoke City Clerk's
Holyoke, MA

REGULAR MEETING OF THE CITY COUNCIL

March 19, 2024

The meeting was called to order by Acting Chair Bartley at 7:01 PM

Councilor Sullivan made a motion to suspend the necessary rules to allow Acting Chair Bartley to chair the meeting. Councilor Anderson-Burgos seconded the motion. Motion passed.

Acting Chair Bartley noted that President Murphy-Romboletti was on Zoom and asked him to pinch hit.

The Clerk called the roll. Present Members in person 9 (Anderson-Burgos, Bartley, Devine, Givner, Greaney, Magrath-Smith, Ocasio, I. Rivera, Sullivan). Present Members on Zoom 4 (Jourdain, Murphy-Romboletti, J. Rivera, Vacon).

The Pledge of Allegiance was recited.

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.

Councilor Greaney asked for a moment of silence for Raymond Mitchell, who passed away unexpectedly. He then offered condolences to his mother, Sandy, a retired school teacher, as well as his dad, who was a football coach and educator in the city.

Acting Chair Bartley stated that a special guest was in attendance. He then invited Cheryl, Shannon, and Brendan Quinn to the podium. He then explained that an order was filed to honor Merle Hillman who was killed in Pearl Harbor. He noted that Mr. Hillman enlisted in 1937 and perished while serving on the U.S.S. California. He added that Mr. Hillman remained an unknown soldier until 2011 when the DNA process started, leading to the family receiving a letter last fall. He noted that a moment of silence was held for Mr. Hillman at an earlier meeting. He added that he attended the internment services, along with the mayor and several other councilors.

B. Quinn thanked the Council on behalf of his family, stating that this honor meant a lot to them. He emphasized that his uncle had been his idol growing up, making him want to join the military.

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

PUBLIC COMMENT

(5:35)

City Clerk Murphy McGee noted that a roll call hadn't been taken for the motion because some members were online. She noted that the motion referred to taking a roll call vote.

Motion adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

Nathan Chung, 192 Walnut Street, stated his intent to address an incident at the February 22nd Council meeting, about 9:40 into the meeting. He then stated that he raised a concern during the public comment period about the proposed CPA reduction language on the ballot being unclear. He then noted that a councilor raised a point of order to debate what was said, stating "these conspiracy theories are lunacy" and "it is the Law Department's responsibility to write the language." He then suggested that using a point of order was improper as that was for procedural violations, not for debates. He also questioned the claim that it was the Law Department's responsibility as the City Solicitor later explained that the City Council controlled the language. He then emphasized that the City Council was the maker of the order and should be concerned with communicating clearly with the public. He also suggested that being a public official was not a license to yell at, insult, or suppress people they disagree with and this behavior should not be normalized. He noted that City Council Rule 6E applied to councilors, adding that there was no rule stating that the public could not name any city councilor who behaved negatively. He then stated that he was referring to Councilor Bartley, and then suggested that Councilor Bartley meet with him in a public place if he had a personal issue with him.

Spencer Fox Peterson, 51 Portland Street, stated that ShotSpotter had been renamed Sound Thinking. He added that their contract with Chicago had been terminated. He noted that Chicago had been one of the early adopters of ShotSpotter and they were finding it was not worth the investment and did not work. He then expressed an expectation that this would be a topic of discussion at some point with people who were concerned with what the city was spending money on. He added that this was money that could be spent on social services and roadways.

COMMUNICATIONS

(10:15)

Councilor Devine made a motion to remove an order from the Finance Committee that had been on the last Council agenda. She then explained that it should have been adopted that night but had been unaware that it needed to be done right away. Anderosn-Burgos seconded the motion.

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, FIFTEEN THOUSAND AND 00/100 Dollars (\$15,000) as follows:

FROM:

14101-51105 SR CIVIL ENGINEER \$15,000

TOTAL: \$15,000

TO:

14261-51300 AUTO EQUIPMENT MAINT-OVERTIME \$15,000

TOTAL: \$15,000

UNDER DISCUSSION:

Councilor Devine stated that the transfer was for 6 new cruisers that needed to be equipped.

Motion to remove from committee adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 1 (Sullivan)--Absent 0.

Acting Chair Bartley noted that Chief Pratt was online to address this.

Motion was made and seconded to suspend the necessary rules to allow Chief Pratt to address the Council.

Chief Pratt stated that a letter was sent to summarize the duties of the mechanic and what this was needed for. He then explained that the mechanic was told when he was hired that there was a fleet of 60 cars and that he would need to work around 20 hours a week of overtime. He then stated that this would cut back to 14 hours a week. He then stated that the line item, located in the DPW budget, was for the Police Department's mechanic working on their vehicles. He noted that the overtime rate was around \$39 an hour. He added that if he didn't work the overtime, the vehicles would have to go out to other local places at much higher rates. He then deferred to DPW Director, Carl Rossi, for any additional explanation.

Councilor Devine stated that she spoke with Mr. Rossi and understood he could not be in attendance but believed that Chief Pratt's attendance would be more beneficial.

Councilor I. Rivera asked for clarification, noting that this was described as for equipment but also for repairs. He then asked what the mechanic was being paid to do. He then asked if this was a civilian position. He then questioned why the line item was in the DPW when it was for the Police Department.

Chief Pratt stated that the DPW was in charge of maintenance of all city vehicles. He then explained that his department had a dedicated mechanic. He also noted that there were three other vehicle mechanics that worked for the DPW. He then clarified that outfitting of the vehicles was just one aspect of what created the need for overtime. He also explained that when officers were in the academy, they needed one cruiser for every two cadets, requiring them to pass inspection to be ready for the academy. He added that there were many other things needed for repairs. He then stated that there were 15 cars in the pipe in need of repair work. He also stated that new cars needed equipment installed, lights had to be programmed, as well as other additions.

Councilor I. Rivera stated that he would plan to vote against this as it wasn't clear what the \$15,000 was for.

Councilor Jourdain asked why this was being discussed now and why was it an emergency instead of going through committee. He then expressed his expectation that there would be an explanation of why this was an emergency.

Chief Pratt stated that they currently had a backlog and had no spare vehicles, leading to an urgency. He then stated that he would prefer not to speak to the shortage in the budget of another department.

Councilor Jourdain stated that while he understood the timing, there appeared to be a miscommunication between the two departments. He then recalled that there was an argument in favor of having a central garage with a pool of mechanics to avoid this kind of issue where there was going to be 20 hours of built in overtime for an employee. He then stated that they should be cross training and working on other departments' vehicles. He then suggested they should be hiring a half employee working on a flex schedule for the central garage to avoid overtime.

Chief Pratt stated that the DPW didn't have their full 3 mechanics for a while, leading to his department's mechanic doing work for them. He then stated that he would be open to additional help from their mechanics if it meant his cars got fixed.

Councilor Jourdain expressed a need to revisit staffing. He questioned if all the positions were being filled, adding that having built in overtime was an immediate red flag.

Councilor Greaney expressed his understanding that this was a \$15,000 transfer to put 6 new cruisers on the road.

Chief Pratt clarified that it was for all the maintenance, noting that the cruisers were just part of that.

Councilor Greaney asked how much it would be to get the 6 cruisers on the road.

Chief Pratt stated that he was unsure what the exact hours were to make that happen. He added that some of this work was done during the regular shift. He emphasized that what was being asked for was what it took to get the work done. He also emphasized that if one of the current cruisers breaks down, the mechanic had to stop work on the new ones to work on those.

Councilor Greaney stated that his interest was in getting the new ones on the road.

Chief Pratt stated that was his interest as well.

Councilor Sullivan asked for clarification that the overtime rate was \$40 an hour.

Chief Pratt stated that it was \$39 an hour.

Councilor Sullivan using \$40 as easier math, he noted that \$15,000 divided by 40 was 377 hours of overtime. He added that this meant it would take 47 days of working 16 hours a day. He questioned the emergency of getting this done within the next two weeks.

Chief Pratt stated that the overtime was not for just the one mechanic, noting that there were four mechanics, including the one for the Fire Department. He emphasized that this was the mechanic line item budget. He noted that he was asked to show up for just what his department's mechanic did.

Councilor Devine noted that the Fire Department mechanic was specialized for the engines they have to take care of. She then asked if the Police Department also required a specialized mechanic to set up the new patrol cars. She then asked if a vehicle is just left somewhere if a car breaks down in the middle of the night.

Chief Pratt stated that they did, or get it towed if it was serious, and the mechanic could look at it in the morning.

Councilor Devine asked if the 6 new cruisers needed to be equipped with lights, radio, and other equipment.

Chief Pratt stated that was correct.

Acting Chair Bartley noted that as this was an intradepartmental transfer, it required a majority vote.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 9--Nays 4 (Givner, Magrath-Smith, I. Rivera, Sullivan)--Absent 0.

Acting Chair Bartley noted that the administrative assistant had received the letter from the Chief earlier that day and would email it out to everyone.

From City Clerk Brenna Murphy McGee and Admin. Assistant, minutes from the February 20, 2024, meeting, plus communication from Admin Assistant Jeffery Anderson-Burgos.

Councilor Vacon stated that she appreciated the communication relative to the minutes and her request to correct the public comment where it was said in error that a mailing lied about the exemption language of the CPA law. She noted that the communication explained that the minutes could not be amended for that purpose but recognized that the correction was on record at the March 6th meeting.
---> Received and Adopted.

From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, meeting minutes from the March 6, 2024 meeting

Councilor Devine made a motion to amend the minutes, noting that a statement she made should have said she would have a Finance meeting on March 29th when it should have said March 26th.
---> Received and Adopted, as amended.

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

From City Auditor Tanya Wdowiak, Holyoke, MA Financial Statements 22 - Final
---> Received and referred to the Finance Committee.

From City Auditor Tanya Wdowiak, Holyoke, MA Management Letter 22 - Final
---> Received and referred to the Finance Committee.

From City Auditor Tanya Wdowiak, Holyoke, MA Independent Auditor's Reports
---> Received and referred to the Finance Committee.

Motion was made and seconded to suspend the necessary rules to take up items 6 and 17 as a package.

From Alicia Zoeller, FY2024 CDBG Allocation recommendations and Resolution
---> Received and Adopted. Copy to the Mayor.

The Committee on Development and Governmental Relations to whom was referred an order From Alicia Zoeller, Administrator Office of Community Development, FY2024 CDBG Spreadsheet and Proposal Book

have considered the same and Recommended that the allocation recommendations and the resolution accepting the home funds be adopted.

Committee Members:

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

UNDER DISCUSSION:

Councilor Givner stated that the discussion about the allocations led to lively discussion, with comparison between the requests as well as the recommendations from Community Development as well as the Citizens Advisory Committee, as well as the mayor, and came up with recommendations that balanced out.

Acting Chair Bartley stated that the recommendation would be sent to the mayor, but a roll call would be required to adopt the home investment partnership resolution.

Councilor Greaney asked if the allocations to each city sharing the funds was broken down.

Acting Chair Bartley stated that Holyoke was receiving \$538,061, Chicopee was receiving \$327,116, and Westfield was receiving \$153,877.

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

From Holyoke Economic Development and Industrial Corp, February 1, 2024 meeting minutes
---> Received.

From Board of Public Work, communication regarding City Engineer position

Councilor Devine commended the DPW for their hard work cleaning up following the parade weekend.
---> Received and referred to the Ordinance Committee.

From Eversource, notification of applying herbicides
---> Received.

From Commonwealth of MA Department of Environmental Protection, Notice for Holyoke Water Works to acquire certain lands or rights
---> Received.

From Stephen Superba, Open Meeting Law Complaint Form

Acting Chair Bartley noted that the timing on these items was critical. He noted that it was dated March 5th but just being received on March 19th. He then asked what the turnaround had to be after receiving complaints.

Atty Bissonnette stated that the city would have 10 days to respond but could request an extension as this was the first time the Council was getting it. He then stated that the Law Department would get a response out shortly.

Councilor Jourdain asked who would be handling the response, noting that the accusation was made against the Council.

Acting Chair Bartley stated that it was to be determined. He then asked Atty Bissonnette to follow up on that question.

Atty Bissonnette stated that he would.
---> Received and referred to the Law Department.

From Melissa Lafond, communication regarding speed hump petition from September 28, 2022.

Acting Chair Bartley asked if this communication had been received in 2022.

City Clerk Murphy McGee stated that the petition was likely in the Ordinance Committee.

Acting Chair Bartley relayed a note from the administrative assistant that a public hearing had been scheduled for April 190th at 6:30 p.m.

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

PETITIONS

(47:55)

Petition of Tai W. Kang for a renewal of a Second Hand License at 311 High St. Holyoke

Acting Chair Bartley stated that all taxes and fees had been paid.

---> Received and Adopted on a call of the yeas and nays--Yeas 13--Nays 0--Absent 0.

PRESIDENT'S REPORT

(49:15)

Acting Chair Bartley stated that the administrative assistant received a call asking to remind councilors to speak into their microphones.

Councilor Greaney commended the Parade Committee for a great show this year.

Councilor Sullivan also commended the Road Race Committee.

Acting Chair Bartley stated that Acting Education Commissioner, Russell Johnston, would be attending the School Committee meeting the following Monday.

He then noted the city had an RFP out for a consultant to assist the city in navigating Cannabis Control Commission regulations. He added that responses had been due earlier that day.

COMMITTEE REPORTS

(52:10)

The Committee on Ordinance to whom was referred an order that the position of Crime Analyst be created and added to Ordinance Schedule A.

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 the committee reviewed the language and settled on what was providing, which included an outline of qualifications.

Councilor Greaney asked what the pay would be.

Acting Chair Bartley stated that the salary range was in Grade 10, with a minimum salary of \$58,680 and a maximum of \$82,135, with a mid of \$70,407.

---> 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 12--Nays 1 (Greaney)--Absent 0.

Approved by the Mayor.

The Committee on Ordinance to whom was referred an order With support from the city's Veterans Benefit Department, that the City Council update its ordinances to provide free municipal parking for veterans that have an official Veteran License Plate.

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 the order was for veterans who had the veterans' decal on their license plate, allowing them to park at a meter or parking garage without paying. He emphasized that they would need the decal to qualify.

Acting Chair Bartley expressed his hope that the War Memorial and other veterans advocates would promote this as much as they could.

---> 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 13--Nays 0--Absent 0.

Approved by the Mayor.

The Committee on Ordinance to whom was referred an order That a stipend be added to Ordinance Salary Schedule C for \$10,000.00 for the duties associated with Assistant Director of Public Works. The additional duties for the Asst Director are as outlined in city ordinance Section 2- 231 which outlines several responsibilities beyond the engineering tasks assigned.

have considered the same and Recommended that the order be given a leave to withdraw.

Committee Members:

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

UNDER DISCUSSION:

Councilor I. Rivera stated that there were two different approaches being considered to get someone to apply for the City Engineer position, and the other approach to raise the salary by moving it out of the union. He noted that as the other option was in play, the other process was going to be seen through.

Acting Chair Bartley asked if there was a transfer in Finance for this.

Councilor Devine stated that she did not believe there was.

Acting Chair Bartley noted that they did have someone in mind and they needed a raise to sweeten the pot.

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

(1:00:30)

The Committee on Joint Committee of City Council and School to whom was referred an order From Erin Linville, Holyoke Public Schools, Erin Linville, HPS - School Rezoning Update

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Jourdain stated that this was initially introduced in 2022 and much discussion and implementation had taken place since then. He then stated that they planned to do a one year review to reflect on the impacts of the change.

---> Report of Committee received and recommendation Adopted

Motion was made and seconded to suspend the necessary rules to take up items 19, 20, and 21 as a package.

The Committee on Joint Committee of City Council and School to whom was referred an order From Anthony Soto, Superintendent of Holyoke Public Schools letter re: Petition the MA DESE to release the City of Holyoke from State Receivership.

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Greaney expressed frustration with the letter from Commissioner Riley, noting that it said nothing but to kick the can down the road.

Councilor Jourdain stated that the Mayor Garcia and Superintendent Soto were both convinced that the city's schools would get out of receivership sooner rather than later. He further stated that when he pressed for explanation, they said that control of the schools would come back in imminent time in some significant manner. He then expressed frustration that the state had provided no specific goals or benchmarks other than nebulous or vague references to MCAS scores and attendance records. He noted that some things had gotten worse under receivership while there had been progress in other areas. He added that there wasn't any explanation being provided by the state that receivership had directly led to some improvements that would not have happened otherwise. He then emphasized that that local controls of schools were a fundamental underpinning of the American experience and tantamount to being recognized as a real city. He added that this did not mean there should be no accountability but that it should be handled locally.

Councilor Greaney stated that the state senator and state representative needed to speak loudly on this issue in Boston, emphasizing that everyone in the city wanted local control.

Councilor Anderson-Burgos emphasized that the state senator and state representative were fully behind this and wanted out of receivership as much as anyone.

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

The Committee on Joint Committee of City Council and School to whom was referred an order From Jeffrey C Riley, Commissioner of Elementary and Secondary Education, Receipt of petition to end receivership.

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

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

The Committee on Joint Committee of City Council and School to whom was referred an order Holyoke Mayor Joshua A. Garcia's response To Education Commissioner Riley's message On Holyoke's Schools' receivership

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

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

22. The Committee on Joint Committee of City Council and School to whom was referred an order that Someone who is in charge of School Buses to come in and explain to parents, why kids not getting busses and if they ever going to get them.

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Jourdain commended Councilor Ocasio for advocating for Ward 2, noting that she volunteered in multiple ways and had an impressive first few months as a councilor. He then stated that this was discussed as a result of her observations, including needing to make sure that the walking school bus routes were clean and safe. He then explained that when a school bus could not be provided due to financial or geographical constraints, the School Department leadership should point out safety and cleanliness concerns to the DPW. He added that the Flex Squad should also review those routes. ---> Report of Committee received and recommendation Adopted.

The Committee on Joint Committee of City Council and School to whom was referred an order That the Joint Committee on City Council and School Committee review and respond to the Receivership response from Commissioner Riley & the Holyoke High & District 23-24 District Report Card that was released by Mass DESE. Documents attached.

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Jourdain stated that there was a lot to be concerned about regarding the report cards. He then emphasized that the attendance rates were one of the major factors, noting that a majority of students were chronically absent, with 18 or more days absent. He added that it was hard to learn if a student is not at school, and then MCAS scores would not be good. He reiterated that the Boston receivership leadership had been in control for 8 years, and questioned what their answer was to these issues. He then expressed his support for a liberal arts education as a way to develop well-rounded students for a well-rounded community. He then expressed concern with access to the arts being one-third of the statewide rate. He then suggested that the issue was either lack of access to the arts or a lack of emphasizing to students why music and art helped make a well-rounded person. He suggested that requirements be considered to add arts to the curriculum. He then noted that Holyoke was fortunate in that not every city in receivership had the same relationship with their Receiver as Holyoke did.

Acting Chair Bartley noted that the report defined being in attendance as a student being taught for at least half the day in school. He questioned who came up with that. He also noted that the stats compared to the rest of the commonwealth did not look great. He also noted that in 2021, DESE began reports data

for the low-income students and no longer reported data for the economically-disadvantaged students. He then suggested that the numbers were being massaged.

Councilor I. Rivera emphasized that the city had one of the highest numbers of special education students, which played to the attendance issues. He expressed concern that this was a factor in attendance that was not talked about enough. He added that the city had one of the largest homeless populations in the state, where students could be in Holyoke schools one day and moved to Worcester the next day. He emphasized that this needed to be taken into account with regard to MCAS scores. He added that these issues were being pushed into the district because of the services available which, while great for the families, had an impact on the data. He added that the city was being compared to communities that did not have the same challenges.

Councilor Magrath-Smith noted that with regard to MCAS scores, it was not a standards-based exam with a certain number of points that all students were expected to reach. She then explained that it was a scaled test where communities were scaled based on where they fell, whether at the median, or above or below. She added that this meant 50% of schools would be above and 50% would be below. She then suggested that it was impossible for all districts to be successful until the exam was restructured in a way that allowed all districts to be successful, adding that it would always be where 50% would not be meeting the "halfway benchmark."

Councilor Greaney recalled that the state used MCAS scores for the takeover which never should have been done. He added that when they voted to take over the schools, it was a 7-2 vote, with the 2 dissenting votes being the only two members of the Department of Education that actually visited the city and been in the Holyoke Public Schools. He suggested that it was a done deal before they took over.

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

The Committee on Joint Committee of City Council and School to whom was referred an order Referred from the School Committee - Update re: Purchase of 225 High Street

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

Committee Members:

Kevin A. Jourdain
Howard Greaney, Jr
Tessa Murphy-Romboletti

UNDER DISCUSSION:

Councilor Jourdain stated that they received a brief update on a topic that was being discussed in the Finance Committee. He then encouraged councilors to attend the Finance meeting on March 26th for a second round discussion of this topic.

Acting Chair Bartley noted that 225 High Street was diagonally across the street.

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

ORDERS AND TRANSFERS

(1:26:05)

Murphy-Romboletti- Ordered that the City Council invite the Mayor, Police Department and relevant financial department heads to a future meeting of the Finance Committee to provide an update on the status of the off-duty police account and former vendor Off- Duty Blue.

Councilor Devine stated that the order would likely be taken up by the committee on April 3rd.
---> Received and referred to the Finance Committee.

Devine- Ordered, that the Law Department render an opinion as to whether the current CPA ballot question in the Finance Committee that reduces the % from 1.5% to 1.0% be placed on the November ballot after the City Council voted 8-5 NOT to reduce the % from 1.5% to 1%.

Councilor Vacon asked if this order along with the other order on the CPA ballot question would be taken up at the Paril 3rd meeting.

Councilor Devine stated that she was waiting to hear from the Law Department before taking it up.

Acting Chair Bartley asked if there was a request for the Law Department to respond within a specific period of time.

Councilor Devine stated that when they were able to.

Acting Chair Bartley asked when this could be expected to be turned around.

Atty Bissonnette stated it could be done within 30 days.

Councilor Vacon offered a reminder that the lock was ticking. She also offered a reminder that a motion was made at that meeting to reconsider the vote that was noted in this order, adding that following reconsideration, it was sent back to committee. She then questioned what the opinion needed to be on.

Councilor Devine recalled that the vote was 8-5 not to reduce it. She then explained that she was seeking to have the Law Department provide an opinion as to whether there would be a ballot question.

Acting Chair Bartley reiterated that the Council did reconsider the action and referred it back to Finance.

Councilor I. Rivera asked for clarification that even after reconsideration, it would still require the same two-step process.

Acting Chair Bartley clarified that after back and forth with the Law Department. He then stated that they could give clear guidelines when this is discussed in Finance.

Councilor Jourdain offered a reminder that tabled items and items referred back had to be put on the agenda.

Acting Chair Bartley stated that this was being done. He noted that the administrative assistant explained that some committee chairs in the last term did not like it and would not allow him to do it, but it had since been done since this was brought up recently.

---> Received and referred to the Law Department.

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWO THOUSAND FOUR HUNDRED FIFTY SEVEN AND 22/100 Dollars

(\$2,457.22) as follows:

FROM:

12201-51105 FIREFIGHTERS \$2,457.22 \$2,457.22

TOTAL:

TO: 12201-51180 INJURED ON DUTY \$2,457.22

TOTAL: \$2,457.22

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, March 19, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

Acting Chair Bartley stated that this would cover 1 firefighter.

---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0-- Absent 0.

Councilor Greaney made a motion to reconsider the action on item 26 in order to ask the Law Department a question.

Acting Chair Bartley asked what the question was.

Councilor Greaney asked if a petition could be put out to the residents of Holyoke to have the question placed on the ballot.

Acting Chair Bartley suggested filing an order for the next meeting. He added that this was putting the Law Department on the spot for a tough question.

Councilor Greaney stated that he was seeking to know if it would be legal.

Acting Chair Bartley stated that there were two procedures to put it on the ballot. He suggested reaching out to the Law Department to ask them.

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, THIRTY THOUSAND ONE HUNDRED SEVEN AND 37/100 Dollars (\$30,107.37) as follows:

FROM:

12101-51105 SERGEANTS \$10,493.16

12101-51107 PATROLMEN 19,614.21

TOTAL: \$30,107.37

TO:

12101-51180 INJURED ON DUTY \$30,107.37

TOTAL: \$30,107.37

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, March 19, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:

Acting Chair Bartley stated that this covered 11 officers.

---> Passed two readings and Adopted on a call of the yeas and nays--Yeas 13--Nays 0--Absent 0.

Devine-Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "EXECUTIVE OFFICE OF LABOR & WORKFORCE DEVELOPMENT WORKPLACE SAFETY GRANT, \$11,000, 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.

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, March 19, 2024.

Joshua A Garcia, Mayor

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

Motion was made and seconded to suspend the necessary rules to take up items 30 through 33 as a package.

Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FFY2023 MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY EMPG GRANT, \$12,350, 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, March 19, 2024.

Joshua A Garcia, Mayor

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

Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MASSACHUSETTS OFFICE ON DISABILITY, \$89,850, 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, March 19, 2024.

Joshua A Garcia, Mayor

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

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND THREE HUNDRED AND 00/100 Dollars (\$21,300) as follows:

FROM:

8811-10400	CAPITAL STABILIZATION	\$21,300 TOTAL:	\$21,300
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TO:
15412-52500 R&M BUILDINGS & GROUNDS \$21,300 TOTAL: \$21,300

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, March 19, 2024.

Joshua A Garcia, Mayor

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

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, EIGHTY SEVEN THOUSAND AND 00/100 Dollars (\$87,000) as follows:

FROM:

14101-51101	PAY-ENGINEER	\$20,000	
14251-51106	PAY-PROP MAIN & DEMO	22,000	
14301-51103	PAY-REFUSE LABORER	20,000	
14251-51107	PAY- HIGHWAY LABORER	14,000	
16501-51106	PAY-HMEO PARKS	10,000	
16501-51106	PAY-HMEO PARKS	1,000	TOTAL: \$87,000

TO:

14102-53010	PROFESSIONAL ENGINEERING SERVICES	\$20,000
14252-52600	R&M STREETS	22,000
14301-51300	PAY-REFUSE OVERTIME	20,000
14221-51300	PAY-CITY PROPERTY OVERTIME	14,000
16501-51300	PAY-PARKS OVERTIME	10,000
14211-51300	PAY-ADMIN OVERTIME	1,000
TOTAL: \$87,000		

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, March 19, 2024.

Joshua A Garcia, Mayor

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

Magrath-Smith- Ordered, that the City Council review for approval the FY24 projects recommended for funding by the Holyoke Community Preservation Act Committee (CPAC)

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

LATE FILED ORDERS AND COMMUNICATIONS

(1:40:45)

Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, SIXTY THOUSAND AND 00/100 Dollars (\$60,000) as follows:

FROM:

11211-51276 MAYOR-CONTRACT NEGOTIATIONS: \$60,000

TO:

11411-51102 ASSISTANT ASSESSOR: \$3,000

11411-51125 ADMINISTRATIVE ASSISTANT-ASSESSOR: \$3000

14221 -51105 DPW PROPERTY BUILDING CUSTODIAN: \$6,000

16931-51101 WAR MEMORIAL SR BUILDING CUSTODIAN: \$3,000

16931-51102 WAR MEMORIAL BUILDING CUSTODIAN: \$3,000

11611-51105 2ND ASSISTANT CITY CLERK: \$5,000

11611-51126 SR ADMINISTRATIVE ASSISTANT-CITY CLERK: \$3,000

11611-51125 ADMINISTRATIVE ASSISTANT-CITY CLERK: \$3,000

11631-51103 ASSISTANT REGISTRAR OF VOTERS: \$3,000

12401-51126 SR ADMINISTRATIVE ASSISTANT-BUILDING & CODES: \$3,000

15101-51126 SR ADMINISTRATIVE ASSISTANT-BOARD OF HEALTH: \$3,000

15101-51109 SANITARIAN I: \$10,000

15101-51104 PUBLIC HEALTH NURSE: \$2,0001

11461-51106 SR DEPUTY TAX COLLECTOR: \$5,000

11451-51131 SR PAYROLL SPECIALIST: \$5,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Monday, March 19, 2024.

Joshua A Garcia, Mayor

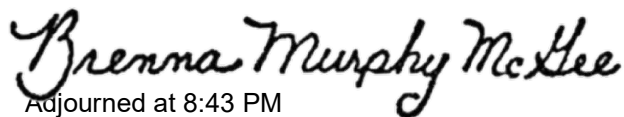
---> Received and referred to the Finance Committee.

Petition of Horan Kuruca at 263 Hampden St for an outdoor solar lot.

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

Settlement Agreement by and Between the City of Holyoke and N.A.G.E. R1-180 Clerical Union

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


Adjourned at 8:43 PM



Mayor Joshua Garcia

City of Holyoke

Law Department

March 29, 2024

Holyoke Members of the City Council
536 Dwight Street
Holyoke, MA 01040

RE: Interpret term "senior" in context of City Charter and City Council Rules

Dear Honorable Members of the City Council:

I am writing to respond to a question raised as to how to interpret the term "senior" as it exists in certain provisions of the City Charter and the City Council Rules.

Section 11 of the City Charter states that, after the oath has been administered, the City Clerk shall call the body to order and in the absence of the City Clerk, the oldest senior member present shall call the body to order. The phrase "oldest senior member" is rather ambiguous because it is not clear whether the councilor would be the oldest in age, senior in service, or both. The purpose of the rule of statutory construction is to interpret the language of a law as a whole. Chief of Police v. Mayor of Chelsea, 21 Mass.App.Ct. 530 (1985). That being said, I interpret the terms "oldest" and "senior" together; which means that the councilor who is oldest in age and has the senior length in service would be the councilor to call the body to order.

With regard to whether the length of service must be consecutive, the goal of statutory interpretation is to determine the legislative intent, and where the language is clear and unambiguous, such intent is established. Doe v. Worcester Public Schools, 484 Mass. 598, 601-602 (2020), where the question involved an analysis of the law affording expelled students a right to a hearing before the Superintendent. The schools argued that the Superintendent could assign his obligation to conduct a hearing to another individual. The court ruled that the language of the statute was clear and that there was no language in the law which gave the Superintendent the right to assign his obligation. Similarly, there is no language in Section 11 which requires that the councilor's length of service be consecutive. Having said this, I am of the opinion that there was no legislative intent to require that the length of service be for consecutive years.

With regard to Rule 3B of the City Council Rules, there is no language referring to the age of a city councilor. The language simply uses the term "senior"; which I interpret to mean "senior amount of service". Again, on the question of whether the amount of service is consecutive, because said term does not exist in the City Council Rule, I interpret that there was no legislative intent to require that length of service be for consecutive years.



Mayor Joshua Garcia

City of Holyoke

Law Department

Respectfully Submitted,

Kathleen E. Degnan

Kathleen E. Degnan
Assistant City Solicitor

Board of Fire Commission Meeting Minutes		Date: February 12, 2024 Time: 5:00 p.m. Location: Fire Department Headquarters	
Meeting called by:	Chairman Jeffrey Trask	Note taker: D. Glenn	
Type of meeting:	Regular Monthly	Timekeeper: D. Glenn	APPROVED
Facilitator:	Chief Kadlewicz		
Attendees:	Jeffrey Trask, Nelson Lopez, George Mettey		
Absent::			
Staff in Attendance:	Chief John Kadlewicz and Dale Glenn		
Also: Union President Erryberto Izquierdo, Andrew Barsalou, Kevin Dansereau, Edwin Rodriguez, Matthew Cadieux, Kevin McDonnell, Michael Rohan			
A. Opening of Meeting		Chairman Trask	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 January 10, 2024 #3 on the agenda – Fire Chief's Report: • Injured on Duty/Light Duty/Administrative Duty/Administrative Leave • Overtime Expenditures #4 Old Business 1. Firefighter Cert #09690 – update on progression and inform Board of Active Duty Military under USERRA 2. Interview for one (1) open Fire Lieutenant position – 3 Candidates off Promotional List Cert #08313 (all candidates were asked the same questions and afforded the opportunity to ask questions) #5 New Business 1. Grievance #232211 – Transfer Retaliation – The Board of Fire Commissioners discussed this grievance and denied it was not filed per the required time. 2. Grievance #2024-01 – Suspending and demoting Captain Barsalou without cause – The Board of Fire Commissioners will discuss the grievance and provide a response within the allotted time frame. #6 Executive Session – Moved into for Grievance #2024-01			
RECEIVED MAR 19 2024 Holyoke City Clerk's Holyoke, MA			

	Motions
	Motions: Commissioner Trask entertained a motion to accept the Open minutes from January 10, 2024 meeting and leave the executive session unapproved until their next meeting, Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried Commissioner Trask entertained a motion to accept the Fire Chief's report, Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried. Commissioner Trask entertained a motion to promote Firefighter Kevin Dansereau to the position of Fire Lieutenant, Commissioner Mettey made the motion and was 2nd by Commissioner Lopez, motion carried. Roll call vote Commissioner Trask yes, Commissioner Lopez yes, Commissioner Mettey yes. Unanimous agreement Commissioner Trask entertained a motion with regard to Grievance #232211 Transfer Retaliation denied grievance based upon being out of timeframe; Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried. Roll call vote Commissioner Trask yes, Commissioner Lopez yes and Commissioner Mettey yes. Unanimous agreement. Commissioner Trask entertained a motion with regard to Grievance #22024-01 suspending and demotion Captain Barsalou without cause denied based upon ; Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried. Roll call vote Commissioner Trask yes, Commissioner Lopez yes and Commissioner Mettey yes. Unanimous agreement

B. Executive Session	Chairman: Trask	Time: 5:45p.m.
Attending Jeffrey Trask, Nelson Lopez, George Mettey Also: Union President Erryberro Izquierdo and Andrew Barsalou Facilitator: Chief Kadlewicz Note taker: D. Glenn		
Discussion: Grievance #2024-01 Commissioner Trask read the letter provided with the filing of the grievance. Chief Kadlewicz denied this grievance as it is out of the scope of his authority. Union President Izquierdo citing past practice and would like the demotion overturned and return Mr. Barsalou to the rank of Fire Captain. Commissioner Mettey recommends when the union comes before the board to cite prior issues it should provide the board documentation supporting those issues. Commissioner Trask using past practice a precedent is not applicable going into the future. There is a new Board of Fire Commissioners and a new Fire Chief and just because a decision was made in the past does not mean it is the best course of action for the future. I would like to see documentation from the Union as past practice to take that into consideration with regards to this grievance. Commissioner Lopez past practices do not mean that they have to be continued and this board does not have to follow those going forward into the future. Commissioner Trask states that the board will take time to review the documents provided by the Union President and give their decision in writing within 10 business days.		
Motions: Commissioner Trask entertained a motion to move out of Executive Session and move into Open Session. Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried. Moved into Open Session at 5:57pm		

C <i>Open Meeting</i>	Chairman Trask	Time: 5:57pm
	Attending: Jeffrey Trask, Nelson Lopez, George Mettey	
	Also Facilitator: Chief Kadlewicz Note taker: D. Glenn	
	#5 New Business 1. Discussion: Fire Chief Evaluation – The Board of Fire Commissioners discussed the evaluation system that was provided by the Personnel Director Kelly Curran. The Board is going through each question with the Fire Chief. A copy of this evaluation will be sent to Personnel Director Kelly Curran upon completion by the Board of Fire Commissioners. #7 Close Meeting	
	Motions: Commissioner Trask entertained a motion to submit the completed evaluation form to the Personnel Director Kelly Curran. Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried. Commissioner Trask entertained a motion to adjourn, Commissioner Lopez made the motion and was 2nd by Commissioner Mettey; motion carried. Meeting closed at 6:47pm	



JOSHUA A. GARCIA
Mayor

Holyoke Police Department
138 Appleton Street
Holyoke, Massachusetts 01040-5706



DAVID PRATT
Chief of Police

March 19, 2024

CF 034-24

Dear Members of the City Council,

The HPD currently has 60 vehicles in its fleet which consists of a wide array of vehicles including marked units, unmarked units, foreign cars, a large box van, diesel Kubota and an electric motorcycle. The HPD is the only city department that has vehicles which operate 24/7 and therefore the wear and tear on the vehicles greatly exceeds normal standards as does the maintenance. When you take into consideration the number of vehicles, variety of vehicles and the excessive runtime of many of the vehicles it equates to a job beyond the scope of what any mechanic could accomplish in 40 hours per week.

Erik Tillman has been the mechanic for the HPD fleet for almost five years and for the duration of that time has been the only mechanic assigned to the HPD. Mr. Tillman is a dedicated and skilled employee who takes great pride in his work. He works tirelessly to ensure that the entire fleet receives proper regular maintenance, meets all safety standards and that vehicles are available as needed. He has never taken a sick day while employed as the HPD mechanic and during COVID continued to work to ensure vehicles were maintained. **It cannot be emphasized enough that the fleet must be in the best available condition at all times to ensure the safety of the officers and staff operating the vehicles.**

Prior to Mr. Tillman's employment, the HPD did not have a full-time mechanic and all work had to be outsourced to various vendors. Those vendors were paid from the HPD budget. The sheer number of jobs that were outsourced created a huge expense to the HPD, much higher than the expense of paying a full-time mechanic including overtime. As with any vehicle, it is much less expensive to purchase the parts and do the work yourself versus hiring someone to do the same work. If overtime is not approved or provided to Mr. Tillman the vehicles will still have to be maintained and any work he cannot complete during a 40 hour work week will be parceled out to outside vendors at a much greater cost to the city.

When Mr. Tillman was hired he was told there was the availability of 20 hours per week of overtime. It was part of what was negotiated when he accepted the job. After the first year of his employment the availability of overtime was reduced to 14 hours per week and has remained at this level for the past 3+ years. Given the size of our fleet the 20 allotted hours of overtime didn't always allow enough time to complete the list of very necessary work that Mr. Tillman must do daily but things were manageable and standards were able to be maintained. The reduction to 14 hours of overtime strained the limit of what could be accomplished in a week and began to create backlogs of work to be completed. The elimination of his overtime completely has severely hindered his ability to complete his work creating a huge backlog of tasks and thereby depleting the fleet of vehicles he can make available and jeopardizing the safety of the vehicles currently in operation and requiring that some maintenance be outsourced to other vendors once again.

Birthplace of Volleyball 1895

Telephone: (413) 322-6900 • Fax: (413) 322-6910 • Email: generalmail@holyokepd.org





JOSHUA A. GARCIA
Mayor

Holyoke Police Department
138 Appleton Street
Holyoke, Massachusetts 01040-5706



DAVID PRATT
Chief of Police

As with any vehicle, regular maintenance is key to ensuring the vehicle last longer and helps prevent any major costly repairs. In his almost 5 years as the HPD mechanic, Mr. Tillman has strived to develop and maintain a schedule of regular maintenance that will extend the life and usage of the entire fleet. In addition to regular maintenance, he must frequently attend to vehicle recalls, unscheduled maintenance such as flat tires and other minor repairs, as well as larger repairs such as replacement of water pumps, heater cores and gas tanks, all wear and tear caused by the large number of hours of vehicle use. In addition to working diligently to maintain cars for daily use by the HPD, Mr. Tillman is also tasked with ensuring vehicles are prepped and ready for various special operations such as Operation Safe Streets, Gang Suppression Unit, Mobile Community Policing and traffic grants. In addition to the previously mentioned operations, Mr. Tillman is also responsible for making vehicles ready for academy recruits for APP and for EVOC training in which the vehicles used much meet very stringent standards.

Scheduled Maintenance

For line cars (cars #1-14) and other regularly used vehicles which include Code Enforcement, CIRT, Elder Affairs, Schools, CIB and admin vehicles.

- Oil changes *every 30 days*
- Safety checks of the braking system, diagnostic scan, tire inspection and rotation, fluids topped off, all equipment inspected and replaced as needed *every 30 days*
- Quarterly inspections of each vehicle which includes among other things: a complete visual inspection, a test of the vehicles charging system, inspection of all emergency lighting, updating programs, replacing all fluids, change all brakes, inspect and replace tires as needed

Unscheduled Maintenance

Standard operating procedure requires all officers to complete a vehicle information sheet at the end of their shift detailing the condition and any issues of the vehicle to which they were assigned. Those sheets are then reviewed by Mr. Tillman who then must prioritize and schedule any necessary repairs. If a vehicle is deemed unusable or unsafe by an officer during their shift they will down the vehicle and Mr. Tillman will then troubleshoot and diagnose the issue. Mr. Tillman will also research the parts and order the parts needed for the repairs. In addition, vehicles are regularly brought to the garage throughout the day by officers and staff to request maintenance on a vehicle such as repairing a broken radio mount, broken seat or any number of other minor issues that occur frequently.

Responsibilities include but not limited to:

- Troubleshoot mechanical and electrical issues with vehicles
- Maintain maintenance records
- Research parts and order parts

Birthplace of Volleyball 1895

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JOSHUA A. GARCIA
Mayor

Holyoke Police Department
138 Appleton Street
Holyoke, Massachusetts 01040-5706



DAVID PRATT
Chief of Police

- Manage parts inventory including brakes, tires, fluids, etc.
- Repair mechanical issues
- Repair electrical issues
- Repair minor body work
- Maintain shop equipment
- Maintain snow removal equipment (Kubota, plow and snowblower)
- Schedule outside vendor maintenance for work such as glass repair, repairs covered under vehicle warranties and major body work. (Marcotte Ford, Gene's, Ron's Auto, Mengles, Yankee Glass, etc.)
- Follow up with outside vendors
- Trouble shoot and fix on the spot issues
- Program and cut keys
- Review vehicle inspection sheets
- On call snow removal
- Cut and install vinyl lettering for cruiser – cuts and applies all vinyl lettering to vehicles as necessary
- Mount and balance tires.
- Installation of lighting and sirens - installing emergency lighting and sirens along with HPD radios and antennas in the unmarked units that are newly purchased.
- Minor auto body repairs
- Multiple trips daily to deliver and/or pick up cars from outside vendors and to pick up necessary parts or retrieve disabled vehicles or return vehicles to service.

EVOC Vehicle Requirements

EVOC is a very specific training exercise in which recruits are trained how to safely maneuver their vehicles in a variety of circumstances. Mr. Tillman must prepare one vehicle for every 2 recruits that go to EVOC training and must also prepare a spare vehicle should any vehicle incur any issues during EVOC. The vehicles that go to EVOC are put through a multitude of obstacle courses, driven at high speeds and engage in hard braking and evasive maneuvers. This type of usage requires each vehicle at EVOC be able to meet the highest standard of safety inspections. Vehicles for EVOC have to be thoroughly inspected prior to every EVOC class. Mr. Tillman must replace any necessary parts, replace brakes and all tires. Each vehicle is inspected by the state police staff running the EVOC course and if a vehicle does not meet their rigid safety standards it will not be allowed to be used for training. This type of inspection and maintenance is above and beyond the normal vehicle maintenance and requires extra time to complete.

Special Detail Vehicles

Birthplace of Volleyball 1895

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JOSHUA A. GARCIA
Mayor

Holyoke Police Department
138 Appleton Street
Holyoke, Massachusetts 01040-5706



DAVID PRATT
Chief of Police

Periodically as needed the city will perform special operations such as Operation Safe Streets, Gang Suppression Units and traffic grants. When these operations are in effect a variety of vehicles need to be prepared for officers and staff. Often there is short notice for these operations and as a result Mr. Tillman must shift his focus to any vehicles needed for each operation.

Kubota

This is a 4 wheel drive diesel UTV type vehicle that is a multi-purpose vehicle. This vehicle is used for search and rescue, snow removal and for special events such as the fireworks and Spanish Festival. This vehicle requires specialized maintenance as well as yearly maintenance of the plow.

Mobil Community Police Van / Mobile Command Unit

This is a large box van that is used for Mobile Community Police detail and also has been retrofitted by Mr. Tillman to be used as a mobile command unit in the case of an emergency. This vehicle also requires specialized maintenance due to its onboard battery storage and inverters to allow it to be used in remote areas.

Current work load

- Car # 27, needs the fuel rail and fuel injectors replaced due to a fuel leak making it unsafe to drive, also needs the steering wheel replaced.
- Car # 37, needs radiator replaced due to coolant leak.
- Car # 8 needs a transmission replaced.
- Car #36 being trouble shot for misfire issue, possible bad/leaking valves.
- Car #6 currently at Marcotte ford with a transmission issue.
- Car #23 in need of a oil change, battery replacement and 3 mo. inspection.
- Car #59 in need of oil change and 3 mo. inspection
- Car #38 needs to be scheduled for body work
- Car #17 currently at body shop
- Car #14 needs to be scheduled for body work
- Car #5 due oil change and 3 mo. inspection.
- Car #57 Due oil change 3 mo. inspection, 4 tire valve stems and body work needs to be scheduled.
- Car #16 needs a new PCM (Primary control module)
- Car #54 needs PCM (Primary control module)
- Car #57 has oil leak and needs oil change and needs 3mo. Inspection.
- Car #52 has check engine light on, need to trouble shoot and repair issue.

Birthplace of Volleyball 1895

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JOSHUA A. GARCIA
Mayor

**Holyoke Police Department
138 Appleton Street
Holyoke, Massachusetts 01040-5706**



DAVID PRATT
Chief of Police

- Car #42 needs valve covers and gaskets for oil leak, has misfire and needs tune-up
- Car #69 have most parts and need to tune-up engine. flush transmission, replace all brakes, change battery, mount and balance new tires. do a diagnostic check on vehicle and fix any issues that come up. prep vehicle for state inspection.
- 6 new cruisers – all are in need of the equipment being mounted and transferred as well as the lighting program updated and some minor wiring so they can be deployed to the line. (currently being worked on as Mr. Tillman can in between the line vehicle)

Thank you for your attention to this matter.

David R. Pratt
Chief of Police
Holyoke Police Department

Birthplace of Volleyball 1895

Telephone: (413) 322-6900 • Fax: (413) 322-6910 • Email: generalmail@holyokepd.org





City of Holyoke,
Massachusetts

Birthplace of Volleyball

Tanya Wdowiak <wdowiakt@holyoke.org>

Opioid Funds

Tanya Wdowiak <wdowiakt@holyoke.org>

Tue, Mar 26, 2024 at 7:14 PM

To: Michael Bissonnette <bissonnettem@holyoke.org>

Cc: Joshua Garcia <garciaj@holyoke.org>, Kathleen Degnan <degnank@holyoke.org>, Lisa Ball <balll@holyoke.org>, Rory Casey <caseyr@holyoke.org>, Sharon Bittner-Willis <bittners@holyoke.org>, Jaime Morrow <morrowj@holyoke.org>

Hi Mike,

We need to revoke the special purpose cannabis stabilization fund and the dedication of the opioid settlement revenue per BUL-2023-7 attached. Same bulletin allows for the creation of a special revenue fund for the same receipts to be deposited and spent without further appropriation, no vote necessary.

2023 revenues will be appropriated into the special revenue fund via the free cash process: \$427,347

2024 revenues can be automatically transferred via journal entry into the opioid special revenue fund after the special purpose stabilization and revenue dedication is revoked: \$423,390 (\$74,181 posted to stabilization currently plus \$349,209 recently turned over to the Treasurer).

Let me know if you need further information from me.

Thank you!!

[Quoted text hidden]

 **BUL-2023-7.pdf**
197K



Bulletin

BUL-2023-7

G.L. c. 44, § 53 Clause 4: Opioid Settlement Receipts

TO: Local Officials
FROM: Deborah A. Wagner, Director of Accounts
DATE: December 2023

This guidance supersedes BUL-2023-6 and the July 7, 2022 edition of *City and Town, Ask DLS: Treatment of Opioid Settlement Payments*.

On December 4, 2023, Governor Healey signed Chapter 77 of the Acts of 2023, Section 9 of which provides, in part, for the following exception to the general rule that all receipts are to be recorded as general fund revenue per G.L. c. 44, § 53:

“(4) non-recurring, unanticipated sums received by multiple cities, towns or districts and not otherwise provided for by general or special law, may, upon the approval of the director of accounts, be expended at the direction of the chief executive officer without further appropriation only for the singular purpose for which the monies were received” (emphasis added)

The Director of Accounts has determined that cities and towns that have received or will receive funds in Fiscal Year 2024, or thereafter, pursuant to settlement agreements entered into by the Commonwealth with opioid distributors and opioid-makers for prevention, harm reduction, treatment, and recovery, may place said funds into a special revenue fund. The proceeds can then be expended, without further appropriation, at the direction of the chief executive officer only for the purpose identified in said settlement agreements.

Section 197 of the Act further allows a community to consolidate all monies previously received for this purpose into the special revenue fund, mentioned above, in the following ways.

1. If prior year settlement funds have not otherwise been reserved (i.e., dedicated to a stabilization fund) or become part of certified free cash, then those funds may be placed directly into the special revenue fund.
2. If already dedicated to a stabilization fund, said dedication can be revoked at any time by vote of the legislative body. Upon revocation, all statewide opioid settlement receipts previously received may be placed in the special revenue fund.
3. If a community has settlement funds in a stabilization fund but did not dedicate future settlement receipts, the money currently in stabilization can be placed directly into the special revenue fund.

In the case of #2 or #3 above, once funds are moved from the stabilization fund, by virtue of having no remaining balance the stabilization fund can be removed from the balance sheet.

4. Settlement funds that have become part of free cash may be appropriated into the special revenue fund by vote of the community's legislative body.

Once placed in the special revenue fund, monies can be spent without further appropriation for purpose identified in the settlement agreements. Any interest belongs to the general fund.

The transfers of funds, noted in #1-#4 above, represent a limited ability to consolidate previously received opioid settlement monies into the newly allowed special revenue fund. These transfers are permitted only for this express purpose and should not be considered a general change to how monies are otherwise accounted for under the General Laws.

If you have any further questions, please contact your BOA field representative.