AGENDA FOR THE CITY COUNCIL
AUGUST 6, 2024

PUBLIC HEARING

PUBLIC COMMENT

LAID ON THE TABLE

COMMUNICATIONS

1. From Mayor Joshua Garcia, veto of 2/3 majority vote ordinance

2. From Mayor Joshua Garcia, re-appointments of various memebers of the Council on Aging

3. From Mayor Joshua Garcia, appointment of Vanessa Santiago to the Parks and Recreation Commission

4. From Mayor Joshua Garcia, appointment of Jorge Santiago to serve as Director of Veterans Services

5. From Mayor Joshua Garcia-Elms College Lease Agreement for the use of Mackenzie Field

6. From Mayor Joshua Garcia- Valley Blue Sox Lease Agreement for use of Mackenzie Stadium

7. From Mayor Joshua Garcia and Personnel Director Kelly Curran-COH Remote Telecommuting Pilot Program

8. From City Clerk Brenna Murphy Leary, letter regarding appointment of City Treasurer

9. From City Clerk Brenna Murphy Leary and Admin Assistant Jeffery Anderson-Burgos-City Council Minutes from June 4, 2024, June 18, 2024, June 27, 2024 and Executive Session minutes from February 8, 2021, October 18, 2022, November 1, 2022 December 6, 2022, and December 5, 2023

10. From Personnel Director Kelly Curran- City of Holyoke Social Media Policy

11. From City Solicitor Lisa Ball- Legal Opinion on voting requirements

12. From City Solicitor Lisa Ball- communication regarding Litigation and PILOT payments at 11 Yale St.

13. From City Solicitor Lisa Ball- communication regarding Executive Session Minutes

14. From City Solicitor Lisa Ball- communication regarding City of Holyoke Law Department Business Report

15. From Assistant City Solicitor Jane Mantolesky- Communication regarding Heavy Commercial Vehicle Operation on Homestead Avenue, Holyoke, Massachusetts

16. From Atty. Kathleen Degnan- communication regarding OML from Stephen Superba

17. From Atty. Kathleen Degnan- communication regarding OML from Linda Vacon

18. From City Councilor Linda Vacon-OML Complaint Form

19. From Councilor Howard Greaney-clarification on vote of municipal budget

20. From Mary Monahan, communication regarding board and ad hoc commitee

21. From State Rep. Patricia Duffy, communication regarding Appointed Treasurer position

22. From Marco Crescentini-CCC-2024-06-14 City Council Chambers Plan Memo & Sketches

23. From Christopher Gautheier- Communication re: Victory Theater listing 7.3.2024

24. From Various residents- letter regarding maintaining all quality of life policing methods

25. From Stephen Superba- Open Meeting Law Complaint, June 18, 2024

26. From Stephen Superba- Open Meeting Law Complaint July 10, 2024

27. Grant Report-Mass Cultural Council Capital Facilities Fund

28. Grant Report-Fund #0689 FY24 Firefighter Safety Equipment Grant, Department of Fire Services

29. From Holyoke Redevelopment Authority-minutes from the March 20th, April 17th, and April 25th meetings

30. From Historical Commission- minutes from the April 8th meeting

PETITIONS

31. Petition of Emma Huse, renewal of a Home Occupation from Mask Makers Face Painting at 22 Bassett Road

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

32. The Committee on Development and Governmental Relations to whom was referred an order Petition of Edwin Colon of 23 Springdale Ave for a Street Vendor License to be located at the Gas Station on Berkshire and Main St.
    Awaiting disposition

33. The Committee on Development and Governmental Relations to whom was referred an order Petition of Open Square Realty LLC for a Multi Family Dwelling at 4 Open Square

Way
Awaiting disposition

34. The Committee on Development and Governmental Relations to whom was referred an order that the City Council approve an Amendment to a Home Rule Petition for the purpose of expanding the Center City Liquor License Area.
Awaiting disposition

35. The Committee on Development and Governmental Relations to whom was referred an order Holyoke Downtown Parking Study - Final Report
Awaiting disposition

36. The Committee on Charter and Rules to whom was referred an order 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.
Recommended that the order has been complied with.

37. The Committee on Charter and Rules to whom was referred an order 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.
Recommended that the rule be removed without prejudice.

MOTIONS, ORDERS AND RESOLUTIONS

38. BARTLEY - Ordered that a handicap sign be placed at 15 Davis St. The sign is requested by Teresa Lewis and the placard number is PL6980631.

39. BARTLEY- With the washout of the water/sewer line at S. Elm St. (behind Fitzpatrick Skating Rink), the impact on the neighborhood needs to be addressed by the City leaders in terms of the timeline for repairs, alternate means for walkers to navigate this area and overall appearance. This is a constituent request. Refer to DGR, Parks Dept.

40. BARTLEY- DPW and the HFD Alarm Division come into city council to provide a status update on the X-walk improvement plan and Traffic signal improvement at Elmwood Towers on South St. I recently heard from an HPD Sgt. – who has been tremendously helpful in mitigating the problems – who advises the parts are in and work should soon commence. Refer to DGR and/or send a communication to the CC Admin. Asst. asap.

41. Bartley, Magrath-Smith- Holyoke's state delegation (Sen Velis, Rep Duffy) and their colleagues in the House and Senate from the other w. Mass counties implore our friends at DCR to produce running water as quickly as possible for the myriad groups, supporters, hikers and nature lovers who visit Mt. Tom Reservation. This is a constituent request. The constituent represents the Appalachian Mountain Club and she makes the following observation, " I am curious how one of the busiest areas of one of the busiest State Parks in Mass, in an Environmental Justice area, has not been prioritized for the water fountain upgrade when there is no other water option currently available."

42. BARTLEY- DPW and the HFD Alarm Division come to the city council to provide a status update on the X-walk improvement plan at the main gate of Holyoke C.C. on Homestead Ave. Please also invite a representative from the College. (I'll figure that part out with the CC President, DGR Chair and Admin. Asst.) I've lost count of the number of times I've filed an order relative to this. I can find emails going back to 2017 (at a minimum). Refer to DGR.

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

44. BARTLEY, OCASIO - DPW provide an update on its progress to install a street sign for Jones Ferry Rd. where it intersects at Ingleside Ave. This order was originally filed 11/21/23. Receive and Adopt and as of 7/27/24 it had not been installed. Hopefully this will be done soon. Receive, Adopt and Refer to DPW.

45. BARTLEY - The DPW patch the pothole on Chapin St near the Hibiscus restaurant as soon as possible. Constituent request. Refer to DPW and send to Public Safety for follow-up.

46. BARTLEY - The procurement office provide any executed contracts between the City of Holyoke, the Holyoke G & E, the Holyoke Park & Rec commission and the organization heading the volleyball // athletic center proposals for the open land in Elmwood. Please remit asap to the CC admin. asst. but in any event no later than the first CC meeting in September. (Note: the contract between the Vendor and the country club are private but if the contract was provide to City officials, then I am formerly requesting this be provided to CC, even if it's in executive session, pursuant to the Freedom of Information Act.)

47. BARTLEY - The procurement office present any contract(s) relative to the Anniversary Hill // Scott's Tower project by and between the City, Kestral Land Trust, the CPA Committee, etc. to the City Council via a communication by the first meeting in September. If possible, please email the documents to the City Council admin. assistant as early as possible.

48. BARTLEY, OCASIO - ordered that OPED provide an update to city council regarding putting the following W-3 and W-2 properties on the market – they've each been sitting dormant for well over one year without any progress or updates:

    1. 432 Hillside Ave.
    2. 146 Brown Ave. and environs.
    3. Lots at St. Vicent St. and Ingleside Ave.
       Please send a communication for the first city council meeting in September 2024. Refer to DGR for follow-up.

49. BARTLEY, VACON, JOURDAIN, SULLIVAN, GREANEY- ordered that OPED please provide an update on the former K-Mart plaza. On the main door to the former retailer is contact information for what appears to be a new owner. Please reach out to them and circle back to city council. Per its web site: For other inquiries, please call Transformco at (847) 286-2500 and please see its website www.transformco.com. Refer to DGR for a follow-up.

50. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY THOUSAND ONE HUNDRED FIFTY ONE AND 52/100 Dollars ($20,151.52) as follows:
    FROM:
    12101-51105 SERGEANTS $7,135.40
    12101-51107 PATROLMEN 13,016.12
    TOTAL: $20,151.52
    TO:
    12101-51180 INJURED ON DUTY (PAYROLL 7/20/2024) $20,151.52
    TOTAL: $20,151.52

51. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FOUR THOUSAND NINE HUNDRED THIRTY FIVE AND 52/100 Dollars ($4,935.52) as follows:

FROM:
12201-51105 FIREFIGHTER $1,271.62
12201-51103 CAPTAIN 3,663.90
TOTAL: $4,935.52
TO:
12201-51180 INJURED ON DUTY (PAY PERIOD #2) $4,935.52
TOTAL: $4,935.52

52. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SIX THOUSAND EIGHTY SEVEN AND 20/100 Dollars ($6,087.20) as follows:
FROM:
12201-51105 FIREFIGHTER $2,494.09
12201-51103 CAPTAIN 3,593.11
TOTAL: $6,087.20
TO:
12201-51180 INJURED ON DUTY (PAY PERIOD #1) $6,087.20
TOTAL: $6,087.20

53. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SIX THOUSAND TWO HUNDRED SEVEN AND 14/100 Dollars ($6,207.14) as follows:
FROM:
12201-51105 FIREFIGHTER $2,543.24
12201-51103 CAPTAIN 3,663.90
TOTAL: $6,207.14
TO:
12201-51180 INJURED ON DUTY (PAY PERIOD #3) $6,207.14
TOTAL: $6,207.14

54. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TEN THOUSAND SEVEN HUNDRED SIX AND 74/100 Dollars ($10,706.74) as follows:
FROM:
12101-51105 SERGEANTS $5,351.55
12101-51107 PATROMEN 5,355.19
TOTAL: $10,706.74
TO:
12101-51180 INJURED ON DUTY $10,706.74
TOTAL: $10,706.74

55. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED EIGHT THOUSAND SIX HUNDRED NINETY FIVE AND 56/100 Dollars ($108,695.56) as follows:

FROM:
8815-10400 CANNABIS STABILIZATION $108,695.56

.-. UPDATE TO FY2025 .
TOTAL: $108,695.56
TO:
19412-57630 SOLICITOR - CLAIMS & DAMAGES $108,695.56
TOTAL: $108,695.56

56. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY THOUSAND AND 00/100 Dollars ($30,000) as follows:
FROM:
11211-51104 MAYOR - CAFO $30,000
TOTAL: $30,000
TO:
11611-51210 ELECTIONS OFFICERS $30,000
TOTAL: $30,000

57. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIFTY EIGHT THOUSAND FIVE HUNDRED AND 00/100 Dollars ($58,500) as follows:
FROM:
11751-51109 PLANNER II $58,500
TOTAL: $58,500
TO:
11751-51106 PLANNER I $58,500
TOTAL: $58,500

58. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND AND 00/100 Dollars ($5,000) as follows:
FROM:
12941-51104 FORESTRY - TREE CLIMBER $5,000
TOTAL: $5,000
TO:
14102-53010 ENGINEERING - PROFESSIONAL SERVICES $5,000
TOTAL: $5,000

59. Devine- Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2024 STUDENT & SENIOR SAFE PROGRAMS, 9,798.98, 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 ReportingAny 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.

60. DEVINE - Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "EOEEA FY25 GREENING THE GATEWAY CITIES PROGRAM IMPLEMENTATION GRANT, $149,760, 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.

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62. DEVINE - Ordered that the Mayor in conjunction with the HPD and disabilities commission give an update on making the HPD building handicap accessible.
    Send to Public Safety Committee

63. DEVINE, ANDERSON-BURGOS - Ordered, that a “DO NOT BLOCK THE BOX” be painted on Northampton Street and West Franklin Street.

64. DEVINE - ORDERED: That the Law Department render an opinion if City Council rule 9C be changed from 45 continuous days to 45 business days. Report back to the full council.

65. GIVNER - By request of several business owners, update Grafitti ordinances 74-100 & 74-101 to transfer law enforcement responsibilities onto HPD instead of property owners. OR, give building owners warnings with a grace period of a specified number of days to clean up the graffiti BEFORE being fined. Building owners are currently fined for Graffiti creation on their property. This seems unfair as building owners are not tagging their own property and cannot control unlawful acts happening to their property. -Public Safety

66. GREANEY - Ordered that no group homes, profit or non-profit, be allowed within the city limits of Holyoke, Ma without the approval of the Holyoke City Council.

67. GREANEY - Ordered that the City of Holyoke tax work-off program for seniors be increased from 30 to 70 slots. Furthermore, that the stipend be increased from $750 to $1000.
Rationale: Applications for this program have dramatically increased. These economic times warrant the proposed changes.

68. JOURDAIN - Ordered, that DPW and Veolia provide the City Council with a report and illustration of all outstanding high priority capital needed for CSO improvement, transmission line and/or the plant itself required over the next 10 years (now and 2034). Please spell out the cost of the projects, timeline for completion, and location (provide a map if necessary for distribution lines). Please also report any grant funds or low interest loans available to subsidize the projects. Please provide if the city or operator partner is responsible for the costs and whether we need to bond for the project or it will be absorbed into the annual operating expense/cost. Please also number the projects in order of priority. Please also note if the city has already put funding in place or if no funding source has been approved yet. Please report to the City Council within 45 days of receipt.

69. MAGRATH-SMITH - Order that Kennedy Circle be added to Ordinance Sec. 86-325. - Schedule IV: Stop streets so that a permanent stop sign can be placed. This is a request from the interim engineer indicating that a stop sign is warranted.

70. MAGRATH-SMITH - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED ELEVEN THOUSAND AND 00/100 Dollars ($111,000) as follows:
FROM:
8811-10400 CAPITAL STABILIZATION $111,000
TOTAL: $111,000
TO:
14252-52600 HIGHWAYS R&M STREETS & FIXTURES $111,000
TOTAL: $111,000

71. MAGRATH-SMITH - Ordered that Rule 4B be amended to reflect current practice and open meeting law, clarifying that items for City Council meetings agendas are due at noon, not one o'clock, and adding that a Monday holiday would also change the deadline to Thursday instead of Friday.

72. MAGRATH-SMITH, DEVINE - ordered that the Library Director and Financial Manager come into City Council to provide an update concerning how the library is responding to the fees associated with the tax exemption issue and the potential impact to services.

73. MURPHY-ROMBOLETTI - Ordered that the City Council reconsider its June 4, 2024, Order approving the ballot question regarding the position of the Treasurer. Considering the opinion of the City Clerk, which was made pursuant to information received from the Secretary of the Commonwealth's office, the Charter change should be done via special legislation as approved by the City Council and Mayor as opposed to the City voters.

74. MURPHY-ROMBOLETTI - Ordered That the State Primary and the State Election in the City of Holyoke for the expression of various office of Candidates of political Parties for

offices herein stated be and they are hereby called to be held on Tuesday, September 3, 2024 and November 4, 2024 in various places as designated by the City Council.

The polls will be opened at 7:00 AM and remain open continuously thereafter until 8:00PM, when the polls will be closed, and all voters of the political parties will in the several polling places in which they are entitled to vote, between said hours, give in their votes by ImageCast Precinct for the election of candidates of political parties for the following offices: Please see attached.

75. MURPHY-ROMBOLETTI - With community support, ordered that the City Council dedicate Hillside Avenue as "David M. Bartley Way" in recognition of David M. Bartley who served as a member of the Massachusetts House of Representatives from 1963 to 1975, Speaker of the Massachusetts House of Representatives from 1969 to 1975, Secretary of Administration and Finance from 1982 to 1983, and President of Holyoke Community College from 1975 to 2004.

76. OCASIO- ordered that the DPW install a Handicap sign for Ana Rodriguez at 361 Chestnut St

77. OCASIO- Ordered that the DPW remove the handicap signs at the following locations:

1) Italian Osorio 588 South Summer St Apt 1613.
2) Maridelva de Jesus 588 South Summer St.
3) Emma Morales 586 South Summer St Apt 1512.
4) Wilfredo Loranzi 584 South Summer St Apt 1441.
5) Dianne Pierre 580 South Summer St 2L

All the residents no longer live at these locations.

78. RIVERA I. - Ordered that the Personnel Department and Law Department work in conjunction to update the following ordinances to reflect a modern Human Resources Department:

Article I
30-1 (a)
82-4 (c)
82-5 (c)

Article II Division I
2-40 (a)
2-43 (e) (k)
2-64
2-66 b (3)
2-67 (a)
2-69 (h)

Article II Division II
2-86

Article II Division VI
2-182 b (3) e (2)

Article III Division II
2-311 a, b, c, d
2-312 a, b (21)
2-313
2-314

Article IV 2-422 (b)

79. RIVERA J. - An order to declare Holyoke Assessors Parcel 030-08-004, 285 Main Street, Holyoke, MA as surplus property and sell to abutter, Johnna Caizan-Torres with an address of 10215 Jamaica Avenue, Apartment 2L, Richmond Hill, NY 11418, for $15,000.00. This property is valued under $35,000.00 and therefore exempt from procurement requirements.

80. RIVERA J. - Order to request the installation of a handicapped parking spot in front of 56 Mosher Street, where Mrs. Jusino resides. This request is made considering the disability challenges faced by Mrs. Jusino, who has issues accessing parking near her residences.

81. SULLIVAN - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWO HUNDRED FIFTY THOUSAND AND 00/100 Dollars ($250,000) as follows:
FROM:
8811-10400 CAPITAL STABILIZATION $200,000
8812-10400 SEWER STABILIZATION 50,000
TOTAL: $250,000
TO:
60402-53011 SEWER - PROF SERVICES OTHER $200,000
60402-53005 SEWER - LEGAL SERVICES 50,000
TOTAL: $250,000

82. VACON - ORDER: that an ordinance be created that establishes a public process for approving the installation of raised crosswalks that includes input from safety departments and the public and a determination from engineering.

83. VACON - ORDER: that Holyoke double the tax abatement for veterans as authorized by the Hero Act: Expanding Veteran Property Tax Exemptions.

84. VACON - ORDER: That a permanent sign indicating "traffic light ahead" be placed before the curve on Westfield Rd approaching Apremont Hwy going toward Westfield. That a sign indicating "traffic light ahead" be placed on Westfield Rd for traffic approaching from Westfield toward Holyoke
Receive and refer to DPW engineer to evaluate and determine if warranted and proper placement

LATE FILED ORDERS AND COMMUNICATIONS

Addendum:

Per City Council rule 2B, meeting shall end by 10 PM unless an extension is approved by a two-thirds majority of those present. If any items remain, those items will be added to the beginning of the next regular meeting.
The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting.
Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law

____
City Clerk

MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

June 28, 2024

Honorable City Councilors
City of Holyoke
City Hall

Re: VETO: Ordered, The Committee on Ordinance to whom was referred an order that an ordinance be established to address the 2/3 majority vote of the body for votes.

Dear Honorable City Councilors,

In accordance with Section 24 of the City Charter, I hereby veto the attached order and return the same to the Council with my objections. This Order seeks to provide clarification that the City Council shall be deemed to have adopted an ordinance upon a vote of two-thirds members of the City Council that are present at a City Council meeting.

MGL c. 43, Section 18 provides the following, "Every member of the council may vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance." While not specifically applicable to the City of Holyoke by the Massachusetts General Laws, note that several other of our local communities have provided that ordinances only need a majority vote of the members of the City Council to be adopted. See generally City of Westfield, City Council Rules Section 35, City of Easthampton Charter at Section 8-13 (as amended by the definition of Majority relative to City Council), and City of Northampton Charter Section 10-7(d).

I chose to veto this item in order to, hopefully, align ourselves with the true intent of the legislature in adopting ordinances, as well as to align ourselves with other local communities and how they adopt ordinances. In addition, a majority requirement would expedite legislation within the city and provide for a more efficient system.

Sincerely,

Joshua A. Garcia, Mayor

536 DWIGHT STREET • MAYOR'S OFFICE • HOLYOKE, MASSACHUSETTS 01040
PHONE: (413) 561-1600 • FAX: (413) 322-5521 • E-MAIL: garciaj@holyoke.org

Agenda # 12

City of Holyoke
City Council

- The Committee on Ordinance to whom was referred an order that an ordinance be established to address the 2/3 majority vote of the body for votes. Legal please provide the language necessary for review.
Recommended that the order be adopted.

In City Council, on June 18, 2024, the 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

YES:	(11)	David K. Bartley, Juan Anderson-Burgos, Patricia Devine, Kocayne S Givner, Howard Greaney, Kevin A. Jourdain, Carmen Ocasio, Israel Rivera, Jenny Rivera, Michael Sullivan, Linda Vacon
NO:	(2)	Meg Magrath-Smith, Tessa R. Murphy-Romboletti
ABSENT:	(0)	None

Presented to the Mayor	Mayor's Office
For Approval June 20 2024	Holyoke, MA June 28 2024
Brenna M. Leary City Clerk	Approved ____ Mayor

MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

July 18, 2024

The Honorable City Councilors
City of Holyoke
Holyoke, MA 01040

Dear Council Members:

Subject to your approval, I hereby re-appoint the following individuals to serve as Commissioners of the Council on Aging for the City of Holyoke:

Susan Aiken 359 Linden Street Holyoke, MA 01040	Timothy Rivers Holyoke Board of Health Holyoke, MA 01040	Julita Rojas 337 Sargeant Street Holyoke, MA 01040
Kyong Cruz 107 Martin Street Holyoke, MA 01040	Nicole Perrier 1706 Northampton Street Holyoke, MA 01040	Priscilla Garcia 89 Brooks Street Holyoke, MA 01040
Dian McCollum 20 Easthampton Road Holyoke, MA 01040	Cappie Glica 19 Concord Avenue Holyoke, MA 01040	Barbara J Grady 44 Edward Drive Holyoke, MA 01040
Len Brouillette 179 Morgan Street Holyoke, MA 01040	Mr. Wayne Klinge 22 Dale Street Holyoke, MA 01040	Jose (Rafi) Merced 781 Hampden St #2 Holyoke, MA 01040

They will serve a one-year term; said term will expire in August 2025.

Respectfully submitted,

Joshua A. Garcia, Mayor
JAG: nmo

RECEIVED

JUL 22 2024

Holyoke City Clerk's
Holyoke, MA

MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

June 13, 2024

RECEIVED

JUN 14 2024

Holyoke City Clerk's
Holyoke, MA

The Honorable City Council
City of Holyoke
Holyoke, MA 01040

Dear Honorable City Council:

Subject to your approval, I hereby appoint the following individual to serve as a Commissioner of the Parks & Recreation for the City of Holyoke:

Ms. Vanessa Santiago
75 Sycamore Street
Holyoke, MA 01040

Ms. Santiago will replace Jose Bayron and will serve the remainder of his term; said term will expire June 30, 2026.

Respectfully submitted,

Joshua A. Garcia, Mayor
JAG/nmo

CC: Vanessa Santiago
Tom Reynolds

MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

RECEIVED

JUL 17 2024

Holyoke City Clerk's
Holyoke, MA

July 16, 2024

Honorable Brenna Leary
City Clerk
City of Holyoke
Holyoke, MA 01040

Dear Ms. Leary:

Please be advised that the following individual has been hired by this office for the position of Director of Veterans Services with an effective date of Monday July 15, 2024:

Mr. Jorge Santiago
14 Laurel Street
Holyoke, MA 01040

This is a full-time position and eligible for all City of Holyoke employees' benefits. He shall have a 6-months' probation period according to the PSA contract. He will function at department head level, and he will report administratively to me.

Should you have any questions, please do not hesitate to contact me directly.

Respectfully submitted,

Joshua A. Garcia, Mayor
JAG: nmo

CC: Tanya Wdowiak, City Auditor
Rory Casey, Treasurer
Kelly Curran, Personnel
Retirement
Mr. Jorge Santiago

LEASE AGREEMENT FOR THE USE OF MACKENZIE FIELD

Upon execution by all parties, this AGREEMENT shall be effective as of March 14, 2024, by and between the **City of Holyoke** (hereinafter called the "City"), through its **Parks and Recreation Department** having a usual place of business at 536 Dwight Street, Holyoke, Hampden County, Massachusetts, and **Elms College** (hereinafter called "Elms"), having a usual place of business at 291 Springfield Street, Chicopee, Hampden County, Massachusetts.

WHEREAS, Elms is in need of a location to hold baseball practices and games during the Spring and Fall seasons; and

WHEREAS, the City owns the necessary space and facilities to provide Elms with a location to hold baseball practices and games;

NOW THEREFORE, the parties hereto mutually agree as follows:

I. PREMISES

The leased premise is Mackenzie Field (hereinafter called the "Premises"), a baseball field located at 500 Beech Street, Holyoke, Massachusetts.

II. TERM OF THE AGREEMENT

The term of this Agreement shall commence on March 14, 2024 and continue through October 31, 2024 with an option to renew for one year.

III. LEASE AMOUNT

A. Elms shall pay the City a flat rate of Four Thousand Dollars ($4,000.00) for use of the Premises during the 2024 Spring season (March 14, 2024 – May 15, 2024 and Two Thousand - Five Hundred Dollars ($2,500.00) for use of the Premises during the 2024 Fall season (September 1st, 2024 - October 31, 2024 weather permitting) for a total of Six Thousand Five-Hundred Dollars ($6,500.00) for use of the Premises.

B. The lease amount is non-refundable and payments shall be made in two installments. Four Thousand Dollars ($4,000.00) shall be paid by May 1, 2024. The remaining balance of Two Thousand - Five Hundred Dollars ($2,500.00) shall be paid by October 15th, 2024.

IV. USE OF THE PREMISES

A. The City hereby grants permission to Elms to enter and use the Premises as follows:

1. In the fall, Elms may use the Premises for five weeks to hold no more than fourteen (14) practices and one double-header game with the option to host one home day game.

2. In the spring, Elms may use the Premises from mid-March, weather permitting, through the first full week in May, (approximately May 10th or earlier) for a total of eight weeks to hold no more than thirty-two (32) practices, seven (7) single weekday games, four (4) double headers, and one single weekend game.

3. To avoid conflict with Holyoke High School's baseball team, which holds practice on the Premises from 3:00 p.m.-5:00 p.m. Monday-Friday. Elms can conduct mid-week morning practices from 11am – 1pm or evening practices on the Premises after Holyoke High practice is complete and can access the field at 6pm. Further, when Holyoke High School has mid-week games on the Premises, Elms shall not have morning practice, and can take the field once Holyoke High School is off the field.

B. Elms agrees to and understands the following:

1. The City will never use more than eight bags of "Speedy Dry" to dry the field on rainy days.

2. There is no on-site storage space for bats, balls, etc.

3. Personal batting and pitching nets may be stored by batting tunnels or behind home plate.

4. Elms shall provide scoreboard workers and an announcer for all home games.

5. Elms shall insure the Premises and dugouts are clean of trash after practice or game use.

6. Elms must use all field protective equipment during practices (field protective tarps & screens, batting mats) to limit the wear and tear on infield and home plate areas.

7. No music can be played during mid -week morning practices.

8. Elms shall provide all game day security and EMS services.

9. Elms shall be responsible for keys issued to them for access to the site, bathrooms, and field lights. All keys shall be returned to the City at the end of each season.

V. PRIORITY OF USE

A. Elms is the priority user in the fall ahead of Holyoke High School.

B. Holyoke High School is the priority user including rain date schedules in the spring ahead of Elms.

C. The City is responsible for scheduling use of the Premises and shall complete Elms' schedule as soon as possible once the High School Baseball schedule is confirmed. Rain dates will be scheduled through the Parks and Recreation Department.

VI. MAINTENANCE, UTILITIES, AND SERVICE OF PREMISES

A. The City agrees to maintain the Premises in good repair and perform all necessary repairs.

B. Elms shall be responsible for the cost of repair and for any damage as a result of negligence or intentional acts.

C. The City shall be responsible for the following:

1. Daily maintenance of the Premises.

2. Game day field preparation-mowing, raking, lining and placing bases, turning on the lights, opening the press box and bathroom facility and maintaining a staff person on sight for facility management.

3. Providing keys to Elms so it can access the site, bathroom facility and lights during practices and games.

4. The City reserves the right to provide and/or operate a concession service at the Premises on game days.

VII. SIGNS

A. Elms may affix appropriate identification signs to the exterior fence of the Premises in accordance with the City's Zoning Ordinance. The design and location of said sign or signs shall be subject to the City's approval, through its Parks and Recreation Commission. Reasonable approval shall not be withheld or delayed. Upon termination or lapse of this Agreement, Elms agrees to remove any signs affixed and repair any damage caused by such removal. The City does not guarantee the safety of such signs and, as the result of damage, will not be held accountable or liable in any way.

B. Elms may not sell or permit posting of signage or advertising of any third party.

C. All promotional material related to the Elms College Baseball Team's home games shall include Mackenzie Field in the City of Holyoke.

VIII. ASSIGNMENT

Elms shall not assign or sublet the whole or any part of the Premises without the City's prior written consent: such consent shall not be unreasonably withheld or delayed.

IX. INDEMNIFICATION

Elms shall assume the defense of (with counsel acceptable to the City) and indemnify and hold harmless the City and their respective officers, agents, and employees from any and all suits and claims against it or any of them arising from any negligent or intentional act or omission of the Supplier, its agents, associates, consultants, employees, partners, or servants, in any way connected with the performance of this Agreement. This provision shall survive the termination of the agreement.

X. INSURANCE

A. Elms shall at its own expense obtain and maintain Comprehensive Public Liability Insurance in the amount of One Hundred Thousand Dollars ($100,000.00) per injury, One Hundred Thousand Dollars ($100,000.00) per accident, and a property damage insurance limit of One Hundred Thousand Dollars ($100,000.00). In the event of a fire, both parties agree to a waiver of subrogation of up to the amount of their respective policies.

B. The insurers will be authorized to do business in Massachusetts, and the City of Holyoke shall be listed as a beneficiary for the policy at Mackenzie Stadium.

C. Elms shall file with the City of Holyoke Parks and Recreation Department certificates evidencing such coverage and outlining policy limits and information relative to coverage and the person covered thereby, which Certificate must be attached to this Agreement as <u>Exhibit A</u>.

XI. TERMINATION

A. Should a portion of the Premises, or of the property of which they are a part, be damaged by fire or other casualty, Elms may elect to terminate this pursuant to the terms below. If such fire or casualty renders the Premises unsuitable for use under the terms of this Agreement, Elms may elect to terminate this agreement if:

1. The City of Holyoke fails to give written (10) days 'notice of intention to restore the Premises, or

2. The City of Holyoke fails to restore the Premises to a condition suitable for their intended use within thirty (30) days or a mutually acceptable time from said fire or casualty.

B. If the Premises are condemned or cannot be repaired this Agreement will terminate upon twenty (20) days written notice by either party.

C. Notwithstanding any other provision of this Agreement, the City reserves the right to terminate this Agreement upon thirty (30) days written notice to Elms.

D. Termination of this Agreement shall not affect any rights or obligations accrued prior thereto.

XII. DEFAULT

Elms shall be in default of this Agreement should it fail to comply with any term herein. Subject to any governing provision of the law to the contrary, if Elms fails to cure any financial obligation within three (3) days or any other obligation within fourteen (14) days after written notice of such default is provided by the City to Elms, the City may take possession of Premises without further notice.

In the alternative, the City of Holyoke may elect to cure any default and cost of such action shall be added to Elms' financial obligations under the Agreement. Elms shall pay all costs, damages and expenses, including reasonably attorney's fees and expenses, suffered by the City of Holyoke by reason of default.

Holyoke by reason of default.

XIII. NOTICE

Notices to the parties under this Agreement shall be sent, registered, or certified mail, return receipt requested, postage prepaid, to the following addresses unless that party specifically requests that notices be sent to a different person or address.

To Elms:	Elms College 291 Springfield Street Chicopee, MA 01020
To the City:	City of Holyoke Parks & Recreation Department 536 Dwight Street, Room 14 Holyoke, MA 01040
With a copy to:	City Solicitor City of Holyoke Law Dept. 20 Korean Veterans Parkway, Room 204 Holyoke, MA 01040

XIV. APPLICABLE LAW AND EXCLUSIVE FORUM

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

XV. SURRENDER

Elms shall, at the expiration or other termination of this Agreement, remove all its goods and effects from the Premises. Elms shall deliver to the City the Premises and all keys and locks thereto in the same conditions as they were at the commencement of the term, or as they were put in during the term hereof, reasonable wear and tear and damage by fire or other casualty only excepted.

XIV. SUCCESSORS

A. The City and Elms each binds itself and legal representatives to such other party with respect to all covenants of this Agreement.

XV. COMPLIANCE WITH LAWS

Elms shall comply with all applicable state, federal and local laws, ordinances, and all applicable rules and regulations promulgated by all local, state, and national boards, bureaus and agencies, in the performance of services under this Agreement.

XVI. GENERAL PROVISIONS

A. If any term or provision of this Agreement should be declared invalid by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall be unimpaired.

B. Failure by either party at any time to require performance by the other or to claim a breach of this Agreement will not be construed as a waiver of any right under this Agreement.

XVII. EXTENT OF AGREEMENT

This Agreement represents the entire and integrated Agreement between the City and Elms and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by the authorized representatives of both the City and Elms, listed on the signature page of this Agreement, or their lawful successors in office or title.

IN WITNESS WHEREOF, the City of Holyoke, acting by and through its Parks and Recreation Department with the approval of its Mayor have executed this Agreement as of on the day and year the same is signed by all necessary parties, on the latest date listed below.

[*Remainder of this page is intentionally left blank; signature page to follow.*]

ELMS COLLEGE

BRYANT T. MORGAN
~~Katie Longley~~, Vice President

Finance and Administration

Date signed: 4/24/2024

CITY OF HOLYOKE

Jose Bayron, Chair
Parks and Recreation Department Commission
Date signed: 5-7-24

Approved as to Form:

Lisa Ball, City Solicitor
Date signed: 5-7-24

Approved:

Joshua A. Garcia, Mayor
Date signed: 5/7/2024

Exhibit "A"
Insurance Certificate(s)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/30/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Arthur J. Gallagher Risk Management Services, LLC
470 Atlantic Avenue
Boston MA 02210

CONTACT NAME: Diane Gould
PHONE (A/C, No, Ext): 617-531-7744 | FAX (A/C, No): 617-531-7731
E-MAIL ADDRESS: Diane_Gould@ajg.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : United Educators Ins, a Reciprocal Risk Retention	10020
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED ELMSCOL-01
College of the Lady of the Elms
291 Springfield St
Chicopee, MA 01013

COVERAGES CERTIFICATE NUMBER: 1816095428 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			W89-68T	11/1/2023	11/1/2024	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ Included
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 3,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ Included
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Leased Premise: Mackenzie Field located at 500 Beech Street, Holyoke, MA
City of Holyoke Parks and Recreation Department are additional insured with respect to general liability coverage.

CERTIFICATE HOLDER

City of Holyoke
Park and Recreation Department
536 Dwight Street
Holyoke MA 01040

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Patrick J. Veale

Exhibit "B"

2024 Home Game Schedules (as of 3/13/2024)

ELMS COLLEGE

Thursday 3/14 vs Wentworth 3:30pm
Wednesday 3/27 vs Lesley 6:00pm
Friday 3/29 vs Norwich DH 3:30pm
Saturday 3/30 vs St. Joe's CT DH 1pm
Wednesday 4/3 vs MCLA 3:30pm
Sunday 4/7 vs Rivier 1pm
Tuesday 4/9 vs St. Joes ME 3:30pm
Wednesday 4/10 vs WNE 3:30pm
Saturday 4/20 vs Dean DH 1pm
Wednesday 4/24 vs Amherst 3:30pm

HOLYOKE HIGH SCHOOL

Monday 4/1 vs Westfield 4pm
Friday 4/5 vs Taconic 4:30pm
Friday 4/12 vs West Springfield 4:45pm
Wednesday 4/17 vs Central 1pm
Friday 4/19 vs Agawam 1pm
Tuesday 4/23 vs Belchertown 4pm
Wednesday 5/1 vs Chicopee Comp 4pm
Thursday 5/9 vs Chicopee 6pm
Monday 5/13 vs East Longmeadow 6pm

RECEIVED

JUL 1 5 2024

Holyoke City Clerk's
Holyoke, MA

Mackenzie Stadium Lease

With The Valley Blue Sox (NECBL)

This agreement made and entered into this 1st Day of June 2024 by and between THE CITY OF HOLYOKE, acting herein by Mayor Joshua A. Garcia duly authorized, and through its Park and Recreation Department & Commission, having a usual place of business at 536 Dwight Street, Holyoke, Hampden County, Massachusetts, hereinafter referred to as the "City", and the Valley Sports Foundation, LLC, a non-for-profit corporation having its principal office in Springfield MA 01104 at 135 State St, Suite 201.

WITNESSETH:

Whereas, the City is the owner of a stadium located on Beech Street, Holyoke, Massachusetts known as Mackenzie Stadium herein referred to as the "Premises" and

Whereas the Blue Sox are desirous of leasing said Premises for a New England Collegiate Baseball League (NECBL) team, hereinafter referred to as the "Team" and which Team will play its 2024 season at the Premises all subject to the approval of the City.

Now, therefore, in consideration of the covenants and mutual promises herein contained the City does hereby lease to the Blue Sox, and The Blue sox do hereby lease from the City the Premises subject to the following terms and conditions.

1. **PURPOSE**
   The Team shall use the leased Premises for all its home games for the 2024 season, which are yet to be scheduled. The dates for the home games shall be subject to the availability of the Premises.

2. **TERM & RENT**

   2.1 Term
   This lease shall commence upon signing, for specific dates between June 1, 2024, and through August 20, 2024. As soon as the Team receives the 2024 schedule ("hereinafter referred to as the Schedule"), it will submit it to the Holyoke Parks and Recreation Department for its approval, and the Schedule will then become a part of this Agreement. ***The Holyoke Parks & Recreation Department retains the right to reschedule or bump any conflicting events between all stadium users.***

   2.2 Rent
   The yearly rental fee for 22 regular season games is $10,500.00.

The fees for 3 additional playoff games will be waived.
If the Gas & Electric Department does not provide a $1,000.00 credit for the lights, the Blue Sox will be charged for the use of the lights, in full, prior to the first regular season game.
A deposit, in the amount of Four Thousand Dollars ($4,000.00) shall be due on or before June 1, 2024.
A second payment in the amount of Three Thousand-Five Hundred Dollars ($3,500.00) shall be due on or before July 15, 2024.
The remaining balance of Three Thousand Dollars ($3,000.00) shall be due on or before August 20, 2024.
In the event of additional playoff games, beyond the three (3) games for which fees have been waived, payment must be received no later than seven days after the conclusion of the final game, at a cost of $250 per game.

Any violation of this contract in terms of payments will deem this contract null and void without further notice.

Mr. Matthew Drury, President of the Blue Sox Foundation, Inc. hereby personally guarantees payments of all rent due under this Agreement.

2.3 Availability of Facilities

The Parties acknowledge that the City, prior to the 2024 Season, has completed facility improvement to the concession and restroom facilities on the premises. Nothing in this section should be construed as to guaranteeing the condition, specifications, durability, or future availability of any facility improvements. Nor shall this section be construed as an agreement to negotiate over a reduction or increase in rent or any purpose not explicitly stated in section 2.3.

3. UTILITIES AND SERVICES

3.1 City Responsibilities

The City will be responsible for the following on Game Days:

1. Opening the field facilities at 3:00pm when the game begins at 6:30pm. The field should be groomed by 3:00pm for safe practice conditions.
2. Site setup is completed between 3:00pm and 5:00pm consisting of: Unlocking the Press box, opening and setting up the restroom facilities, opening gates, turning on the scoreboard, raise the American Flag and bring one golf cart to the field and the bullpen benches with the assistance of Team personnel if necessary. City Staff shall irrigate, groom, and line the field as necessary. (Exact order of task and timelines to be provided to staff)
3. The City shall complete the following tasks at the end of the game:
   Turn off the lights and secure the gates.

4. The City shall provide 1 staff person to complete the above tasks.

3.2 Team Responsibilities

The Team will be responsible for the following and any cost associated with them:

1. The Team shall provide personnel for site security to manage the spectators, supervise fence lines, and supervise those being admitted to the field. Security Staff are subordinate to City police personnel. The final decision regarding the security level requirements shall be vested in the City. **(See paragraph 9 below)**
2. The Team is responsible for the following tasks during the game: Maintain public bathrooms stocked and clean throughout the event, manage trash in barrels by changing liners during the event, if necessary, turn on the field lights when directed by officials.
3. The Team shall provide the staff with the ticket selling and ticket collecting tasks.
4. The Team shall provide game management personnel such as officials, and emergency medical services.
5. The Team shall provide the staff for the press box with a scoreboard operator, announcer and media staff as needed.
6. The Team shall provide the staff and equipment necessary to manage the parking area in a manner to ensure sufficient spaces are held open for handicap parking.
7. Keys are issued to Team personnel for the event and shall be returned to the site supervisor at the end of the event. Keys issued for the season shall not be duplicated and shall be returned immediately after the last scheduled home game to the Parks & Recreation Department.
8. The Team shall set up additional tables, chairs, and tents for the sale of promotional material, sponsorships, raffles, programs, games, VIP section or other purposes. previously approved by the City.
9. The Team will arrange with the Holyoke Police Department for officers to be present at the number required by the Police Department for spectator management and traffic management.
10. The Team shall secure an additional license and/or permits necessary occurring on the site.
11. The Team shall clean up debris caused by special events or VIP activity, or trash generated by regular fan use of the stands and remove all trash to a designated area for pick up by the City.
12. The Team has the option to broadcast the games over the internet and radio.
13. The Team has the option to use volunteer labor to hand groom the infield between innings with equipment provided by the Team.
14. The Team Shall ensure that golf cart drivers are no less than 18 years of age and have valid driver's licenses.
15. At end of season, the Team cleans out their equipment and belongings of all shared spaces on premises (in and around team building, concessions building,

concession building equipment, press box) and store their equipment and belongings in their team building for off season months.

4. USE OF LEASED PREMISES

The Team shall occupy and use the Premises for one photo session, scheduled practices and scheduled home games. **Additional activities such as promotional events or clinics must be approved by the Parks & Recreation Department.**

5. CONCESSIONS AND VENDING

The Team shall have the option to provide concessions at their home games and sell merchandise. The Team may contract with an outside food vendor providing that the vendor holds all necessary food service permits in a manner that is compatible with Serve Safe practices. Any outside food vendors must provide a certificate of insurance naming the City of Holyoke as an additional insured.

All permits associated with the selling of food items or promotional items in the City must also be obtained through the Board of Health, Fire Department and City Clerk's Office.

Fans should bring no alcoholic beverages into the facility during a scheduled event. Team Staff working the gates shall inform fans of this facility rule and ask them to return any alcoholic beverages to their cars or deposit it in a trash receptacle.

6. PARKING

There are two locations around the Roberts Field Sports Complex that can be used for parking. These include the Holyoke High School lot on Beech Street and the Holyoke High School lot on Resnic Boulevard. Parking in these lots is on a first come first served basis. There are additional recreation facilities at the Roberts Sports Complex, such as tennis courts and basketball courts, and a running/walking track. Therefore, the parking lots will not be for the exclusive use of fans attending the Team Games. On game days in which there is also an event scheduled at the Roberts Field Sports Complex fans could be directed to use the Fitzpatrick Arena parking lot on South Street as the primary lot.

The parking lots are unsupervised, and the City accepts no liability for damage done to vehicles in the lot at any time. Overnight parking is not permitted unless requested in writing and arranged by special permit.

7. SIGNS

The Team shall have the right to affix temporary Team identification signs (no more than three) to the premises accordance with the City's Zoning Ordinance. The design and location of said sign or signs shall be subject to approval by the City, through the Parks & Recreation Commission. Reasonable approval shall not be withheld or delayed. Signage preparation, installation, and maintenance shall be done at the sole expense of the Team. Upon termination, a lapse of this Lease or at the request of the Parks & Recreation Commission or

Director or due to the deterioration of the sign, the Team agrees to remove any signs affied by the Tam and repair any damage caused by such removal.

The Team has the right so sell portable advertising. Advertising banners may be secured by the Team to the fences around the field for the duration of their season. The Team must remove these banners at the end of the season. The Team shall repair any damage done to the fences because of securing these banners.

8. COMPLIANCE WITH LAWS/SEVERABILITY

The Team acknowledges that no trade or occupation shall be conducted on the Premises or use made thereof which will be unlawful, improper, noisy, or offensive, or contrary to any law or any municipality by-law or ordinance in force in the City of Holyoke. The City agrees that the use as presently proposed by the Team complies with the provisions hereof. Further, the rights of the parties under this lease are cumulative and shall not be construed as exclusive unless otherwise required by law.

If any portion of this lease shall be held to be invalid or unenforceable, the remaining provisions shall continue to be valid and enforceable.

9. MAINTENANCE OF PREMISES

The City agrees to keep the Premises in good repair and perform necessary repairs. The Team further agrees to maintain the leased premises in the same condition as they are received at the commencement of the term or as they may be put in during the term of this lease, reasonable wear and tear, damage by fire and other casualty only excepted.

10. ALTERATIONS/ADDITIONS

The Team shall not make any structural alterations or additions to the lease premises but may make non- structural alterations provided the City consents thereto in advance, in writing, such consent shall not be unreasonably withheld or delayed. All such allowed alterations shall be at the Team's expense and shall be of a quality at least equal to the present condition.

11. ASSIGNMENT OR SUBLEASE

The Team shall not assign in whole or in part the Lease or sublet the whole or any part of the Premises without the City's prior written consent; such consent shall not be unreasonably withheld or delayed.

12. PROMOTION OF THE CITY

The City and Team are mutually desirous that the Team shall establish itself as an asset of the City and that it establishes a "presence" in the City beyond merely playing home games at the Premises. In furtherance of this goal, the Team agrees that:

1. It will, to the fullest extent possible, employ Holyoke residents in paid non-management positions.

2. It will, whenever possible, utilize local services and supplies and shall, in all instances, provide fair and competitive opportunities to local businesses in its procurement of services and supplies. The team further agrees to keep the City apprised with respect to the extent to which the Team has and will meet this commitment.
3. It will reference "Mackenzie Stadium" and "Holyoke MA" in its promotional material related to the Team home games.

13. INDEMNITY OF LIABILITY

The Team agrees to indemnify and hold harmless the City of Holyoke, its agents, employees or any other person against loss or expense, including attorneys' fees, by reason of the liability imposed by law upon the City of Holyoke, for damage because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property arising out of or in consequence of this agreement, whether such injuries to persons or damage to property are due or claim to be due to any passive negligence of the City, its employees, or agents or any other person. It is further understood and agreed that the Team shall, at the option of the City of Holyoke, defend the City of Holyoke with appropriate counsel and shall further bear all costs and expense, including the expense of counsel, in the defense of any suit hereunder.

14. LIABILITY INSURANCE

The Team shall maintain with respect to the Premises and the property of which the Premises are a part, comprehensive public liability insurance in the amount of $1,000,000 per injury, $2,000,000 per accident with property damage insurance limits of $1,000,000 and fire and legal liability insurance with responsible companies qualified to do business in Massachusetts and in good standing therein insuring the City as well as the Team against injury to persons or damage to property as provided. In the event of a fire, both parties agree to a waiver of subrogation of up to the amount of their respective policies. Prior to the Team occupying the premises, the Team shall provide the City with a certificate of liability from the Team insurance company.

15. FIRE CASUALTY EMINENT DOMAIN

Should a portion of the Premises, or the property of which they are a part, be damaged by fire or another casualty, be taken by eminent domain, the Team may elect to terminate this lease. When such fire, casualty, or taking renders the leased remises unsuitable for their intended use, and the Team may elect to terminate this Lease if:

(a) The city fails to give written ten (10) days' notice of intention to restore the leased premises, or
(b) The City fails to restore the leased premises to a condition suitable for their intended use within thirty (30) days or a mutually acceptable time from said fire, casualty, or taking.

If the Premises are condemned or cannot be repaired this lease will terminate upon twenty (20) days written notice by either party.

16. TERMINATION OF LEASE

Notwithstanding any other provisions of this lease, the City may for any reason, including sale of leased premises, terminate this lease upon thirty (30) days written notice to the Team.

17. REPRESENTAION AS TO AUTHORITY

The Team shall provide documentation satisfactory to the City that it is duly constituted and incorporated under the laws of the Commonwealth of Massachusetts and further shall provide certification as to the authority of it officers to execute this agreement and authorize expenditure of funds.

18. NOTICE

Any notice from the City to the Team relating to the Premises or the occupancy thereof, shall be deemed duly served if mailed, registered, or certified mail, return receipt requested, postage paid, addressed to the Team at the address set forth above or any other address specified by the Team to the City in writing. Any notice from the Team to the City relating to the Premises or to the occupancy thereof, shall be deemed duly served, if mailed to the City by registered or certified mail, return receipt requested, postage prepaid, addressed to The City of Holyoke Parks and Recreation Department C/O The Director, 536 Dwight Street, Holyoke, MA, 01040.

19. SURRENDER

The Team shall at the expiration or other termination of this Lease remove all the Teams' goods and effects from the Premises. The Team shall deliver to the City the Premises and **ALL KEYS AND LOCKS** thereto in the same conditions as they were at the commencement of the term, or as they were put in during the term hereof, reasonable wear and tear and damage by fire or other casualty only excepted.

20. TENANT'S ACCESS TO PREMISES

The Team shall have access to the premises only during scheduled activities, from when it first takes possession of until the termination of its tenancy.

21. TITLE

The City holds good record title to the Premises. The City and the Team have full power and authority to execute and deliver this Lease and to perform their respective obligations hereunder, and this Lease is valid and binding in accordance with its terms. Further, the lease is subordinate to any mortgage that now exists or may be given by the City, with respect to the Premises.

22. HABITABILITY

The City agrees and acknowledges the premises, and its fixtures are in reasonable and acceptable condition for their intended use. Should in the opinion of the Team, the condition be less than reasonable, the Team shall promptly provide written notice to the City.

23. MISCELLANEOUS

1. The Team shall be fully responsible for any events conducted by it and nothing herein contained shall be construed as making the City an agent, employer, partner, joint venture of, or with the Team.
2. The Team shall permit no unlawful business to be carried on or conducted in or about the said premises.
3. The Team shall comply with all rules, regulations, and laws now in effect or which may be enacted during the term of this agreement by any municipal, State, or federal authority having jurisdiction over the premises.
4. The laws of the commonwealth of Massachusetts shall govern the validity, interpretation, construction, and performance of this Agreement. The sole and exclusive forum for the resolution of any question of law or fact arising out of this Agreement, to be determined in any judicial proceeding, shall be the Superior Court of Hampden County, or the United States, District Court for the Western District of Massachusetts, sitting in Springfield, Massachusetts. It is the express intentions of the parties that all legal actions and proceedings related to this Agreement or the rights of relationship of the parties arising therefrom shall be solely and exclusively brought and heard in said Courts.

24. DEFAULT

The Team shall be in default on the lease should it fail to comply with any terms herein. Subject to any governing provision of law to the contrary, if the Team fails to cure any financial obligation within three (3) days or any other obligation within fourteen (14) days after written notice of such default is provided by the City to Team, the City may take possession of the premises without any further notice.

In the alternative, the City may elect to cure any default and the cost of such action shall be added to the Team financial obligations under the lease. The Team shall pay all costs, damages, and expenses, including reasonable attorney's fees and expenses, suffered by the City by reason of Team default.

25. EXTENT OF AGREEMENT

This Agreement represents the entire and integrated Agreement between the City and The Valley Blue Sox and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by the authorized representatives of both the City and The Valley Blue Sox, listed on the signature page of this Agreement, or their lawful successors in office or title.

Addendum A is affixed hereto and fully incorporated by reference.

IN WITNESS WHEREOF, the City of Holyoke, acting by and through its Parks and Recreation Department with the approval of its Mayor have executed this Agreement as of on the day and year the same is signed by all necessary parties, on the latest date listed below.

LANDLORD:

City of Holyoke

____

Jose Bayron, Chair

Parks & Recreation

____

Joshua A. Garcia, Mayor

TENANT:

____

Matthew Drury, President

Valley Sports Foundation, Inc.

Approved as to Form:

____

Lisa Ball, City Solicitor

Addendum A

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 04/24/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER K&K Insurance Group, Inc. 1712 Magnavox Way Fort Wayne IN 46804	CONTACT NAME: Mass Merchandising Underwriting PHONE (A/C, No, Ext): 1-800-426-2889 FAX (A/C, No): 1-260-459-5105 E-MAIL ADDRESS: info@sportsinsurance-kk.com PRODUCER CUSTOMER ID:

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	AIG Specialty Insurance Company	26883
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
New England Collegiate Baseball League Inc
PO Box 1036
North Adams, MA 01247
A Member of the Sports, Leisure & Entertainment RPG

COVERAGES

CERTIFICATE NUMBER: W02681225 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY	X		9YAPG0001334486100	05/12/2024 12:01 AM EDT	05/12/2025 12:01 AM	EACH OCCURRENCE	$5,000,000
	CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea Occurrence)	$1,000,000
							MED EXP (Any one person)	$5,000
							PERSONAL & ADV INJURY	$5,000,000
							GENERAL AGGREGATE	$5,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS – COMP/OP AGG	$5,000,000
	POLICY PRO-JECT LOC						PROFESSIONAL LIABILITY	$5,000,000
	OTHER:						LEGAL LIAB TO PARTICIPANTS	$5,000,000
A	AUTOMOBILE LIABILITY			9YAPG0001334486100	05/12/2024 12:01 AM EDT	05/12/2025 12:01 AM	COMBINED SINGLE LIMIT (Ea accident)	$5,000,000
	ANY AUTO						BODILY INJURY (Per person)	
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	
	X NOT PROVIDED WHILE IN HAWAII							
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	
	DED / RETENTION							
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A					PER STATUTE / OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N						E.L. EACH ACCIDENT	
							E.L. DISEASE – EA EMPLOYEE	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE – POLICY LIMIT	
A	MEDICAL PAYMENTS FOR PARTICIPANTS			9YAPG0001334486100	05/12/2024 12:01 AM EDT	05/12/2025 12:01 AM	PRIMARY MEDICAL	
							EXCESS MEDICAL	$25,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Legal Liability to Participants (LLP) limit is a per occurrence limit.
Sport(s): Baseball Age(s): 16-19, 20 and over
The certificate holder is added as an additional insured, but only for liability caused, in whole or in part, by the acts or omissions of the named insured.

CERTIFICATE HOLDER	CANCELLATION
Holyoke Park and Recreation 536 Dwight St #14 Holoyke, MA 01035 (Owner/Lessor of Premises)	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Scott [illegible]

Coverage is only extended to U.S. events and activities.
** NOTICE TO TEXAS INSUREDS: The Insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas

Pilot Program
Remote Work/Telecommuting Expectations

Purpose:

Although the City of Holyoke remains an in-person workplace, we recognize that certain staff have a desire to telecommute for various personal and professional reasons. Telecommuting is a work arrangement that allows employees to work from home for some of their regularly scheduled work hours.

Although not all jobs can be performed satisfactorily from home, the City recognizes that, in some cases, telecommuting arrangements can provide a mutually beneficial option for both the City and employees. This telework policy is intended to be a pilot program that will run from July 1, 2024-June 30, 2025; it is intended to support employees in finding work-life harmony and is a workplace wellness strategy - not an employee right. **This benefit only applies to non-bargaining unit employees.**

Policy:

Employees who are eligible for telework will be eligible for up to twenty (26) days of remote work between July 1st and June 30th each year. (This is an average of one day every other week.) Such time will be available after an employee has completed ninety (90) days of work. The total number of days available will be prorated for part-time staff and mid-year hires.

In order to be least disruptive to normal business operations, employees are encouraged to use this time in increments of one day per pay period; employees may *not* take more than two (2) consecutive remote work days. Furthermore, telecommuting/remote work is not intended to extend any leave time and is not allowed immediately preceding or proceeding vacation leave or a holiday. (Should there be extenuating circumstances, you must submit the form and fill out the exceptions section.)

Employees are expected to request remote work a minimum of three (3) days in advance in order to allow time for the supervisor to assess coverage and other department/organizational needs. Employees may make their request for remote work through their immediate supervisor. It is at the discretion of the supervisor to approve or deny the request in advance. Pre-approvals must be in writing via email and must be made available upon request by the Personnel Department. (Text messages may also be used for approval, but it is the employee's responsibility to track and maintain such approvals.)

Should the Mayor make the decision to do a City-wide closure where staff are expected to work remotely, it will not count against an employee's bank of remote work days.

An employee's compensation, benefits, work status, and work responsibilities will not change due to participation in the telework program. Teleworking employees must comply with all City rules, policies, and procedures.

Terms and Conditions:

1. **Eligibility**:

    Employees must have signed off that they have read and understand the terms and conditions of the telework program.

    Eligible employees must be employed for a minimum of ninety (90) calendar days and must be in good standing with the City; the individual must have consistently proficient and/or exemplary job performance ratings, with no record of performance/conduct issues within the past year of employment. The employee must be able to work independently and demonstrate productivity and time management.

    Employees shall be eligible for telecommuting based on their primary job responsibilities and job classification as outlined HERE. The resources that an employee needs to do their job must be easily transportable or available electronically and without additional cost to the City.

    Teleworking is not an alternative to child or elder care and, when applicable, the employee must make appropriate arrangements for dependent care. Teleworking is not intended to allow staff to extend their vacations/holidays.

    Further consideration may be given to the availability of other qualified employees on-site.

2. **Schedules and Hours:**

    It is expected that employees adhere to their regularly scheduled hours when telecommuting; the amount of time the teleworker is expected to work per day will not change due to accessing telework.

    In alignment with in-person work, the employee's supervisor may approve an alternate schedule provided that it is not disruptive to the work. However, the total amount of time the teleworker is expected to work per day shall not be modified.

    Although expected to be rare, Supervisors retain the right to require a teleworker to return, in-person, to the worksite on a regularly scheduled telework day should work situations warrant such an action. If a teleworker is frequently required to return to their work location during regularly scheduled telework days, the supervisor may re-evaluate the compatibility of the teleworker's job responsibilities with respect to teleworking, or the specific telework schedule.

Teleworkers are required to account for all time worked in accordance with the current timekeeping practices and policies. It is the teleworker's responsibility to submit an accurate accounting of hours worked in a timely manner and to use the appropriate paycode. Should a teleworker need to use leave time, they must follow normal procedures and policies to request the appropriate accrued time for the hours not worked.

3. Home Office/Workspaces Set up:

Teleworkers must have an appropriate workspace in their home/remote work location that considers ergonomics, equipment, workspace, noise, and interruption factors. The teleworker's workspace should provide an adequate work area, lighting, telephone service, a reliable internet connection, and power. Their home/remote work area must provide confidentiality as needed for sensitive topics. Additional requirements may vary, depending on the nature of the work and the equipment needed to perform the work.

The employee's home office/workspace should be professional and appropriate for your job; there should be no inappropriate background items including but not limited to alcohol bottles or inappropriate wall decor. If you are in a virtual meeting, the space should be free of noise to avoid disruption.

The City is not responsible for setting up any home office.

Furthermore, Employees are expected to maintain a professional appearance at all times, even when telecommuting.

4. Equipment and Supplies:

The City may provide specific tools/equipment for the employee to perform their duties. This may include computer hardware, computer software, email, google phone number and voicemail, connectivity to host applications, and other equipment as determined available by the Supervisor in collaboration with the IT Department. The City is not obligated to provide any materials or pay for any services that would be an additional cost to the City.

The City will provide for repairs to company equipment; however, if the employee uses their personal equipment, the employee is responsible for maintenance and repair.

All aspects of the City's IT Acceptable Use Policy will apply to teleworkers. In accordance, the use of district issued equipment, software, and data supplies is limited to the authorized person and for the purpose of required City work; City issued equipment may not be shared with other household members and shall not be used for personal matters.

5. **Employee Access and Availability:**

Employees must be available by phone or email during scheduled hours, with the exception of their scheduled lunch period. Furthermore, they are expected to keep a detailed calendar of their schedule, and full calendar details must be shared with their supervisor.

Teleworkers must keep their supervisors notified of any changes to their home/remote contact information.

6. **Rules and other City policies:**

While working remotely, employees must adhere to all the conditions in the Ordinance as well as other rules and procedures set forth by the City and/or supervisor. All City policies around conduct, confidentiality, sick leave, etc., continue to apply, regardless of location.

Disciplinary actions will follow policy transgressions of any kind. If an employee is found to be abusing this privilege it can be suspended or denied at any time.

7. **Exceptions:**

Under extraordinary circumstances, the City may approve additional flexibility. Such decisions will be determined on a case-by-case basis at the sole discretion of the Mayor (or designee). All deviations from the information outlined in this policy must be in writing with prior approval from the employee's supervisor, and the Mayor (or designee). Please complete this form to be considered for an exception. All approvals must be completed in order for the exception to be effective.

Agreements without all levels of written approval will not be honored.

The Mayor can discontinue this pilot at any time.

Brenna Murphy Leary, MMC, City Clerk
Kelly A. Lundgren, Assistant City Clerk

OFFICE OF CITY CLERK- HOLYOKE, MA

July 31, 2024

City Council President Tessa Murphy-Romboletti
536 Dwight St.
Holyoke, MA 01040

Dear Madam President and Honorable Members of the City Council:

On June 4, 2024, the City Council authorized a ballot question for the city voters to decide whether or not the Treasurer would become an appointed position. While it is ideal that the issue be submitted to the voters for approval, unfortunately there is no reasonable or cost-effective way to do this prior to the next election of a Treasurer.

Subsequent to the June 4, 2024, City Council approval, the City was advised by the Elections Division of the Secretary of the Commonwealth that while the City could potentially seek to have the ballot question on a separate ballot during the 2024 election in November, there would be a number of potential issues to which the Secretary of the Commonwealth advises against having the ballot question done at the same time as the 2024 election. As you can see in the email by the state (attached to this letter), they also have a lot of the same concerns that I share, not to mention the confusion this will cause for our poll workers as well as for the voters.

In addition, having the question in the 2025 election would create confusion as the ballot question would be on the same ballot as the actual election of the Treasurer.

The only alternative would be to have a special election which would be held at great expense to the City. If this is the option the City Council would like to pursue, I would recommend having the election in the late winter/early fall to give enough time for a candidate to run for the position if the ballot question was to fail.

Considering that the City Council is the legislative body elected by the City voters it would not be unreasonable to have the City Council request a special act without direct voter approval. Therefore, I am requesting that the City Council reconsider its June 4, 2024, order.

If you have any questions, please do not hesitate to contact me directly.

Respectfully,

Brenna Murphy Leary

Brenna Murphy Leary, MMC
City Clerk of Holyoke

City of Holyoke, Massachusetts
Birthplace of Volleyball

Brenna Leary <mcgeeb@holyoke.org>

special election

Tassinari, Michelle (SEC) <Michelle.Tassinari@sec.state.ma.us> Fri, Jun 7, 2024 at 11:42 AM
To: BrennaMcGee <mcgeeb@holyoke.org>

Good Morning Brenna-

I think the first question is under what authority can the City hold a special election for that question? Unless you have a charter provision or special act that allows it, it doesn't appear that it's allowable under the General Laws.

In any event, holding dual elections raises some issues. You'll need to print separate ballots for the municipal election and voters who vote in person either during early voting or on election day would need to check in twice —once for each election. Also, there may be certain voters who are only eligible to vote in the state election. If a voter moved within MA in the previous 6 months but failed to re-register, they'd be eligible to vote in the state election but not in the local election.

For vote by mail, you'd need to send a local election ballot to any voter who selected "all elections this year" or just the November election. However, this means you'd need to go back through your applications to enter them into VRIS for the local election as well. You could mail the ballots out in the same envelope, but will need to provide clear instructions for returning the ballots. The voter will need to insert the ballots into separate inner affidavit envelopes (which you'll need to label to distinguish the state from the local). They can use the same return envelope, but if the inner affidavit envelopes have 2 ballots in one envelope, you have to reject both ballots.

The issue you'll have is that I'm pretty sure the state election ballot will already be at least 2 cards to accommodate the ballot questions in English and Spanish. Also, you'd likely need to print your local election ballot on the same size paper as the state election ballot in order for the tabulator to read it.

Another point of confusion may be the ballot return deadline. For the municipal election ballot, all ballots will need to be received by the close of polls to be counted. For the state election, ballots postmarked on or before election day and received within 3 days are eligible to be counted.

Just lots of moving pieces and administrative challenges to having a dual election...

Michelle

[Quoted text hidden]

EXECUTIVE SESSION OF THE CITY COUNCIL

February 8, 2021

The meeting began at 6:11 PM

Absent members 1 (Lebron-Martinez) Present Members 12 (Anderson-Burgos, Bartley, Hernandez, Leahy, Lisi, McGee, McGiverin, Murphy, Sullivan, Tallman, Vacon)

President McGee recognized Acting City Solicitor Crystal Barnes.

Atty Barnes presented an outline of the items to be discussed, which included closed cases, federal court litigation, Massachusetts Appeals Court, state court litigation, Massachusetts Commission Against Discrimination (MCAD), Bankruptcy Court, and presentiment letters. She then emphasized that the conversation was confidential, adding that some of it would be follow up on old cases.

- She then stated that the first case was Padras Latinos de las Escuelas de Springfield y Holyoke ("PLESH") v. Massachusetts Department of Elementary & Secondary Education, et al.. She explained that there was a settlement after quite some time or mediation and negotiations. She explained that the final outcome was that the school paid out $65,000 and the state paid out either $150,000 or $165,000. She added that it came out of the school budget. She noted that these items would be a brief overview as their inside house counsel Tasha Marshall on litigation matters was out that evening, so follow up questions could continue to another night.
- She then explained the next case was John J. Smith, Jr. v. City of Holyoke et al. She explained that this was a police misconduct case following a police vehicle pursuit where state police also responded. She stated that the demand was $275,000. She noted that it had been ongoing for quite some time. She then stated that the city filed a motion for summary judgement and an update had just come, allowing it in part but denying it in part. She further explained that they threw out some of the claims and kept some. She noted that Atty Charles Emma was handling this matter. She then stated that the case would go forward on one of the counts based on the allegations of excessive force. She added that on count 2 against the city, which was based on a failure to train on use of force policies and high pursuit policy. She then stated that Atty Emma felt the judge made some mistakes in his ruling, seemingly allowing the party to come forward and have the case continue rather than throwing out the entire case. She then stated they were working on a cost benefit analysis on whether to continue to file more motions or let the trial continue, noting that the city loses some rights based on when some motions are filed.
- She then stated that the next item was an appeals matter, a case of Shaun Kelley v. City of Holyoke. She stated that the city won this case. She then explained that an officer was put on administrative leave due to bad drug testing. She added that they were now appealing the decision. She then stated that outside counsel, Joe Schneiderman, was handling the matter. She stated that there was an issue with how the judgement got noticed and docketed, which led to them having trouble filing the appeal because the courts were having trouble talking to each other. She noted briefs had not yet been filed.
- She then stated that the next item was the City of Holyoke v. NASDI, which had been ongoing for a while. The presentation explained that this had to do with seeking reimbursement from the contractor following the collapse of the Essex House in December of 2014. She explained that there was a new change in that NASDI had filed bankruptcy. She then stated the city had used Atty Joseph Lange in the past for bankruptcy matters, including with some housing court issues and had great success, and he was being utilized on this one to continue to perfect the claims and make sure the city's claim is protected and doesn't lose money in the bankruptcy. She added that the city could not move forward as long as the bankruptcy was pending.

- She then stated that the next case was the City of Holyoke v. Mountain View, et al, a breach of contract claim where Roberts Field was found to be defective. She explained that they were trying to get a mediation date settled so they could start making demands. She then stated that they were looking to request $1.5 million, which was a figure provided by experts to explain what it would cost to put in a new field as there was no reviving what was there. She added that they realistically may be able to expect around $1.2 million. She added that Atty Emma was working on a contingency fee basis, meaning that he would get a cut of it if the city won. She noted that because it was a breach of contract claim, the city could not add in attorneys fees as part of the demand.
- She then moved to the next case, Jayne Billings v. City of Holyoke, a tort claim where they were alleging that they tripped over a tree branch on the street and were requesting damages. She explained this was being handled in house and that Atty Tasha Marshall had filed an answer in the claim, stating that there was some contributory negligence in tripping over a tree branch. She added that there was also some determining if the tree was the city's. She noted that this spoke to the issue of dead trees in the city. She then stated that it appeared this was a city tree but with so many trees around, it was hard to determine for sure. She stated that they filed an answer a while ago so it was possible they may not hear anything.
- She then moved to the next case, Mayer v. MHA, City of Holyoke, et al, a land court case regarding a group home at 11 Yale Street. She then stated that the city filed a motion for summary judgement. She added that the Mental Health Association (MHA) had also filed a motion for summary judgment. She then suggested it would be at least another 60 days, noting that the city was given 30 days to file theirs and the plaintiffs were given another 30 days to oppose that, and then the city would get another 30 days to rebut their opposition. She then suggested that this wasn't major for the city as they were waiting for the court to decide whether they needed to pull the building permits or if they could stay at the property. She explained that this was more MHA's case, and the city was called in because the city held the permit. She expressed hope that this would be resolved soon as it was a huge time burden for their department.
- She then stated that there were not any MCAD claims for the city but there was one for the schools for a wrongful termination. She explained they had outside counsel and it came out of their budget. She noted that these kinds of discrimination claims happen fairly frequently.
- She then stated that there were two presentment letters, something that had to be sent to their office before a claim can be filed. She then explained that one was the Estate of Daniel Allende v City of Holyoke and Atty General Maura Healey. She then stated that it was a wrongful death claim with the Police Department. She explained that Mr. Allende was in police custody, they were doing their checks and thought he was sleeping in his cell, but later found that he had died while in custody. She then stated that it was alleged he had drugs in his rectum, and it was possible that ruptured while he was in custody. She added that the state was involved because he was supposed to be on an ankle tracker, and they believed it failed. She added that other claims were arising from that because the state lost track of their criminal. She reiterated that they had not yet received a filing.
- She then explained that the next case involved Natasha Custodio, a woman who posted bail in a case, and then the bail was revoked, the Commonwealth returned her money. She then stated that the alleged violation was that Holyoke Police went to her home requesting the money be provided to the Police Department because they felt the money was part of the case and should be kept as such. She explained that they were still fact finding at that point to find out what happened in that situation. She explained that Atty Emma was handling the wrongful death case and was also being asked to help handle the Custodio civil rights case. She noted that it was currently just a torts claim, with Ms. Custodio asking for the money back, which came to around $25,000.

Councilor Sullivan noted that the first case where $65,000 was coming out of the school budget was while the city was under receivership and the state was in control of all of the programs and administration of the school, but the city was having to pay for their screwup.

Atty Barnes stated that was correct. She noted that it was from 2017, although she was unsure when receivership started.

Greaney stated it was five years ago.

Atty Barnes expressed her understanding that a lot of what was put into policies and procedures that came out of the settlement of the case had been requested from a state mandate. She then explained that the city was put in the position of a guinea pig, where a bar was set as far was what schools across the state should be doing. She noted one bonus was that the city was not trying to meet state mandates because they were already in place. She added that they also had to fulfill requirements of reporting to the plaintiffs once a year, showing whether or not the city was still in compliance. She noted that the city could ask for changes in procedures based on if the city was finding financial difficulties.

Councilor Sullivan asked if it had been paid out from the School Department budget already.

Atty Barnes stated that it had. She then explained that they had requested $1.3 million in just attorneys fees and it was settled at $65,000 from the School Department, reiterating that the state put in their own money.

Councilor Sullivan noted that the automatic stay on the NASDI case affected the company that went into bankruptcy, but asked to clarify that the claim was against the insurance company.

Atty Barnes stated that NASDI fled for bankruptcy but because it was a multi-party case, the case was stalled because the city was looking for $1 million in insurance but the person holding the insurance was also up against it.

Councilor Sullivan expressed his understanding that in clear cut cases like this, there wasn't much for a bankruptcy attorney to do and only needed to file a motion for an automatic stay. He suggested that these usually fly right through because lawsuits supersede anything pre-bankruptcy. He questioned why that would hold this up.

Atty Barnes stated that while she wouldn't think so either but offered a reminder that in a previous code enforcement, the company filed for bankruptcy, the city's motion for relief from stay got denied twice. She added that it was almost a battle between two courts because the other couldn’t believe it was denied either. She then expressed concern that if the claim was not perfected by someone well versed in that procedure, the city could lose its claim to the money.

Councilor Sullivan suggested that it should be quick and inexpensive to handle it.

Atty Barnes expressed hope that it would be. She added that Atty Lange had been good about his billing and was not charging the city too much, just for the motions and hearings.

Councilor Sullivan asked what Atty Emma's contingency fee was on number 5, the Mountain View case.

Atty Barnes stated that it was a 30% percentage of the settlement.

Councilor Sullivan expressed surprise at 30% of a $1.5 million claim. He then asked if the person who filed a claim about tripping on a tree branch was a Holyoke resident.

Atty Barnes stated that they were.

Greaney asked if there were injuries with the tree branch and what damagedswere being sought.

Atty Barnes stated that the complaint was for $75,000. She noted that there was a max of $5,000 so was not sure why the complaint was so high. She then expressed her understanding that the woman fell and busted her knee cap pretty bad. She reiterated that they had not heard anything back from them in a while.

Councilor Hernandez, noting that this information was confidential, asked if anyone from the community besides these people knew the claims were ongoing, and what should a councilor say if someone did present a question to them.

Atty Barnes stated that councilors should not discuss any information they receive in these meetings, emphasizing that this was essentially an attorney/client privileged meeting. She noted that even after cases settle, minutes sometimes still cannot be released because strategy and negotiation techniques can be talked about and release could harm the department in negotiating future cases. She noted that while case names are public record, that shouldn't even be discussed because information not yet known to the public could be inadvertently mentioned.

Councilor McGiverin asked what was being asked for in the Officer Kelley case.

Atty Barnes stated that they were appealing the decision because the city won the appeal.

Councilor McGiverin expressed his understanding that Officer Kelley was erroneously put on administrative leave for a false positive and that he had already received back pay.

Atty Barnes stated that he was bypassed for a promotion based on the false positive and was now looking for an appeal to have that appealed.

McGivern asked for clarification that it wasn't monetary.

Atty Barnes stated that she did not have more information at that time.

Councilor McGiverin suggested settling if it was not monetary.

Atty Barnes stated that she would love to say it's not monetary, but she didn't want to be inaccurate.

Councilor McGiverin noted that Mountain View was not the original contractor. He then asked what happened.

Atty Barnes stated that it was Mountain View and others. She then stated that the field was multilayered, and they had to sue the multiple companies that contributed to the field because they couldn’t determine where the defect was, so they were all pointing fingers at each other. She explained that Mountain View was just one of the parties.

Councilor McGiverin asked how many staff attorneys were in the office.

Atty Barnes stated there were three.

Councilor McGiverin asked who the other was in addition to Atty Barnes and Atty Marshall.

Atty Barnes stated the other was Jenny Wellhoff.

Councilor McGiverin asked if there were any openings.

Atty Barnes stated that they had no openings, adding that she gave up a position and they didn't have a Solicitor appointed.

Councilor McGiverin stated that the Solicitor was an opening.

Atty Barnes stated that was correct but not one she could fill.

Councilor McGiverin emphasized that she was doing the job. He then noted that being down any bodies made it difficult to do things in house.

Atty Barnes stated that was correct.

Councilor McGiverin asked her to explain giving up a position.

Atty Barnes stated that if they were fully staffed, they would have a Solicitor, 3 Assistant Solicitors, 2 Associates, a paralegal, and an admin. She then explained that they had 3 Assistants, and a paralegal.

Councilor McGiverin asked if there was labor counsel.

Atty Barnes stated they did who filled a position and charges $3,000 a month flat fee for anything asked of him. She added that for $36,000, she got labor counsel rather than continuing to take in people who would be learning it on the job, which was an issue before. She expressed her belief that was the way it should stay, noting it was a necessary evil to have outside counsel for a specialty.

Councilor McGiverin expressed agreement but believed that what the labor counsel was contracted for should be a separate line item in the budget.

Atty Barnes stated that they would fix that for the next budget session.

Councilor McGiverin commended her for her work.

Councilor Tallman asked if a decision could come back in the Yale Street case and say the city could take away their permits.

Atty Barnes stated that they had a building permit that was issued, an appeal was brought to the zoning board of appeals, which failed, and they filed the complaint with the land court based on the denial of their appeal. She added that the city was now just waiting because they currently had a valid building permit and were basically currently building at their own risk. She suggested that the court could say a number of things, there could be a monetary matter with MHA, there could be a situation where MHA has to convert the building back to what it was before the building permit was issued, but the city was a party in the case just waiting to be told if the building permit would remain valid.

Councilor Tallman asked if there was actual cost to the city.

Atty Barnes stated there was not.

Councilor Tallman asked if there were attorneys working on it.

Atty Barnes stated that it was just in house attorneys.

Councilor Lisi noted there were several orders in committees that were filed in relation to the zoning, as well as something in Public Safety, on the MHA matter. She then asked if they could move forward on those items or were they not able to because of the pending litigation.

Atty Barnes recommended against messing with the zoning ordinances while it was pending because they were making arguments based on the zoning ordinances. She added that it was also a hot issue in other cases, one recently where the land court waited for the final decision to happen during the litigation. She then suggested that with the undetermined legalities around zoning amendment surrounding group homes, more research needed to be done before amending them. She suggested amending them could also be a detriment to the case.

Councilor Lisi asked how to handle the related but non-zoning orders.

Atty Barnes stated that she did not know what the non-zoning issues would be.

Councilor Lisi stated that something was in Public Safety, including a letter that was received. She deferred to Councilor Murphy as chair of that committee. She did not recall what kind of action the letter was asking for.

Councilor Murphy stated that Public Safety didn't have anything.

Councilor Bartley stated that Councilor Lisi was referring to an order he filed that had been sitting in committee for a long time. He then asked Atty Barnes to explain a little more what she meant when she recommended against addressing the zoning order because it would taint the argument. He stated that he did not support that argument and did not support the city's position. He asked how it would impact the city's position. He added that he was getting calls from constituents asking when that order was going to be taken up, adding that Councilor Lisi, as Ordinance chair, was getting the same emails. He asked how they should respond.

Atty Barnes stated that she could do more research on the issue around regulating group homes and the zoning amendments to that effect and put something together. She then explained that as they had just filed a motion stating that the city's ordinances allow group homes as of right, she did not want there to be any appeals to the case if the zoning was changed while the case was pending, adding that they would then have to change their argument. She then suggested that it may not impact their argument because it depended on what was in place at the time their permit was issued, but still did not believe it was a good idea to change zoning ordinance when there was pending litigation about zoning ordinance surrounding group homes. She added that the court could say that the city can't regulate them, and she would rather see an outcome first because group homes were currently supposed to be treated like a residential home and were allowed as of right.

Councilor Bartley recalled during the introductory comments, the comment at the time was that either they would continue their construction, or the city could pull the building permit. He then stated that it was not clear on the city's position being impacted by a zoning discussion. He suggested that another discussion could take place later in the year and it could be made more clear what the impact on the city's position would be. He also noted that as the order had not been taken up in a timely fashion, it may have to be refiled anyway.

Atty Barnes stated that it would be because they would be getting treated separately. She added that the impact of this case on the city was the building permit. She added that was because the zoning ordinance was in compliance with other litigation that took place before, which stated that group homes were allowed as of right. She then suggested that if the city started changing that, there was other litigation stating that they should be allowed as of right. She emphasized that the case was one issue and changing the zoning ordinance was a different issue. She then stated that while the case was about the building permit, the case as a whole looked at the zoning ordinance and group homes being allowed as of right, if they served an educational purpose, if they fell under the Dover Amendment, and other issues at play that didn't currently bear on the city because it was currently in compliance with other litigation. She then reiterated that changing that could have an impact.

Councilor Bartley asked if they were two separate issues within the same case, or two separate cases.

Atty Barnes stated that the litigation was not with the city, but there were other cases coming out of the SJC (Supreme Judicial Court) out of other municipalities that were changing regulations on zoning ordinances that relate to group homes.

Councilor Bartley emphasized that the earlier point made was to recommend against taking up the order because it could impact the city's case. He then suggested that it appeared she was changing it because there were other cases involved.

Atty Barnes suggested that he wasn't paying attention. She then explained that there was other pending litigation that had come out saying that the city shouldn't change zoning amendments.

Councilor Bartley expressed frustration at being told he wasn't paying attention.

President McGee asked for cordiality to get the information.

Councilor Bartley stated that he was asking for information.

President McGee asked Atty Barnes for a clear answer for what Councilor Bartley was getting at. He then asked if her point was that there was no litigation against the city but there was other litigation.

Atty Barnes stated that there were other cases about regulating group homes through zoning amendments. She then emphasized that the city's argument in this case was that they were allowed as of right. She suggested that if the city changed it while basing its arguments on a specific part of the zoning ordinance would be a little odd. She reiterated that it would not affect the case because they looked to what they were when the case was filed. She also reiterated that with so many other cases being litigated relative to zoning and group homes, it would be touchy to start charging it when they were in compliance with laws and the statuses of other cases coming out of the courts.

Councilor Bartley suggested that when another litigation review takes place, a presentation on those other cases could be provided.

Atty Barnes stated that she could do that.

Councilor McGiverin recalled that the city had a special permit process as part of the ordinance in the 1980's, and the city was challenged that the language controlling any group home was unconstitutional. He recalled that the while gist of it was that they were educational facilities and not residential. He added that the codes would not allow them to exist as residential because they had multiple parties paying for the expenses of the home.

Councilor McGiverin made a motion to adjourn the executive session. He noted that the body has to convene in public session to adjourn the meeting. Councilor Tallman seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Lebron-Martinez).

Adjourned at 6:59 PM.

REGULAR MEETING OF THE CITY COUNCIL

June 18, 2024

President Murphy-Romboletti noted that there had been some technical difficulties with Holyoke Media. She then asked Atty Bissonnette if the meeting could continue in compliance with the Open Meeting Law if it was not livestreamed or on Zoom.

Atty Bissonnette asked if any members were participating remotely.

President Murphy-Romboletti stated that Councilor Jourdain was on Zoom earlier but now was not.

Atty Bissonnette stated that it would be more difficult if there was a remote member. He then stated that Council chambers were open, the meeting was publicized as a public meeting, and had also been publicized as proving public access via Zoom. He then explained that technical difficulties were not regarded as Open Meeting Law violations generally, and this meeting would be okay to go forward. He added that one option would be using the Zoom recoding to retransmit later.

The meeting was called to order by President Murphy-Romboletti at 7:44 PM

The Clerk called the roll. Absent Members: 0 Present Members 13 (Anderson-Burgos, Bartley, Devine, Givner, Greaney, Jourdain, Magrath-Smith, Murphy-Romboletti, Ocasio, I. Rivera, J. Rivera, Sullivan, Vacon).

The Pledge of Allegiance was recited.

President Murphy-Romboletti noted that the meeting was starting late due to a joint meeting of the School Committee and the City Council to vote on filling an at-large vacancy on the School Committee.

Councilor Magrath-Smith noted that as the meeting was starting late and the Council would be going to summer recess following this meeting, she made a motion to extend the meeting beyond the 10pm deadline until all items on the agenda are completed. Councilor Sullivan seconded the motion. Motion adopted.

President Murphy-Romboletti invited Councilor Devine to the podium for a presentation.

Councilor Devine presented a resolution on behalf of the City Council to extend congratulations to the Pioneer Valley Lupus Support Group in recognition of their commitment to and engagement on behalf of the over 5 million people affected by Lupus.

Lynn Gagnon, representing the Pioneer Valley Lupus Support Group, thanked the City Council for the proclamation. She emphasized the importance of educating the public as Lupus was not as well known of a disease so that people knew the symptoms and could catch it in time to be diagnosed and get the proper treatment. She then stated that the proclamation was a big step in spreading Lupus awareness.

Councilor Jourdain asked for a moment of silence to recognize the loss of Jose Garcia, former longtime DPW Commissioner. He then stated that Mr. Garcia has been a tremendous guy, had volunteered at the Senior Center for many years, and had done unbelievable work for multiple civic organizations.

A moment of silence was observed for Jose Garcia.

Councilor Jourdain asked for a moment of silence to recognize the loss of George Beauregard. He then stated that Mr. Beauregard had served as an attorney in the community, including as a founding member of one of the esteemed practices in the city. He added that Mr. Beauregard had also served as a judge in the Holyoke District Court. He noted that Mr. Beauregard had a lot of knowledge, was civically minded, and had deep conviction and deep faith.

A moment of silence was observed for George Beauregard.

PUBLIC COMMENT

Deborah Albury, 104 Beech Street, stated that as part of commuting, she regularly passed by the Victory Theater. She then stated that she had learned startling information about the theater being a historic site worthy of preservation designation. She then suggested that a reasonable review needed to be done of the documentation for the tax credits. She then expressed support for David Weinberg who could speak more thoroughly on the topic.

Spencer Fox Peterson, 51 Portland Street, stated that big news had been released regarding corporate landlords colluding to raise rents. He emphasized the importance of having rental protections in Holyoke, noting the city had over 60% renters. He added that stable housing was paramount for public safety and public health. He then expressed concern that people could be forced out of the city due to greedy landlords, emphasizing that this was not every landlord in the city. He noted that Neighbor2Neighbor and other groups were pushing for an Office of Tenant Protections in the city, adding that Mayor Garcia agreed with it.

David Weinberg, 3 Hillcrest Avenue, expressed concern about the Victory Theater. He then stated that the Victory Theater was not on the Historic Registry, referencing an email from Jennifer Keitt, adding that it would be necessary in order to receive federal historic tax credits. He then stated that they had no federal historic tax credits while reporting they were receiving $6,915,000. He then stated that the Victory Theater was on the Mass Historic Registry and had $4,100,000 in historic tax credits. He then explained that those amounts came from the Secretary of State's website. He then stated that MiFA's past artistic programs to be greatly expanded once Victory was completed had no prior successful record in Holyoke. He added that between 2015 and 2019, MiFA had a combined budget of $2,401,000 and performance presentation income of $32,202. He questioned if their income could credibly pay the expenses of the restoration.

Councilor Greaney made a motion to extend Mr. Weinberg's time for another minute. Councilor Vacon seconded the motion. Motion adopted.

D. Wienberg stated that 2021 990's from the IRS listed travel for Don Sanders $49,029 with $950 revenue from programs. He questioned the need for travel with so little financial return. He added that the fundraising figures had included funds to restore Victory Theater as well as funds to put on MiFA, and that it wasn't known how that money was being spent. He also questioned a recent statement that there would be $19 million in historic tax credits.

COMMUNICATIONS

(18:10)

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

Motion was made and seconded to suspend the necessary rules to take up items 1 through 3 as a package.

From Mayor Joshua Garcia, letter reappointing Hayley Dunn of 199 Northampton St. to serve on the Board of Registrar of Voters. Ms. Dunn will serve a three year term that will expire on March 31, 2027.
---> Received and appointment approved.

From Mayor Joshua Garcia, letter reappointing Kenneth Harstine of 56 Nonotuck St to serve as a Commissioner of the Solider's Memorial. Mr. Harstine will serve a three-year term expiring on June 30, 2027.
---> Received and appointment approved.

From Mayor Joshua Garcia, letter reappointing Beth Gosslein of 1070 Northampton St. to serve on the Local Historic District Commission for Fairfield Ave. Ms. Gosselin will serve a three-year term expiring on July 1, 2027.
---> Received and appointment approved.

Motion was made and seconded to suspend the necessary rules to take up items 4 and 35 as a package.

From Florin Muradian, Request to withdraw special permit application for Home Occupation at 42 Arnodale Ave
---> Received.

The Committee on Development and Governmental Relations to whom was referred an order Special permit application for a home occupation at 42 Arnodale Ave (124-00- 077) for a driveway sealcoating business (Homeowner: Dylan Bradford, business owner: Florin Muradian)

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Givner stated that the recommendation from the Law Department during the hearing was that this was nothing the correct permit for this type of business because the permit would allow for a business that primarily would take place at the home and there was disagreement whether or not that was the case. She noted that he was not seeking to withdraw it.

Councilor Bartley commended Councilor Givner for running a good meeting. He then stated that he did not necessarily agree with the Law Department and made a motion to request an explanation in writing from the Law Department on what a home occupancy special permit allows. He added that there were too many open questions. Councilor Vacon seconded the motion.

Councilor Devine expressed a desire to see an order filed making that request instead.

Motion adopted.
---> Report of Committee received and application given a leave to withdraw without prejudice at the request of the applicant on a call of the roll of the yeas and nays--Yeas 12--Nays 1 (Bartley)--Absent 0.

From David Weinberg, information regarding MiFA/Victory Theater

Councilor Bartley noted that Mr. Weinberg had just summarized his communication during public comment. He then questioned where else this should go, noting there was still an open question. He added that the whole situation with the Victory Theater had been going on for 35+ years. He added that he had heard about 'shovels in the ground' from the director multiple times. He questioned at what point does the city say "this is it" and actually mean it. He emphasized that Mr. Weinberg was just a volunteer looking for answers.

Councilor Givner stated that the presentation from Mr. Sanders in the DGR Committee was helpful. She then stated that it was unfortunate that Mr. Weinberg did not attend. She then suggested that it would be more helpful if a community meeting was held with all parties present so that questions could be answered. She noted that MiFA talked about holding something at Holyoke Media, which could be publicized so that community members could be present and ask questions directly to the people at MiFA.

Councilor Greaney stated that he was one of the skeptics. He then questioned if the communication should be reviewed by the Law Department, noting that some of it was accusatory. He then expressed concern with the city being involved if there was something that was illegal or not right.

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

Atty Bissonnette stated that they should wait until another hearing that included MiFA as well as the interested citizens. He then stated that the allegations being made in the letter were significant and there may be some people's interests and rights at stake. He then advised that the city should not get too much further into this as there were other investigatory avenues, including the State Ethics Commission, that may play a proper role. He added that this kind of investigation was not something the Solicitor's office could do, but they could make a referral if there was sufficient information that made it rise to that level.

Councilor Bartley suggested that the Holyoke Historical Commission could gather facts and proceed accordingly.
---> Received. Copy to Historical Commission.

From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, minutes from the May 21, 2024 meeting.
---> Received and Adopted.

PETITIONS

(31:55)

From residents of Woodland St, petition for installation of new storm drain.

Councilor Bartley stated that this should be referred to the Board of Public Works for a follow up, and they could give some direction.

Councilor I. Rivera asked if this kind of petition required a public hearing, similar to what would be required for speed humps.

President Murphy-Romboletti stated that she did not think so but asked Atty Bissonnette to confirm.

Atty Bissonnette stated that the Board of Public Works would have to look at this and make the necessary calculations.

President Murphy-Romboletti asked to confirm that would not be hosted by the Councl.

Atty Bissonnette confirmed that was correct.

Councilor Devine suggested sending it to the Board of Public Works Commission so they could take it up at their next meeting.
---> Received and referred to Board of Public Works.

PRESIDENT'S REPORT

(34:25)

President Murphy-Romboletti noted a calendar invite was sent out to hold a date open for a special meeting the Mayor may be looking to hold regarding free cash. She noted that she attended a monthly meeting for finance department heads, and it appeared they would be looking to set the tax rate at either the November 19th meeting or the December 3rd meeting. She added that the state required it to be set by December 3rd.
She then stated that a late file was on the agenda regarding the September meetings, noting that the first Tuesday meeting date would need to be changed due to the state primary and the third Tuesday meeting date would conflict with Holyoke Day at the Big E. She then emphasized that she did not want to hold a

meeting that month so was recommending holding the meetings on the Wednesday dates immediately following those Tuesdays.
She then congratulated the Tax Collector, Laura Shaw, for being named as one of the 40 Under 40 awardees for the year.
She then congratulated Councilor Anderson-Burgos for winning 3rd overall and 1st in his division at the Pride 5K.
She then offered a reminder that the fireworks would be held on June 28th and a rain date of June 30th.
She then stated that PrideFest would take place at Veterans Park on June 22nd.

REPORTS OF COMMITTEES

(37:15)

President Murphy-Romboletti invited Councilor Jourdain to stand in for her for this item as she would be abstaining from discussion of the item.

The Committee on Ordinance to whom was referred an order Petition of Blue Fox Brands, Inc. for a special permit for a Marijuana Manufacturing Establishment at 1 Cabot St.

have considered the same and Recommended that the special permit be granted with the following conditions:
1. That the owner of the building always pay the commercial property tax rate to the extent allowed by federal, state, and local laws for the duration of the Special Permit.
2. That the business retains a minimum 30% Holyoke residents for non-security jobs.
3. That the hiring preference be given to security personnel that are retired Holyoke police or are a retired member of another police department that now lives in the city of Holyoke.
4. There shall be no marijuana consumption allowed on site.
5. That the hours of operation be Monday - Friday, 6am-12am, Saturday and Sunday, 7am-2pm.
6. That the applicant must abide by Massachusetts General Laws and guidances from the Cannabis Control Commission.
7. That the petitioner/applicant shall conform with city and state health laws, rules, and regulations, including odor nuisance controls, for the duration of the permit.
8. That if substantial progress has not occurred within 2 years of issuance of the Special Permit, an extension shall be required.
9. That items 2a and 2b on the Planning Board letter, dated May 31, 2024, be adhered to.

Committee Members:

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

UNDER DISCUSSION:
Councilor I. Rivera stated that the facility would be located on Cabot and Canal. He noted several businesses were at the coalition. He stated that questions about traffic and parking were discussed. He added that they were also asked about impact in the community. He added that they were only focused on manufacturing and not retail, and there would only be a certain number of people throughout the day.

He added that they would begin with 2 shifts, and later plan for a third shift. He also stated that they planned to start as soon as all permissions were granted.

Councilor Sullivan noted the owner of the building was not the applicant, and the applicant should not be held to paying the taxes. He added that there was no mechanism for enforcing the conditions on the number of people working for the business from Holyoke.

Councilor I. Rivera stated that he agreed, adding that it was something most other businesses had agreed to, and they were on to maintain consistency. He also stated that while there was no mechanism to police the 30% residency conditions, the company did have a Michigan business with 70% of their workforce from the community.

Acting President Jourdain noted that the owner was required to sign the application, had an interest in the property, and was consenting to go along with the conditions, specifically item 1.

Councilor Bartley stated that the conditions were regularly applied, and the Building Department and the Board of Health could check on those. He added that with noncompliance, the permit could be revoked. He noted the current Building Commissioner had just sent out letters to several property owners with 3 or more family homes in compliance with state law.

Councilor Greaney stated that he would vote no as he had on every marijuana issue except for one, which had been a testing laboratory.

Councilor Ocasio stated that she would vote against it due to traffic issues. She noted there was congestion and there were concerns about accidents. She expressed frustration that nobody was listening to concerns. She then stated that there was no proof things would be safe.

Councilor J. Rivera stated that she would oppose it due to concerns with traffic, particularly with truck traffic as well as a PVTA route.

Councilor Magrath-Smith thanked councilors for attending the rich discussion. She recalled that a lot of concerns about traffic came up. She added that this project gave her pause in context to a recent discussion about host community agreements. She noted that while the city likely would not be pursuing those fees going forward, there appeared to be a real impact being named here. She suggested making a case for impact fees when there were tangible impacts to be shown.

Councilor Vacon offered a reminder that the applicant was asked if the host community agreement included money for mitigation, and they said the agreement modeled by the CCC included up to 5% mitigation fees, which required documentation as to what the charge would be for. She suggested there was a mechanism in place to address the concerns.

Councilor Devine emphasized the need to defer to ward councilors, and that she would vote no for that reason.

Councilor Sullivan stated that the owner of the building had spent considerable time and money developing the building and keeping in on the tax rolls. He expressed concern about denying that owner the opportunity to bring in more tenants.

Councilor Bartley asked others to consider the fact that nobody indicated during the hearing that they would vote against it because of traffic mitigation. He emphasized that they could have asked the applicant that night about mitigation. He also stated that another condition could be added to ask for a traffic mitigation study. He also stated that they would have to come back annually for a renewal of the special permit. He then made a motion to add a 10th condition that the owner of the building and the applicant come back to the City Council with a recommendation within 6 months with a traffic and parking mitigation plan. Councilor Vacon seconded the motion.

Acting President Jourdain clarified that special permits do not come back every year for renewal.

Councilor Bartley stated that they could still add the 6 month condition.

Acting President Jourdain stated that it could be added, assuming the applicant was agreeable to it.

Councilor Bartley stated that would give a little breathing room for 6 months. He then referenced Ordinance 9.3.3 as allowing the City Council to apply reasonable conditions to a special permit. He suggested that a traffic and parking plan was reasonable, it would give them 6 months to comply, and the permit would go away if they did not comply with the condition.

Acting President Jourdain noted that the motion was to add a 10th condition that, within 6 months of the granting of the special permit, the applicant would be required to provide a traffic and parking and mitigation plan.

Councilor Anderson-Burgos stated that during discussion of many of the previous special permits for marijuana industry businesses, the bulk of the conversations had been about traffic impacts and safety. He expressed concern that putting this specific one under a microscope would not be consistent with every other applicant.

Councilor Givner agreed that there was a concern about consistency, adding that this was a little late to add another stipulation to the special permit when it should have happened during the Ordinance Committee meeting. She noted that there were other cannabis companies in the same building without this condition, potentially making this company alone responsible for addressing traffic mitigation outside the building.

Councilor Devine stated that she was now unsure what to do, noting that she initially wanted to defer to the ward councilors but was now hearing other points that made sense. She then asked Councilor J. Rivera and Councilor Ocasio how they were feeling about this discussion.

Acting President Jourdain stated that he would recognize them after others with their hands up had a chance to speak.

Councilor Sullivan asked to confirm that there would be no retail sales at this business.

Councilor I. Rivera stated there would be no retail sales.

Councilor Sullivan suggested that if some people were going into their shift as others were leaving, he did not see any need to be concerned with traffic mitigation.

Councilor I. Rivera stated that there may be one retail store at the location, but they would have limited hours and it was smaller.

Councilor Sullivan clarified that this applicant would not be retail.

Councilor I. Rivera confirmed that this applicant would not be retail.

Councilor Sullivan emphasized that that would be a boutique manufacturer, not a company as large as GTI.

Councilor I. Rivera agreed that it would come across as singling them out if only one company had the extra condition and could bring legal issues if this did not pass. He agreed that cannabis companies had been saturating the neighborhoods and had not been as involved in the community as they promised they would, but that was not necessarily this business's fault, and really fell on the owner of the building to take the lead on figuring out parking and traffic.

Councilor Vacon stated that she seconded the motion out of a desire to not see the discussion end but did not support adding the 10th condition. She recalled that in the early days when the owner came in with some of the early applicants, they had discussion relative to traffic and parking, and there was agreement the owner would come up with a plan. She then noted that in discussion of this permit, she asked about parking and was assured there were adequate spaces for the businesses in the building. She suggested an order could be filed to discuss a plan with the building owner.

Councilor J. Rivera expressed appreciation for the respectful nature of the discussion. She agreed that it appeared they were targeting the business but noted that there was discussion and concern brought up in the meeting. She added that they spoke of a desire to see traffic redirected. She then stated that she would support the special permit in order to avoid looking like this business was being targeted, and was open to joining on an order to bring the building owner in.

Councilor Vacon withdrew her second.

Councilor Bartley withdrew his motion. He emphasized that the condition was intended to be applied to the building owner.

Acting President Jourdain noted that an order may not be binding, while a condition would be.

--->Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 2 (Greaney, Ocasio)--Abstain 1 (Murphy-Romboletti)

Councilor Devine offered congratulations to President Murphy-Romboletti for an award she would be receiving the following week.

Councilor J. Rivera stated that President Murphy-Romboletti was chosen by Emerge Massachusetts to receive a Woman of the Year Award.

President Murphy-Romboletti stated that Emerge was a program that helped women run for office, one that she participated in in 2021. She added that 3 other awesome women were also getting the award.

The Committee on Ordinance to whom was referred an order 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.

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 a fee was being charged to people to file a claim if their vehicle was damaged by potholes. He noted the policy was that the city had to know about a pothole ahead of time for people to be reimbursed. He stated that it did not make sense to charge a fee when taxes cover that expense.

Councilor Givner suggested that it created more work and likely cost the city more than the fee was generating. She noted that it was the practice of neighboring communities to not charge the fee.

Councilor Jourdain commended the committee for putting this through. He agreed that it was poor practice from a customer service perspective for people already dealing with damages to be asked to pay to file, adding that people may not even win their appeal.
---> 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.

The Committee on Ordinance to whom was referred an order that the Ordinance relative to the payment of city lifeguards be revised so as to make sure we are being competitive to other communities in the highly competitive employment of Summer lifeguards. Moreover, that the Aquatics Director and/or other reps from the Recreation dept be invited to the Ordinance Committee to help us review and change as appropriate.

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

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 an attempt to keep up with the rising costs of lifeguards. He noted that the Parks and Rec Director had been negotiating with lifeguards to remain competitive with neighboring communities. He then explained that as the ranges were set by ordinance, they wanted to make sure that the Director was able to negotiate. He added that they learned the increase fit within the range already set by ordinance, but would likely have to be increased in the future.

Councilor Greaney called the question.
---> Report of Committee received and recommendation Adopted.

The Committee on Ordinance to whom was referred an order for the removal of the handicap parking sign currently installed at 36 Northeast Street. The tenant, Lori Bresnahan, has relocated to Easthampton, making the presence of the handicap sign unnecessary at the specified location.

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 straightforward.
---> 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.

The Committee on Ordinance to whom was referred an order that an ordinance be established to address the 2/3 majority vote of the body for votes. Legal please provide the language necessary for review.

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 there had been different forms of legal language discussed and the final form stipulated that passage would be by two-thirds of those present. He noted that he had some confusion in that he had understood it was about votes for everything versus just ordinances, but discussions focused on ordinances specifically.

Councilor Vacon stated that there were many robust discussions that resulted in compromise after a meeting of the minds of people coming from different places.

Councilor Givner asked for confirmation that the legal language was what would be adopted.

Councilor Vacon confirmed that was accurate.

Councilor Bartley commended Atty Mantolesky for putting the language together, emphasizing that it was less simple than it may have seemed it would be.
---> Report of Committee received and the Ordinance passed its first reading.
The Ordinance passed its second reading.
The Ordinance was passed to be enrolled.
The Committee has considered the same and find that it is truly and properly enrolled.
Report of Enrollment received.
The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 2 (Magrath-Smith, Murphy-Romboletti)--Absent 0.

(1:23:40)

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, FIVE HUNDRED AND 00/100 Dollars ($500) as follows:
FROM:
15101-51203 PAY-BOH SUBSTITUTE NURSE $500
TOTAL: $500
TO:
15101-51300 PAY-BOH OVERTIME $500
TOTAL: $500

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

Committee Members:

Patricia Devine
Kocayne Givner

Michael Sullivan
Kevin A. Jourdain
Linda L. Vacon

UNDER DISCUSSION:
Councilor Devine stated that the Board of Health did a tobacco sting, with 4 business having had their second violation within 36 months for selling tobacco to persons under the legal age, each received a $2,000 fine. She added that 3 other businesses were fined for selling tobacco to those under the legal age were fined $1,000 each.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (I. Rivera).

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, FIVE HUNDRED AND 00/100 Dollars ($500) as follows:
FROM:
12201-51105 FIREFIGHTERS $500
TOTAL: $500
TO:
12201-51301 ARSON OVERTIME $500
TOTAL: $500

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that the overtime was to cover vacations as well as for the fireworks.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (I. Rivera).

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SEVEN THOUSAND SIX HUNDRED FIFTEEN AND 42/100 Dollars ($7,615.42) as follows:
FROM:
11521-51104 PERSONNEL-HEAD ADMIN CLERK $7,615.42
TOTAL: $7,615.42
TO:
11522-53009 PERSONNEL-CONTRACTED PROF SERV $7,615.42
TOTAL: $7,615.42

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that someone had left in the department and they were hiring someone to cover for them.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (I. Rivera).

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, NINE THOUSAND AND 00/100 Dollars ($9,000) as follows:
FROM:
11751-51223 OPED-DEVELOPMENT SPECIALIST $9,000
TOTAL: $9,000
TO:
11751-53010 OPED-OTHER CONTRACTED SERVICES $9,000
TOTAL: $9,000

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that a development specialist had left and they were now putting the money back in. She added that it was staff support for the Tourism Advisory Committee.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Givner).

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 FOUR THOUSAND FIVE HUNDRED SEVENTY AND 00/100 Dollars ($24,570) as follows:
FROM:
1376-10400 SMART GROWTH ZONING $24,570
TOTAL: $24,570
TO:
GRANT -VOTE FY 2023 SAFE STREETS $24,570
TOTAL: $24,570

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that transfer was for a safe streets grant being funded for the implementation of planning and demonstration grants, safety performances, equity for all grants, as well as associated costs.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2023 SAFE STREETS AND ROADS FOR ALL, $197,850, LOCAL FUNDS $24,570/IN KIND MATCH $15,000" 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.

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that there was an in kind match through employees working late meetings and similar work.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Finance to whom was referred an order that DPW and Sewer put together a study and present on the potential benefits of adopting a sewer maintenance program similar to the one run at the Water Department.

have considered the same and Recommended that the order be referred to the Board of Public Works.

Committee Members:

Patricia Devine

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

UNDER DISCUSSION:
Councilor Devine stated that Water Department had this already, and then deferred to Councilor Jourdain to talk more about it as a former member of the Water Commission. She then suggested that the Board of Public Works could take this up at their next meeting.

Councilor Jourdain commended Councilor I. Rivera for also supporting the idea of looking into the sewer maintenance program, noting there was already one in place for the Water Department which was added to the quarterly bill. He then explained that it would cover costs such as if a water line were to burst from the street to someone's meter. He added that this would examine the sewer line. He noted that residents had spoken with him about the massive expenses related to having a sewer line collapse. He noted that it would add $60-$70 a year to those bills, adding that it would require everyone in the program to keep costs down. He also emphasized that it would need to be mandatory to avoid having someone who said no being one who would end up having an incident.

Councilor I. Rivera stated that the expense could be a significant cost to some homeowners that would throw their budget out of whack. He recalled that while working with One Holyoke CDC, he had seen people go through this, try to get help through CDBG funding, and not know how to repair it if they were not approved. He noted that while homeowners insurance had been suggested as a way to cover this, those companies often pick and choose what they were willing to cover. He emphasized that Holyoke had a lot of old piping that would eventually fail.
---> Report of Committee received and recommendation Adopted.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SIXTEEN THOUSAND THREE HUNDRED AND 00/100 Dollars ($16,300) as follows:
FROM:
12101-51312 HPD-SNOW REMOVAL OVERTIME $6,300
12101-51915 HPD-EDUCATION PLAN 10,000
TOTAL: $16,300
TO:
12101-51321 HPD-SPECIAL EVENTS OVERTIME $16,300
TOTAL: $16,300

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that this was for special events such as PrideFest and the city's fireworks.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND AND 00/100 Dollars ($21,000) as follows:
FROM:
12101-51107 PATROLMEN $21,000
TOTAL: $21,000
TO:
12102-52100 ENERGY $21,000
TOTAL: $21,000

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that this was to finish a payment to Holyoke Gas & Electric for electrical lights.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (I. Rivera).

Motion was made and seconded to suspend the necessary rules to take up item 54 out of order.

Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWELVE THOUSAND ONE HUNDRED TWENTY FIVE AND 00/100 Dollars ($12,125) as follows:
FROM:
14102-53010 ENGINEERING SERVICES $12,125
TOTAL: $12,125
TO:
14101-51101 ENGINEER $12,125
TOTAL: $12,125

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 18, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
Councilor Sullivan stated that the Council has seen the problems with not having a fill time Engineer, and funds needed to be available. He added that as the city went through the hiring process, there was not enough in the budget to cover what was being advertised. He suggested that anyone interested in the position would not come based on a promise that they could count on a bunch of politicians to get them the rest of the money.

Councilor Devine agreed that the city could not keep going on without an Engineer, noting that the last transfer for a contractor was for $48,000. She emphasized that a lot of projects were not being done because the engineering services were only part time.

Councilor Anderson-Burgos stated that this position had created a lot of anxiety, reiterating the number of projects that had been backed up. He added that he had been getting a lot of calls on the need of an Engineer.

Councilor Jourdain agreed with the comments, but asked for clarification that this was funding to hire an Engineer, not taking away from engineering services being used in the meantime. He added that he wanted to be sure the city didn't go to having nobody in the interim. He then noted that he spoken with the Mayor as well as the DPW Director, and they were happy with the work of the contracted interim engineer.

Councilor Sullivan stated that he was assured there were enough funds to keep them in place.

Councilor Greaney called the question.

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

The Committee on Finance to whom was referred an 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.

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine observed that this had been a productive meeting with everyone being kind and talking things out. She then stated that she would be voting against the recommendation to deny. She suggested that this was not being good legislators and the Council was not the executive branch. She suggested that it was wrong to not allow the Mayor to do what he wanted with this settlement fund.

Councilor Vacon asked that the committee report be provided along with that personal opinion being offered.

Councilor Devine stated that the motion was to keep $74,000 in this account to maintain two-step protection that would require the Mayor to get Council approval to do anything with the funds.

Councilor Jourdain shared the sentiments about good decorum during the meeting. He then explained that the city would be receiving opioid settlement funds and a stabilization fund had been created for that process. He then stated that the remaining funds in that fund would require a Council vote to be expended. He then expressed his opinion that requiring the Mayor to convince two-thirds of the Council was good government in action. He then stated that by dissolving this account, the remaining funds would be transferred to a reserve fund and essentially become just like ARPA or CDBG funding where the Council had no vote. He added that he believed those should also have Council approval, noting that the Council currently only had the ability to offer recommendations. He asked that other councilors deny the request to dissolve the stabilization fund. He emphasized that he expected the Mayor would do honorable things with the funds, but he preferred to have dialogue about it and maintain checks and balances.

Councilor I. Rivera stated that he would normally agree with the sentiment about checks and balances, he understood there was a plan to establish a committee to determine the best ways to use these funds to address the opioid crisis, which would still maintain a level of checks and balances. He added that while he understood having the Council keep some power, he had seen many times where the Council could not agree on how to proceed on certain issues, and it could lead to not spending any of these funds. He further suggested that having to go through the Council could handcuff a lot of the work that needed to be done.

Councilor Vacon expressed her support for the recommendation. She added that the city would be getting a lot of money and the process of going through the Council created transparency for the citizens. She acknowledged the frustration about getting things done, but often many of the things that have had the most debate end up leading to better results. She suggested that if a committee was going to be formed to use the money, why not just use the Council for that purpose.

Councilor Anderson-Burgos stated that this topic hit home for him. He noted that he was about to celebrate his 23rd sobriety anniversary. He then emphasized that addiction was a crisis and was not political. He then emphasized that every minute these issues get discussed was a minute lost in saving lives. He added that people had lost friends and family, and holding up these funds was a disservice to the community.

Councilor Greaney expressed his support for the recommendation that the order be denied because robust debate was always good, especially when finances were involved. He added that the Council had an obligation to discuss financial matters like this.

Councilor Sullivan suggested that putting the power in the hands of one person did not guarantee that the funds would go to the proper place to handle the emergency. He noted that during the CDBG process, the Citizens Advisory Committee, the Office of Community Development, the DGR Committee, and the full Council voted to zero a proposal, but funding went to it anyway. He added that the opposite had also happened where something recommended by all four groups was not funded by the Mayor.

Councilor I. Rivera stated that while he understood the sentiments of having Council fill the need for checks and balances, professionals in the field were already working to build out the committee. He then suggested that the expertise on the Council was limited in this field versus those who had their boots on the ground, even if the Council had a grasp on the numbers. He added that policies can be created, but that would not necessarily mean they work the same in practice if those doing the job were not incorporated. He also suggested that orders could be filed to bring in the people involved. He then expressed concern with putting more barriers in front of thew work that needed to be done.

Councilor Devine expressed appreciation for everyone Councilor I. Rivera had just said.

Councilor Vacon stated that while she trusted the Mayor to take into account the recommendations of experts in the field - and she was not trying to portray herself as an expert on this matter - there didn't tend to be unanimous agreement among those experts on how to address the crisis. She suggested that the public should be allowed to be kept in the loop on the programs being discussed. She added that the money coming in was going to be in the millions of dollars but was also time limited. She then suggested that with so much money coming in on an issue affecting the whole community, the elected leaders representing the people should be involved.

President Murphy-Romboletti noted that Atty Bissonnette had been seeking to weigh in.

Motion was made and seconded to suspend the necessary rules to allow Atty Bissonnette to address the Council.

Atty Bissonnette stated that he had points he was not aware of during the discussion in the Finance Committee meeting. He then stated that section 5 of the stabilization fund state law was changed when they created the new reserve accounts, and now it read that there were two types of stabilization funds, one being the general purpose stabilization fund and the other being the special purpose stabilization fund. He then explained that while the general purpose stabilization fund would continue to require a two-thirds vote to fund as well as withdraw from, the special purpose fund would only require a majority vote going forward from January 1st for withdrawals. He added that under the scope of the agreement with the Attorney General as part of the settlement, there was a tight limit on the use of the funds for their programs against opioid abuse and recovery. He added that there was a requirement to produce an annual report of expenditures and contracts made with the use of the funds.

Councilor Jourdain asked for an email to be provided outlining that additional information.

Atty Bissonnette stated that he would be happy to provide that.

Councilor Jourdain noted that it would require a two-thirds vote to abolish the fund.

President Murphy-Romboletti asked Atty Bissonnette to clarify the vote required to abolish it.

Atty Bissonnette stated that it would be a majority in this case.

Councilor Jourdain expressed his understanding that there would be changed in January relative to the two-thirds majority. He emphasized that this was created with a two-thirds vote.

Atty Bissonnette stated that was correct.

Councilor Jourdain asked Atty Bissonnette if he was saying it could be abolished with a simple majority.

Atty Bissonnette clarified that the state passed a law in December changing section 5, stating that all special purpose stabilization funds could be withdrawn as of January 1, 2024.

Councilor Jourdain made a motion to lay this item on the table until the next meeting in order to get a review of that. He then expressed his understanding that the Council could do this, but that it was optional, and there would not be any changing of the voting number for the funds already in it. Councilor Vacon seconded the motion.

Motion to lay on the table failed on a call of the roll of the yeas and nays--Yeas 6 (Bartley, Greaney, Jourdain, Ocasio, Sullivan, Vacon)---Nays 7--Absent 0.

Councilor Greaney asked Atty Bissonnette to clarify if the legislature gave a decision on whether it was a majority vote or a two-thirds majority vote to deal with closing the opioid account.

Atty Bissonnette stated that it was a withdrawal requiring a majority vote.

Councilor Greaney stated that he would like to see the language in writing before taking a vote.

Councilor Jourdain stated that while someone may be in favor of doing away with this account, it was not okay to drop this type of information right before voting on something. He suggested that there was ample opportunity to send this information in advance of this meeting. He expressed frustration with changing the rules as the Council was going along. He stated that he hadn't had a chance to review if this information was true.

Atty Bissonnette asked Councilor Jourdain if he was accusing the Law Department of intentionally misleading the Council.

Councilor Jourdain stated that it was not okay to use those type of incendiary words. He then explained that his frustration was that new information that was not known during the Finance Committee meeting was now being put into the debate right before a vote. He then emphasized that he would have liked to vet that information and review it with the Law Department prior to taking a vote.

Atty Bissonnette asked if the request was to be provided with two memos that were attached to the original order.

Councilor Jourdain expressed his understanding, based on the prior reading, that it would require a two-thirds vote to dissolve this.

Atty Bissonnette stated that no numbers were discussed in the Finance meeting.

Councilor Jourdain stated that the issue never came up.

Councilor Anderson-Burgos called the question. Councilor Givner seconded the motion.

President Murphy-Romboletti clarified that voting yes would support the committee report to deny terminating the fund and voting no would reject the committee report and approve the termination of the fund.
---> Report of Committee received and recommendation to deny failed on a call of the roll of the yeas and nays--Yeas 6 (Bartley, Greaney, Jourdain, Ocasio, Sullivan, Vacon)--Nays 7--Absent 0.
*Item was reconsidered later in the meeting and laid on the table.

The Committee on Finance to whom was referred an order That the City Treasurer please provide the City Council with a review and analysis of the Pacific Legal foundation report (https://homeequitytheft.org/massachusetts) that states that $83,000 in home equity from 13 Holyoke homes was inappropriately taken from our residents pursuing Holyoke property tax liens. Please provide us the details on these 13 properties and how this could happen to Holyoke residents; including the names of any entity pursuing our liens. Please advise the City Council if Holyoke has done business with Tallage Davis LLC. Please notify the City Council if proper safeguards are in place so we only collect back taxes and not allow the city or anyone purporting to be acting on our behalf to take residents’ home equity.

have considered the same and Recommended that the order be referred to the Treasurer.

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that this was being sent to the Treasurer with a request for him to follow up when he was done looking into it so that the committee could discuss it.

Councilor Jourdain thanked the Treasurer for his assistance with this.
---> Report of Committee received and recommendation Adopted.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, THIRTY THREE THOUSAND AND 00/100 Dollars ($33,000) as follows:
FROM:

12941-51104	PAY-TREE CLIMBER	$15,000
14101-51105	PAY-SR CIVIL ENGINEER	12,000
14251-51105	PAY-POWER SHOVEL OPERATOR	6,000
TOTAL:	$33,000	

TO:

16942-52500	R&M EXHIBIT HALL	$1,000
14222-52504	R&M PELLISSIER BUILDING	5,000
14222-52505	R&M SENIOR CENTER	10,000
14222-52509	R&M POLICE STATION	12,000
14222-52510	R&M CENTRAL FIRE STATION	1,000
14222-52512	R&M HIGHLAND FIRE STATION	2,000
14222-52514	R&M W HOLYOKE FIRE STATION	2,000
TOTAL:	$33,000	

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that this was for repair and maintenance of the buildings in the order.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Bartley, Greaney).

Councilor Magrath-Smith asked if the earlier ordinance change regarding votes being of those voting and present went into effect immediately.

Councilor Jourdain stated that it was only for ordinances.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2024, SIXTEEN THOUSAND AND 00/100 Dollars ($16,000) as follows:
FROM:

14251-51105	PAY-HIGHWAYS POWER SHOVEL OPERATOR	$16,000
TOTAL:	$16,000	

TO:

14301-51102	PAY-REFUSE HMEO	$16,000
TOTAL:	$16,000	

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that the DPW was trying to hire someone for the heavy motor equipment operator position.
---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Bartley, Greaney).

The Committee on Finance to whom was referred an order 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	DISPATCHER	80,000
12101-51920	QUINN BILL	30,000
TOTAL:	$150,000	

TO:

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

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that there was not much discussion on this other than the vote to move it to full Council without recommendation, with a vote 4-1 vote.

Councilor Jourdain stated that this was discussed and people understood why he was voting against this.
---> Report of Committee passed two readings and denied on a call of the roll of the yeas and nays--Yeas 8--Nays 3 (Jourdain, Ocasio, Vacon)--Absent 2 (Bartley, Greaney).

The Committee on Finance to whom was referred an order Acting DPW Superintendent please provide the City Council & Parking committee the following report: for the prior 5 years (need to consider pre/post pandemic usage changes), amount of meter revenue and amount of parking garage revenue. Please provide total usage % (used spaces divided total spaces) at both parking garages annually. Please also provide any analysis of cost to get all meters fully operational. Please provide the expected life cycle of the new meters if purchased. Please also provide us the current amortization schedule for the Mayor Taupier Suffolk Street Parking Garage

have considered the same and Recommended that the order be referred to the DPW for a report back in 90 days.

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that the DPW Director was being asked to provide information to the Council in 90 days. She added that a parking study was being received with a lot of the information already provided in that.

Councilor Jourdain stated that the study was helpful but did not go into the type of financial information being asked for, including revenue from meters and parking garages, as well as a historical analysis.
---> Report of Committee received and recommendation Adopted.

The Committee on Finance to whom was referred an order That Cook and Company be invited to a future finance subcommittee meeting to review their recent health insurance analysis for the city.

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that the original order went through the Ordinance Committee last December and was complied with. She then emphasized that she would not take up copies in Finance.
---> Report of Committee received and recommendation Adopted.

The Committee on Finance to whom was referred an order That the ~~City Council~~ Personnel Director conduct a comprehensive study of employee safety for the benefit of our Holyoke municipal employees and our taxpayers. ~~The City Council~~ The Personnel Director should invite in ~~the Personnel Director~~, our Workers' Comp representatives, Mayor, law department, department heads, union leadership, and others as needed to gather all of the information ~~we~~ she needs to study the root causes of employee injuries, how they are handled, how are they mitigated, how are we handling risk management to avoid future losses. Our goal should be to keep employees safe, reduce lost hours, productivity and overall cost to the city. We need to collect all relevant data including a prior 3 year report tracking injury claims, workers' comp claims, injured on duty claims, and related. Ideally, the ~~City Council~~ Personnel Director will produce a report within 6 months on its findings in conjunction with all key stakeholders.

have considered the same and Recommended that the order be referred to the Personnel Director.

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that this had initially been more extensive and Councilor Jourdain was able to reduce to something simpler through the Personnel office.

Councilor Jourdain emphasized that the Personnel Director was already doing great work in this area, adding that 6 months should be plenty of time to compile the information for the Council.
---> Report of Committee received and recommendation Adopted.

Councilor Anderson-Burgos made a motion to reconsider the previous action on item 26. Councilor Devine seconded the motion. Motion adopted.
--->Laid on the table

(2:33:55)

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Catherine Pratt of 11 Lexington St. to serve on HEDIC. Ms. Pratt will replace Rosa Pantoja and will serve a three-year term, expiring June 30, 2027.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

UNDER DISCUSSION:
Councilor Anderson-Burgos stated that Ms. Pratt was a great applicant, ran and operated a business with

her husband in the city, and had over 15 years of experience in the aerospace and fuel cell power industry.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Lauren Niles of 40 Lexington, to serve as a Commissioner of the Planning Board. Ms. Niles will replace Mr. Nathan Chung and will serve the remainder of his term expiring on June 30, 2027.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

UNDER DISCUSSION:
Councilor Anderson-Burgos stated that Ms. Niles has experience as a realtor of sales, property management and marketing - qualities that would be a benefit to this committee.

Councilor Magrath-Smith commended Ms. Niles as part of the Local Historic District, adding that she had already been a great volunteer for the city.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Ms. Astrid deSoete of 13 O'Connor Ave. to serve as a member on the Recycling Advisory Committee. Ms. deSoete will replace Meg Magrath-Smith and will serve the remainder of her term expiring August 1, 2026.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

UNDER DISCUSSION:
Councilor Anderson-Burgos stated that Ms. deSoete was retired and had plenty of time to devote to the committee.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter appointing Mr. James P. O'Connell of 25 Brookline Ave. to serve on the Recycling Advisory Committee. Mr. O'Connell will replace Ms. Markeysha Dawn Davis and will serve the remainder of her term expiring August 1, 2026.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

UNDER DISCUSSION:
Councilor Anderson-Burgos stated that Mr. O'Connell was very impressive and was very well versed in recycling.

Councilor Devine stated that she had known Mr. O'Connell for many years, came from a great family, and had great work ethic.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Service to whom was referred an order From Mayor Joshua Garcia, letter reappointing Mr. James Sutter of 30 Fairfield Ave. to serve as a Commissioner on the Gas and Electric. Mr. Sutter will serve a six year term expiring July 1, 2030.

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

Committee Members:

Juan Anderson-Burgos
Carmen Ocasio
Howard Greaney, Jr

UNDER DISCUSSION:
Councilor Anderson-Burgos stated that Mr. Sutter provided an education. He added that Mr. Sutter provided insight and understood the business inside and out.

Councilor Devine noted that Mr. Sutter was brought in even though he was a reappointment was due to a councilor asking him to be there, but that councilor was not there to ask any questions.
---> Report of Committee received and recommendation Adopted.

(2:42:35)

The Committee on Development and Governmental Relations to whom was referred an order Petition of Felix Rivera Soto Jr, application for a Street Vendor License

have considered the same and Recommended that the license be granted.

Committee Members:

Kocayne Givner

Michael Sullivan
Carmen Ocasio
Juan Anderson-Burgos
Patricia Devine

UNDER DISCUSSION:
Councilor Givner stated that the request was to sell hot dogs and sodas at 645 Hampden Street. She noted there were questions as to whether or not the place he would be parked would be okay and they decided that if the vendor license had been approved, it must have been vetted.
---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Bartley, Greaney).

Motion was made and seconded to suspend the necessary rules to take up items 37 and 38 as a package.

The Committee on Development and Governmental Relations to whom was referred an order Petition of William F. Councilor Sullivan & Co Inc, of 107 Appleton St. for a Junk Dealer's License

have considered the same and Recommended that the license be granted.

Committee Members:

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

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 9--Nays 1 (Murphy-Romboletti)--Absent 3 (Bartley, Greaney, J. Rivera).

The Committee on Development and Governmental Relations to whom was referred an order Petition of William F. Councilor Sullivan & Co Inc, of 1-3 Jed Days Landing. for a Junk Dealer's License

have considered the same and Recommended that the license be granted.

Committee Members:

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

UNDER DISCUSSION:
Councilor Givner stated that this was a renewal that had been around since 1953. She noted there were questions about the hours of operation due to noise but it appeared they were falling within the noise

ordinance. She added that additional questions came up about fires on site and smoke coming from the area, but they were assured there was no active burning being done on site. She added that they were doing all mechanical cutting. She also stated that they decided any concerns should be directed to the Board of Health to investigate. She noted that they were in the industrial zone operating within regular hours.

Councilor I. Rivera stated that one concern for him was around air quality, but it could not be measured at the moment. He noted that he grew up in the neighborhood where the wind regularly blew awkward smells from that space. He stated that he would be voting in favor but this should be on the radar to try and mitigate impacts if there were any.
---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 9--Nays 1 (Murphy-Romboletti)--Absent 3 (Bartley, Greaney, J. Rivera).

The Committee on Development and Governmental Relations to whom was referred an order From, David Weinberg, communication regarding Victory Theater

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Givner stated that the communication came in. She noted that Mr. Weinberg's statement earlier was basically a summary of what was stated. She added that with regard to the next order, the MiFA team addressed each point. She reiterated that it was unfortunate Mr. Weinberg was not able to attend.

Councilor Vacon suggested that in sending the letter to the Council, Mr. Weinberg likely felt he had already communicated to the Council. She added that anyone could send a letter to the Council in the same way. She then asked if the committee was able to determine if the Victory Theater was on the national historic registry.

Councilor Givner stated that they were not. She stated that it appeared there was some confusion between the national registry and a local registry. She agreed that having any communication lead to discussion in a subcommittee would be a little outrageous and unnecessary. She then suggested that they could have a public meeting to have the public ask questions.

Councilor Vacon suggested that as the earlier communication was sent to the Historic Commission, this order could be referred to them as well to seek a report back.

Councilor Givner expressed her understanding that it was already sent to them.

President Murphy-Romboletti clarified that item 5 earlier in the agenda was sent.

Councilor Vacon clarified that she was talking about sending this item from the committee.

Councilor Givner asked if the intent was to have a report come back.

Councilor Vacon stated that she was looking for it to be sent over and to request a summary back from them.
---> Report of Committee received and referred to the Historic Commission.

The Committee on Development and Governmental Relations to whom was referred an order MiFA response to Mr. Weinberg letter and addendums.

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

Committee Members:

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

---> Report of Committee received and referred to the Historic Commission.

The Committee on Development and Governmental Relations to whom was referred an order that the City Council approve a license agreement between the City of Holyoke and Verizon for relocation of cables at the Anniversary Hill Park project located at Scott Tower Road in Holyoke, MA.

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Givner stated that this was a license agreement relative to Scott Tower so that electrical wires could be installed underground for the accessible park area being created. She added that funds for the project were being expended up front and those would be reimbursed once the project was complete.
---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Bartley).

(2:55:15)

The Committee on Charter and Rules to whom was referred an order that the City Council amend its rules to create a Vice President position in the City Council.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that the discussion went on over several months, which included if any ordinances or the charter needed to be amended, and that it came down to understanding that it came down to a rules change. She then explained that the change would be that following the election of the City Council President, the City Council would elect a Vice President by majority vote who would serve in the absence of the President due to a leave of absence or unforeseen circumstances exceeding one meeting and would represent the City Council in all of the administrative duties of the position. She added that the Vice President would not be in the line of succession for the Mayor. She then explained that this was an attempt to be proactive in case the President could not attend due to illness, medical condition, etc., while wanting to keep the senior member role as is. She emphasized that the senior member role was to jump in as a facilitator of a single meeting, but there were many other duties that went beyond facilitating a meeting. She noted that it would go into effect in January of 2026.

Councilor Jourdain made a motion to amend, spelling out that this would go into effect in January 2026, just to avoid the theoretical possibility that a vote for President came up before the beginning of the next term. Councilor Vacon seconded the motion.

Councilor Magrath-Smith stated that she would be okay with it kicking in at any point. She then asked why it wouldn't be okay.

Councilor Jourdain stated that he was still in the middle on having a Vice President. He added that he understood there was nothing wrong with trying to do new things, but he found it to be a little fuzzy because the charter specifically created a President of the Council role. He noted that the rule was an adaptation of the charter. He suggested that it could all be figured out before January of 2026, and it if happened before then, it may be too soon to get into who would be serving as Vice President.

Councilor Vacon suggested putting it in writing since it was already verbally stated that it would be effective in January of 2026.

Councilor Greaney questioned the motivation of things happening on the Council, and believed that if it isn't broken, don't fix it. He then stated that while he understood the logic, he did not understand the reasoning and would be voting against it.

Councilor Givner asked how quickly new rules take effect.

Councilor Magrath-Smith stated that it would be the next meeting, unless otherwise stated.
---> Report of Committee received and recommendation Adopted as amended.

The Committee on Charter and Rules to whom was referred an order That a digital time clock be provided to the President of the City Council, in the City Council budget for the purposes of keeping time for Public Speak and City Council rule addition to Rule #6C.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated for clarity that the language of the rule ended at "keeping time" and all language after that was redacted, noting that the additional language was connected to another proposed rule to track how long people speak on an issue. She then emphasized that rules won't do anything if Council didn't work to be more efficient. She added that they decided against that other rule proposal as it would be hard to track how long people were speaking during a meeting with a lot of other things going on. She suggested that the digital clock could help show how long was being spent on certain items or keep time for public comment.

Councilor Ocasio suggested that a time clock was not needed, and that people could keep track of how long they were speaking.

Councilor Greaney noted that the 10pm rule had been violated that night and nobody had paid attention to it.

President Murphy-Romboletti clarified that it had been voted on at the beginning of the meeting.

Councilor Greaney stated that while he understood that, the rule was 10pm and the Council could vote on extending whether there was a time clock or not.

Councilor Vacon noted that with a time clock, the President would no longer have to tell speakers in public comment that they had 30 seconds left. She stated that it often interrupted their train of thought and was one of the main reasons she was supporting this.
---> Report of Committee received and recommendation Adopted.

Councilor Jourdain noted that with some members on Zoom, votes should all be by a roll call vote.

President Murphy-Romboletti acknowledged that the motion on exempting some votes had been taken during the previous joint meeting with the School Committee.

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 a committee, remove items from the table, place items on the table, package items together, comply with items, or suspend the rules, unless there is an objection. Motion passed.

The Committee on Charter and Rules to whom was referred an order that Section 34 of the Holyoke City Charter be amended to establish a Police Commission by virtue of a Special Act in Accordance with the provisions of Articles of Amendment, Article II, Section 8 of the Massachusetts Constitution.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that this order was a copy so the committee could not be done with it. She added that there was a miscommunication in that Public Safety had the original order but gave it leave to withdraw on the basis that they thought Charter and Rules was handling it. She noted that an order was filed on this agenda to do this work.
---> Report of Committee received and recommendation Adopted.

The Committee on Charter and Rules to whom was referred an order From City Solicitor letter re: Provisions of charter impacted by implementation of a Police Commission

have considered the same and Recommended that the order be referred to the Public Safety Committee.

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that the reason to send this was because the committee thought the order was in Public Safety.
---> Report of Committee received and recommendation Adopted.

(3:15:45)

The Committee on Joint Committee of City Council and School to whom was referred an order that the School dept provide the City Council with a report on their plan to use the remaining $13 million in ESSER funds by September 30, 2024. Also provide us a report on how the $44 million thus far spent was used.

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 a nice report was provided, and there were two sessions where they discussed how ESSER funds were going to be used. He stated that they had a good plan to spend it by September 30th.
---> 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 the process for the naming of the new middle school replacing Peck Middle School at the same location; including, the apparent desire by some to possibly change the name from Superintendent William R. Peck who was Superintendent of our Schools from 1920-1963 and a World War 1 Naval Veteran and had this middle school named for him by the city in 1970. That the Joint Committee and Law Department also review our ordinances and rules on naming Holyoke owned facilities and buildings specifically Chapter 12 of our Ordinances so that we ensure we are following the proper procedure for the naming of the new school which is a city owned municipal building.

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 the process was reviewed and everyone was on the same page following a review of the 2018 ordinance regarding the naming procedure for public buildings. He added that the process would take place between now and November where the School Committee would get public input. He added that the Council would have the final say relative to the naming of the school. He also noted that there was discussion of the history of Superintendent Peck and all of his amazing work, as well as his being a World War I veteran. He suggested there was consensus on leaving the school named for him. He added that there would be other opportunities to name facilities, including a gym, auditorium, and cafeteria.

Councilor Vacon made a motion to suspend the necessary rules package item 48 with item 47. Councilor Jourdain seconded the motion. Motion adopted.

The Committee on Joint Committee of City Council and School to whom was referred an order From the School Committee - Draft Plan for Renaming PECK

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.

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

The Committee on Joint Committee of City Council and School to whom was referred an order 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.

have considered the same and Recommended that the order be adopted and be referred to the School Committee.

Committee Members:

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

UNDER DISCUSSION:
Councilor Jourdain stated that the order was referred from Charter and Rules and was now being referred to the School Committee following a lot of good input. He added that they would be coming up with solutions to get more student participation for leading the Pledge of Allegiance, and would report back in the future.
---> Report of Committee received and recommendation Adopted.

Councilor Greaney emphasized that he saw his role not as a representative of the Mayor or the City Council, but as a representative of the voters of Holyoke.

ORDERS AND TRANSFERS

(3:22:00)

Anderson-Burgos- Ordered that the City Council issue proclamations to the headliners at this year's PrideFest on June 22nd: Grammy nominated artist and MTV VMA Winner, Mary Lambert, as well as contestant from season 10 of RuPaul's Drag Race, Yuhua Hamasaki.
---> Received and Adopted.

Devine- ORDERED that a sign be put up designating BARBARA BERNARD WAY at the Pine Street entrance of the Holyoke Senior Center.
---> Received and Adopted. Copy to DPW.

Devine - ORDERED that the Building Department separate their "inspection lists" into several categories including but not limited to 3 family residences.
---> Received and Adopted. Copy to Building Department for a report back to the Council.

Devine - Order that the Law Dept look into the legality of the City altering the divider preventing a left hand turn off Whiting Farms Rd into Kmart property.
1) Is there an existing ordinance preventing the left hand turn?
2) Is this on Kmart property?

Councilor Devine stated that she understood the ordinance was taken out that prevented the left hand turn. She then explained that she filed the order because an order had been filed by former Councilor McGiverin to have the owners of the plaza put an island in the middle with trees. She then questioned if the city had to remove the island or did the owners.
---> Received and Adopted. Copy to Law Department.

Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, TWENTY ONE THOUSAND FOUR HUNDRED NINETY TWO AND 48/100 Dollars ($21,492.48) as follows:
FROM:
12101-51107 PATROLMEN $10,999.32
12101-51105 SARGEANT 10,493.16
TOTAL: $21,492.48
TO:
12101-51180 INJURED ON DUTY (PAYROLL 6/8/2024) $21,492.48
TOTAL: $21,492.48

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 18, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
President Murphy-Romboletti stated that this was for 8 officers.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Bartley, J. Rivera).

Devine - Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "FY2025 MUNICIPAL COMMUNITY MITIGATION FUND, $219,500, 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, June 18, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
Councilor Devine asked that this be adopted right away as Finance would not be holding another meeting until August. She then explained that this was the third time the city had been awarded this grant. She added that it would benefit many things.

Councilor Vacon asked if the grant was time limited.

Councilor Devine stated that the Director of the Office of Planning and Economic Development, Aaron Vega, asked for it to be adopted that night.

Councilor Jourdain expressed his understanding that it had to be adopted right away or it would die that night as they had to renew it every fiscal year. He suggested that while it was likely great and noncontroversial, an email should have been sent around from the department explaining it.

Councilor Devine stated that in fairness to Mr. Vega, he had been out the previous week and was just catching up with a lot of stuff.

Councilor Jourdain asked what they would be doing with the money.

President Murphy-Romboletti clarified that the department was notified about the grant while Mr. Vega was on vacation, resulting in the need for a quick turnaround.

Councilor Jourdain stated that it explained why it was last minute but was looking to know what it was for.

President Murphy-Romboletti noted that it had been put into everyone's packet.

Councilor Vacon read the summary from the documents, explaining that the requested amounts were $130,000 for community planning, $84,000 for public safety, $65,000 for transportation, and $15,000 for gambling harm reduction, for a total of $294,000. She added that the award was $219,5000.

President Murphy-Romboletti noted that the public safety part was not funded.

Councilor Jourdain noted that there was a list showing where they would spend the money.

Councilor Vacon clarified that they did not $60,000 for public safety.

Councilor Jourdain stated that there were all noble purposes, and he did not object.

Councilor Magrath-Smith stated that part of the use would be to activate vacant and blighted lots in high tourism areas, continued maintenance of ExploreHolyoke.com, shuttle service between MGM and Holyoke for special events, support for local events and initiatives, lighting for poorly lit high tourism areas, fees and costs associated with membership and infrastructure for the BikeShare program, and citywide harm reduction service.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Bartley, J. Rivera).

Givner - Per constituent request, Order that handicapped parking sign be removed from in front of 1205 Dwight St by the new owner, Anthony Case.
---> Received and referred to the Ordinance Committee.

Magrath-Smith, I. Rivera, Givner, Murphy-Romboletti, J. Rivera, Sullivan - Ordered, that Section 34 of the Holyoke City Charter be amended to establish a Police Commission by virtue of a Special Act in Accordance with the provisions of Articles of Amendment, Article II, Section 8 of the Massachusetts Constitution.

Councilor Magrath-Smith stated that it made sense to go to Public Safety so they could discuss the specific roles they would want the Police Commission to have, and then they could send it to other committees.
---> Received and referred to the Public Safety Committee.

Murphy-Romboletti- Ordered, that Rule 1 of the City Council be suspended for the purpose of the City Council going on Summer Recess and that the July 2, July 16 and August 20, 2024 meetings be canceled.

President Murphy-Romboletti noted that the administrative assistant clarified that it was no longer Rule 1 but now 2A.

Councilor Magrath-Smith made a motion to amend the order, changing rule 1 to 2A. Motion adopted.

Councilor Greaney made a motion for a roll call.
---> Received and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 1 (Greaney)--Absent 2 (Bartley, Givner).

I. Rivera, J. Rivera - Order for installation of a Perimeter Fence and Implementation of a Pay-to-Park System at the Main Street Parking Lot Across from 299 Main Street as well as the Canal St lot across from GTI. Additionally, to provide paid parking permits to businesses located on Main Street and Canal St.
---> Received and referred to the Public Safety Committee.

Vacon- ORDER: that the sunken manhole cover near 292 Westfield Rd be repaired. Refer to Veolia & DPW
---> Received and Adopted. Copy to Veolia, DPW.

Vacon- ORDER: that a temporary speed hump also be placed at the top of Apremont on the hill going toward Rock Valley Rd.
---> Received and Adopted. Copy to DPW.

Vacon - ORDER: That the City Solicitor issues the annual report of the law department in accordance with section 2-154 of our ordinances.
Sec. 2-154. - Annual report.
The department shall, annually, in the month of January, transmit to the mayor and city council a report of the business done by the law department concerning any claims or suits against the city during the preceding year, describing the suits pending at the time of such report.

Councilor Devine emphasized that the ordinance stated the Law Department "shall" provide the report annually in January. She then suggested that they did not need to take it up until January.

Councilor Vacon clarified that they were now 6 months late, which meant that they had not followed the ordinance and she was asking them to come into compliance.

Councilor Magrath-Smith asked for clarification that the order was asking for the previous year's report,

Councilor Vacon clarified that she was asking for the report that was due in January of 2024.

Councilor Jourdain stated that it could be attached to the reports that should have come in every January going back to 2019.

Councilor Vacon recalled that reports had come from the Law Department in the past.
---> Received and Adopted. Copy to Law Department.

Vacon, Sullivan - ORDER: That city council executive session minutes be provided to the city council as required by the open meeting law.
The Open Meeting Law requires public bodies to create and approve meeting minutes, whether for open or executive session, in a timely manner. G.L. c. 30A, § 22(c). The Attorney General's Open Meeting Law regulations provide that "timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay." 940 CMR 29.11; see OML 2018-48. Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133
---> Received and Adopted. Copy to Law Department.

LATE FILED ORDERS AND COMMUNICATIONS

(3:38:10)

Bartley, Murphy-Romboletti - THAT the City Council suspend its rules, specifically Rule 2A and any other rule, for its two regularly scheduled meetings in September 2024 and meet instead on the 1st and 3rd Wednesday of that month at 7 PM. The meeting dates would be: Sept. 4 and Sept. 18.
Reasons: on the first Tuesday of September the Commonwealth scheduled its state primary; on the third Tuesday of September the Eastern States Exhibition (The Big E) scheduled its Salute to Holyoke day.

Motion was made and seconded to take final action.
---> Received and Adopted.

Bartley - That the board of health/ health Commission please be invited to attend to discuss if changes are possible to the changes to the Tobacco license issuance policy that supports common sense economic growth on a case-by-case basis and also protects public health. Refer to public safety. (This order was given leave to withdraw 5/14/24 but I'm refiling it.)
---> Received and referred to the Public Safety Committee.

Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, ONE HUNDRED EIGHT THOUSAND SIX HUNDRED NINETY FIVE AND 56/100 Dollars ($108,695.56) as follows:
FROM:
8815-10400   CANNABIS STABILIZATION $108,695.56
TOTAL: $108,695.56
TO:
19412-57630   CLAIMS & DAMAGES $108,695.56
TOTAL: $108,695.56

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 18, 2024.

Joshua A Garcia, Mayor

Councilor Jourdain stated that it should go to Finance.

Councilor Devine made a motion to take final action, noting the Council would not be meeting again in regular session until August.

President Murphy-Romboletti stated that it was also because it was the end of the fiscal year.

Councilor Vacon asked what this was paying for.

Councilor Devine stated that she did not know.

Councilor Vacon agreed that it should go to Finance.

Councilor Devine stated that it might be a couple months before it could be taken up.

Councilor Jourdain stated that as it was coming from the stabilization fund and was sitting there anytime, this did not have to pass by June 30th.
---> Received and referred to the Finance Committee.

From Mayor Joshua A. Garcia, letter in support of $12,125 transfer for Engineer.
---> Received.

Adjourned at 11:25 PM

Brenna Murphy Leary

SPECIAL MEETING OF THE CITY COUNCIL

June 27, 2024

The meeting was called to order by President Murphy-Romboletti at 5:32 PM

President Murphy-Romboletti called the roll. Absent Members: 0 Present Members 11 (Anderson-Burgos, Bartley, Devine, Givner, Greaney, Jourdain, Murphy-Romboletti, Ocasio, I. Rivera, J. Rivera, Sullivan, Vacon). Present Members on Zoom 1 (Magrath-Smith)

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 a committee, remove items from the table, place items on the table, package items together, comply with items, or suspend the rules, unless there is an objection. Motion passed.

LAID ON THE TABLE

Councilor Devine made a motion to suspend the necessary rules to take up items 1 through 10 as a package. Councilor Anderson-Burgos seconded the motion.

Councilor Sullivan asked if that motion would mean the Council would not be voting on each item individually.

President Murphy-Romboletti stated that would be how it goes.

Councilor Sullivan stated that he would not support the motion.

Councilor Vacon suggested going in regular order, noting that the agenda had very dissimilar items.

Councilor Greaney also stated that they were individual items that should be taken up individually.

Councilor Devine withdrew her motion.

Motion was made and seconded to remove item 1 from the table.

The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 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

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

UNDER DISCUSSION:
Motion was made and seconded to pass the first reading.

Councilor Devine expressed her understanding from previous discussions that some councilors wanted this to be taken out of the Police Department budget and that was what this order did.

Councilor Bartley asked what the claim was for.

President Murphy-Romboletti stated that this was laid on the table to reconsider. She added that topics related to this order were discussed in executive session.

Councilor Bartley asked if there was a complaint, lawsuit, or petition that this was related to. He then stated that he was not aware of a specific lawsuit that had been filed, without going into specifics.

President Murphy-Romboletti stated that items discussed in the last two executive sessions were related to settlements that needed to be appropriated.

Councilor Bartley stated that is what he thought it was. He then stated that he had not seen anything specific, such as a proffer. He then questioned approving without any formal lawsuit, adding that he thought this was getting ahead of it.

Councilor Vacon suggested that if a payment would be made to claims and damages, it should be reported out in the proper time so that the public would know how public funds were being spent.

Councilor Sullivan asked Atty Bissonnette when this information would be out of executive session and the public would be made aware.

Atty Bissonnette stated that once matters in executive session are concluded, the minutes are to be released at the earliest possible opportunity. He noted that this appropriation was not for a specific settlement but to fund a claims and damages account for which there were several matters pending, one that was discussed extensively three times in executive session. He emphasized that an alteration was made to change where the funding was coming from. He further explained that if this was not approved, the funds in the Police Department budget would convert to free cash.

Councilor Sullivan asked when the public would be made aware of how it was spent if this transfer was approved that night. He added that everyone knew this was for one settlement and not a group.

Atty Bissonnette stated that the settlement would be filed with the city, made available to the City Clerk's office, and a copy would be provided to the Council. He added that he was uncertain what additional financial transfers would be needed to complete this case, so there may be other opportunities to discuss this further.

Councilor Greaney asked for confirmation that there was no nondisclosure agreement, and that the information would go to the public.

Atty Bissonnette confirmed that was accurate. He added as a part of the state police board views all misconduct complaints, there was a provision that no longer allowed municipalities to shield these types of settlements from the public.

Councilor I. Rivera expressed his understanding that a lot of this information was available to the public via the state website and would become public knowledge once POST (Massachusetts Peace Officer Standards and Training Commission) posts it on the state website. He added that until POST got the information, he believed everything else had to be on pause and the city would have to wait until POST released it.

Councilor Devine asked if the city would be liable for future lawsuits if this was not passed that night.

Atty Bissonnette stated that while he could not predict why people might sue a municipality, the city had been made aware of pending litigation and the city was attempting to negotiate that claim and settle it through mediation. He added that the likely amount of the settlement would be much less than if this case were to go to trial.

Councilor Devine asked how many votes would be necessary to pass this.

Atty Bissonnette stated that this transfer, because it was occurring within two months of the end of the fiscal year, required a majority. He added that in the normal course, an interdepartmental transfer would be a two-thirds majority. He added that DOR (Department of Revenue) had confirmed that.

Councilor Magrath-Smith asked if the Council would have to move the funding out of the claims and damages line items once the settlement is finalized.

Atty Bissonnette stated that it would be funding the account until there is a settlement.

Councilor Magrath-Smith asked if the Council would have to approve moving the funding to the settlement once finalized.

Atty Bissonnette stated it would not as long as there were sufficient funds for the settlement.

Councilor Jourdain expressed curiosity with the number of votes required. He emphasized that these were appropriated funds in one department going to another appropriated purpose in another department. He suggested that would require a two-thirds majority vote.

Atty Bissonnette stated that was not true in the last two months of the fiscal year.

Councilor Jourdain stated that section 49 of the charter specifically required that.

Atty Bissonnette stated that anything in the charter was superseded by state law.

Councilor Jourdain asked for the law citation. He also referenced Chapter 44, section 33B.

Atty Bissonnette stated that the Council was sent a memo on this from Atty Mantolesky.

Councilor Jourdain stated that he did not recall that memo. He added that the Council had plenty of transfers that came in during the last two months of the fiscal year. He reiterated that the charter's section 49, as well as Chapter 44, section 33B, was crystal clear that any appropriated funds required a two-thirds vote. He also referenced Sectoin 22.

Atty Bissonnette stated that he would go with DOR's guidance, which stated that during the last two months., in order to clear the books, only a majority was required for interdepartmental transfers. He added that his position was that this would override the charter.

Councilor Jourdain asked for a copy of that.

Atty Bissonnette stated that he would provide a copy just as he had done the last time a copy was asked for the previous week.

Councilor Jourdain stated that was related to a different law. He asked if the administrative assistant had a copy of the memo.

President Murphy-Romboletti asked if he was referring to the one from Atty Mantolesky.

Councilor Jourdain stated that supposedly there was something from Atty Mantolesky saying the charter was overridden by state law.

President Murphy-Romboletti stated that the administrative assistant could look but probably would not have it ready right away.

Councilor Jourdain acknowledged that he wouldn't have been prepared for it. He reiterated that there were two state laws on transfers. He added that 33A may also be relevant.

Councilor Vacon noted that this was taken up at the last meeting, failed to gain 9 votes, and then the motion was made to table it to then be taken up at this meeting. She then stated that as it required 9 votes at the last meeting, it would logically require 9 votes at this meeting.

Atty Bissonnette asked if that had been an 8-3 vote.

Councilor Jourdain stated that it was.

Atty Bissonnette stated that 8 was more than two-thirds of 11.

Councilor Jourdain stated that it was two-thirds of the body.

Councilor Vacon stated that it was deemed to have not passed because it did not acquire two-thirds.

Councilor Jourdain reiterated that the Council reconsidered its action and laid it on the table, and now the Council was back at first reading.

Councilor Devine expressed her understanding that a legal form was provided at the last meeting regarding a two-thirds vote of those present.

Councilor Jourdain stated that was on ordinance adoptions.

President Murphy-Romboletti agreed that was for ordinance changes.

Motion was made and seconded to pass the second reading.

Councilor Jourdain cited Section 22 of the charter, with a provision stating, "Any ordinance, order, resolution or vote involving the appropriation or expenditure of money to an amount which may exceed two hundred dollars, shall require for its passage the affirmative votes of a majority of all the members of the city council. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least three days between the two readings, before being finally passed; and the vote at its final passage shall be taken by roll call; provided, however, that upon and after the written recommendation of the mayor the city council may pass such ordinance, order, resolution or vote on the same day by a two-thirds yea and nay vote." Her added that this passage cited the Special Acts of 1992. He also noted that this was also in the City Council rules. He further noted that two legal opinions on the topic, one from 2022 and another from 1993, stating that it would be two-thirds if both readings were done on the same night.

Councilor Vacon asked as a point of order for the chair to rule whether or not it required 9 votes.

Councilor Devine asked if Atty Bissonnette could provide advice.

President Murphy-Romboletti stated that some people didn't agree with Atty Bissonnette. She then stated that she had not gone to law school but had read the rules.

Councilor Givner stated that an email 10 days earlier provided ordinance language from Atty Mantolesky that did say passages of ordinances requiring two-thirds vote of the City Council unless otherwise mandated by MGL or the charter.

President Murphy-Romboletti emphasized that was for the charter.

Councilor Givner stated that she had been looking online to see if state laws trump municipal laws and was finding things that say they do. She then stated that while she understood both sides, she was hearing clearly the point about the last two months of the fiscal year and that state laws override the local charter.

Councilor Vacon stated that her question was still on the floor. She then stated that at the last meeting, which was in the same window of time, the same vote was ruled that it did not pass because it did not achieve a two-thirds vote. She expressed concern that there were different rules for two different meetings. She reiterated her request for the chair to rule.

Councilor I. Rivera expressed concern that things were being pulled in different directions, and things were being cited because the Council was not in agreement. He suggested that this was not productive as a Council or for the community. He added that if the City Solicitor had an opinion that was not brought up in the prior meeting, it may have been a mistake. He then emphasized that these people were hired for a particular role for a particular profession and hiring them means that faith is being put in them. He then expressed his belief that state law superseded the city unless the city was making something stronger or impeding the process to move forward.

Councilor Greaney asked what would happen if this was appropriated based on a simple majority vote and it turned out it did require a two-thirds vote. He suggested that logic said it should come back.

Councilor Anderson-Burgos read from Section 22 and added that it was now not the same day.

Councilor Devine called the question. Councilor Givner seconded the motion.

President Murphy-Romboletti stated that she came in believing this was not the first reading. She recalled former Councilor McGiverin making similar arguments in the past. She also emphasized the importance of taking the legal advice of someone who had been looking at what the state was passing. She then ruled that it would require a simple majority of 7 voted.

Councilor Bartley raised a point of order that a vote had just been taken to pass the first reading, which would mean there would now be two readings in the same night. He added that he had never heard about not requiring two-thirds during the last two months of the fiscal year. He reiterated that it must be recognized that the first reading was just voted on.

President Murphy-Romboletti agreed and ruled that it would be 9 votes. She noted that Councilor Magrath-Smith had to leave.
---> Passed two readings and Denied on a call of the roll of the yeas and nays--Yeas 7--Nays 5 (Bartley, Greaney, Jourdain, Ocasio, Vacon)--Absent 1 (Magrath-Smith).

COMMUNICATIONS

(35:30)

Letter from Mass Division of Local Services (DLS) re: 2024 Free Cash Certification
---> Received and referred to the Finance Committee.

Letter from Mayor Joshua A. Garcia re: FY2024 Free Cash Transfer Requests
---> Received and referred to the Finance Committee.

MOTIONS, ORDERS AND RESOLUTIONS

(37:00)

Councilor Devine asked what would happen to these transfers since the letter regarding the free cash transfers was just sent to Finance.

Atty Bissonnette stated that they were now eligible for appropriation as free cash had been certified. He added that should they not be adopted, the $1.1 million would be converted to free cash for the next year.

Motion was made and seconded to suspend the necessary rules to allow Mayor Garcia to address the Council.

Mayor Garcia stated that the letter was just a communication summarizing what the transfer orders were for. He then expressed appreciation to the Council for attending a special meeting to get through these orders. He then reiterated that should the funds not be moved, they would not be accessible until the same time next year. He then explained that the $427,347 request to transfer to the opioid fund was due to the settlement funding initially going into the general fund and now being converted into free cash, so this was putting it into the appropriate account. He suggested the transfers for OPEB and the general stabilization accounts should be straightforward. He noted that the stabilization account currently had around $740,000, and this would bring it close to $1 million. He then examined that some orders would be filed late to make capital related investments. He then stated that the contracted services transfer was for studies and consultant work, including conducting the police chief search. He then explained that the $299,775 for the cruisers had been requested by the Police Chief's, but he cut it with the intent of treating it like a capital expense to avoid raising the funds through taxation. He noted that Capt. Cruz was available for questions on that.

Councilor Greaney asked why the transfer to capital stabilization.

Mayor Garcia stated that he heard from councilors in the past that the general stabilization should be an emergency account to be used as a last resort. He noted that in meetings with the rating agencies, they looked favorably toward having that account in addition to having a regular stabilization as they looked at it as smart budgeting.

Councilor Greaney asked if that account was completely flexible.

Mayor Garcia clarified that it would still have to come before the Council to use funds out of there. He then stated that the transfer would bring it to around $916,000. He noted that he asked departments to bring a list of needs to him. He stated that they would be submitting orders from those requests in August.

Councilor Vacon, noting the advice the city gets on funding the emergency stabilization, asked if the outside auditors made recommendations on how much should go into capital stabilization.

Mayor Garcia stated that in the financial policies manual, they outlined a percentage that they planned to put into various accounts. He added that there was a commitment to invest in each account, including around 20% for capital stabilization.

He added that they while they were only transferring $5,000 to OPEB, they were keeping it on the radar and planned to invest more into that in the future.

Councilor Jourdain asked if there was clarification on if the capital stabilization was considered a special purpose account, and would it be a majority, or two-thirds vote.

Mayor Garcia stated that it was a special revenue which came with a special rule on being a majority vote, but he had discussed with the Law Department the idea of creating a local ordinance that would make it require a two-thirds vote to appropriate out of it. He suggested the language could be put into the financial policies manual that was still waiting to be discussed in committee for adoption.

Councilor Jourdain noted that those transfers tended to be unanimous anyway.

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2024 from fiscal year 2024 free cash a sum of TWO HUNDRED FORTY SIX THOUSAND SEVEN HUNDRED SEVENTY FIVE AND 00/100 DOLLARS ($246,775) as follows:
FROM: FY2024 Free Cash
TO: 8811-10400 Capital Stabilization

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 2 (Greaney, I. Rivera)--Absent 1 (Magrath-Smith).

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2025 from fiscal year 2024 free cash a sum of TWO HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED TWENTY AND 00/100 DOLLARS ($299,820) as follows:
FROM: FY2024 Free Cash
TO: 12103-58000 Police Capital Outlay Vehicle - Installment Payment 6 Cruisers

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
Motion was made and seconded to suspend the necessary rules to allow Capt. Cruz to address the Council.

Capt. Cruz clarified that it was supposed to be 3 cruisers. He then explained that it they would be fully marked 2025 cruisers, each totaling $102,000. He then stated that the cruisers initially arrive all in black, requiring the department to then have the doors and roof painted white, as well as lettering decals added to them. He also stated that they were equipped with two radios, including the associated antennas, wiring, and installation. He added that they were equipped with laptop computers, along with their associated antennas and installation. He also stated they had to pay for installation of lighting and rifle storage. He also stated they all came with medical bags and emergency equipment. He added that they had to pay for the emergency lighting. He added that they had previously purchased 2022 cruisers from Marcotte, but those were no longer available, requiring them to buy 2025 cruisers.

Mayor Garcia stated that when the budget was put together, it was expected to be $299,820 and they only learned it would be $306,000 after the agenda was posted. He stated they could find the difference elsewhere.

Councilor Greaney expressed his support.

Councilor Sullivan asked for clarification of the language in the order that stated it was an installment payment.

Mayor Garcia stated that it was not installment payments but deferred to Capt. Cruz to explain.

Capt. Cruz stated they would be buying them outright.

Councilor Sullivan stated that made more sense.

Councilor I. Rivera asked what would happen to the older cars if buying them outright was going to become the common practice.

Councilor Devine made a motion to amend the order to clarify it was for 3 cruisers and not 6. Councilor Bartley seconded the motion.

Councilor Bartley stated that while he understood the addons, this was essentially an SUV painted black with all sorts of fixtures. He questioned how $102,000 was possible, adding that it seemed incredibly excessive. He noted that no quote had been provided and he did not feel comfortable voting for this.

Councilor Vacon asked what the price of the base vehicle was.

Capt. Cruz stated that he was not involved in the negotiations and had only been brought into the loop the previous night.

Councilor I. Rivera asked if this would be outlined in the police budget.

Mayor Garcia stated that it would be shown in the capital outlay account.

Councilor I. Rivera asked if it would be a separate page in the police budget.

Mayor Garcia stated that it would be shown as part of the Police Department budget.

Councilor Greaney asked Mayor Garcia if he could explain the $102,000 per cruiser. He noted that he had not been involved in the procurement process other than getting the number once the departments do their work.

Atty Bissonnette stated that it was from a state procurement list.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 2 (Bartley, I. Rivera)--Absent 1 (Magrath-Smith).

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2025 from fiscal year 2024 free cash a sum of FOUR HUNDRED TWENTY SEVEN THOUSAND THREE HUNDRED FORTY SEVEN AND 00/100 DOLLARS ($427,347) as follows:
FROM: FY2024 Free Cash
TO: Opioid Special Revenue

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
Councilor Devine stated that the Mayor's letter described the reason for the transfer.

Councilor Vacon expressed her understanding that as a special revenue account, the Mayor would be able appropriate these funds for different programs as he saw fit. She then asked how he planned to communicate with the Council and the public on this.

Mayor Garcia stated that he planned to put together a committee to navigate use of these funds. He stated that he welcomed any opportunity to discuss this with the Council and hear any ideas.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 7--Nays 5 (Bartley, Greaney, Jourdain, Ocasio, Vacon)--Absent 1 (Magrath-Smith).

Motion was made and seconded to suspend the necessary rules to take up items 7 through 10 as a package.

Councilor I. Rivera raised a point of order, noting that a motion had been made at the beginning of the meeting to package items together and some did not like that, and asked why this was now being done.

President Murphy-Romboletti clarified that a motion was made earlier, some did not want to do that, and now they were changing their mind to do it now as the will of the body.

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2025 from fiscal year 2024 free cash a sum of FIVE THOUSAND AND 00/100 DOLLARS ($5,000) as follows:

FROM: FY2024 Free Cash
TO: 7010-10400 OPEB Trust Fund

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 1 (Greaney)--Absent 1 (Magrath-Smith).

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2025 from fiscal year 2024 free cash a sum of TWENTY THOUSAND AND 00/100 DOLLARS ($20,000) as follows:
FROM: FY2024 Free Cash
TO: 8810-10400 Stabilization

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 1 (Greaney)--Absent 1 (Magrath-Smith).

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2025 from fiscal year 2024 free cash a sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS ($100,000) as follows:
FROM: FY2024 Free Cash
TO: 11212-53009 Mayor Contracted Services: Ongoing Projects and Trainings

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 1 (Greaney)--Absent 1 (Magrath-Smith).

DEVINE - Ordered, That there be and is hereby appropriated by transfer in the fiscal year 2025 from fiscal year 2024 free cash a sum of NINETY SIX THOUSAND SEVEN HUNDRED EIGHT AND 00/100 DOLLARS ($96,708) as follows:

FROM: FY2024 Free Cash
TO: 8812-10400 Sewer Stabilization

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 27, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
Councilor Jourdain commended the Mayor for making contributions to the OPEB Trust Fund, adding that the stabilization was a no-brainer, the projects were good, and the sewer fund transfer showed that the city ran a surplus in that fund. He then stated that there were all non-controversial while the others were clear why some would have wanted to pull those out.

Councilor Greaney stated that he would be voting no on these because he felt they should have been taken up individually.

Councilor Bartley stated that while he understood Councilor Greaney's point, he believed these were all admirable and made a lot of sense. He questioned how item 6 passed with only 7 votes but would choose not to make a big deal about it.

Councilor Vacon stated that she was pleased to see retained earnings in the sewer fund, noting that some on the Council lobbied hard to keep the current rate.

Councilor I. Rivera also stated that he appreciated seeing free cash in the sewer.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 1 (Greaney)--Absent 1 (Magrath-Smith).

Brenna Murphy Leary

Adjourned at 6:45 PM

EXECUTIVE SESSION OF THE CITY COUNCIL

October 18, 2022

The meeting was called to order by President McGee at 6:00 PM

President McGee called the roll.   Absent members: 0 Present Members in person 13 (Anderson-Burgos, Bartley, Givner, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon). Present Members on Zoom 2 (Jourdain, Maldonado Velez)

The Pledge of Allegiance was recited.

Councilor Tallman made a motion to go into executive session. Councilor Anderson-Burgos seconded the motion.

Councilor McGiverin asked to clarify the purpose.

President McGee stated that the purpose was the intro to the final consent decree. He added that they would have a technical overview from City Engineer, Kris Baker. He also stated that discussion of funding had already been referred to the Finance Committee.

Councilor McGiverin clarified that the motion was to go into executive session for the purpose of discussing the consent decree and that no votes would be taken.

President McGee confirmed that no votes would be taken.

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

EXECUTIVE SESSION:

President McGee invited Garcia and Atty Atty Bissonnette into chambers.

Garcia stated that the team working on this was made up of City Engineer, Kris Baker, Atty Bissonnette from the Law Department, and Mary Monahan, Chair of the Board of Public Works. He emphasized that this had been going on for long before almost everyone had been there. He also noted that Atty Bissonnette, as former mayor of Chicopee, had already dealt with this extensively, as well as having served as chair of a committee of mayors across the country in dealing with the Clean Water Act. He then explained that the team would explain the issue, provide recommendations on how to proceed, and discuss funding strategies.

Atty Bissonnette stated that as a partial consent decree had been in place since 2019 and the city had complied with all of its conditions, they were now moving to the final consent decree on the CSO's (combined sewer overflow). He noted there was good and bad news with that. He then explained that the good news was that Holyoke had engaged with a variety of proactive activities in terms of keeping raw sewage out of the Connecticut River since 1980, notably the recent Jackson Street Sewer Separation project that took a substantial amount out. He added that Holyoke was currently at 70% elimination. He further explained that the EPA (Environmental Protection Agency) would like to see the city cut the remaining 30% in half. He added that as of July 1st, councilors may begin to receive calls as the city would then be required to report publicly any CSO's. He noted that there were 70 possible overflows over a year, which would likely start to come down. He further explained that the city was being asked to complete the negotiations by the end of the year. He then stated that Jakobson Street would have been part of the final consent decree but would no longer need to be because the work had been completed. He then explained that the outline to be described would show that the remaining two projects would be pushed out to 2037. He added that Mr. K. Baker would be describing the work to be done under the consent decree and would also be describing two new issues. He then stated that MS4, which would have to do with surface runoff, as well as stormwater management, was behind schedule for about five years. He added that the other issue was nitrogen. He noted that Chicopee had a similar set of problems and were over the mark for nitrogen. He added that they had brought down their numbers from $150 million to $70 million and had recently gotten a grant to help cover some of their costs. He then explained that Holyoke was not there yet, and had control of some of the residue going into the river thanks to private concerns the city had to help balance it out. He then expressed concern that regulations could change, leading to Holyoke being over the mark and forcing it to take on remedial actions, including upgrades to the plant.

K. Baker stated that the consent decree was a result of the Clean Water Act of 1972. He then stated that Holyoke, Springfield, and Chicopee all still had CSO's, which essentially meant sending untreated sewage into the Connecticut River. He then explained that the EPA had issued 5 administrative orders to Holyoke, the first being in 1995. He further explained that a lot of the orders required most of the projects that had been done be done, and so had been adhered to. He added that the last one was in 2005, resulting in the Berkshire Street facility, a large chlorination facility for treating CSO discharges before going into the river. He then stated that the EPA was interested in moving to a final consent decree, which would include MS4 - pipes that were just stormwater - in addition to CSO's. He then explained that the MS4 permit was from 2016 and became effective in 2018. He added that there were 6 minimum control measures to mitigate stormwater runoff into the river. He also stated while there was a partial consent decree in 2018, the EPA could not move to a final consent decree until there was a long term control plan - a 20 year outlook on how to solve the problem and get to an 85% reduction in flow of CSO coming from Holyoke. He then explained that the provided executive summary laid out the most effective way to get to 85%. He then stated that the main projects of the plan were the completed Jackson Street project, the River Terrace project in the Highlands, as well as the Springdale Park project. He noted that the projects were selected through an optimization of all the potential projects to determine which of the outfalls to remove in the most cost effective way to get to 85%. He noted that Jones Ferry, Appleton Street, and Mosher Street were projects done since 2000. He added that Green Brook got removed from the River Terrace area, which was a river going to the treatment plant. He further explained that the consent decree replicated what was in the long term control plan. He then explained that the Jackson Street project was $8.6 million but would end up being less because of grants, but they would be paying it back at 2% interest for 20 years. He added that the River Terrace project was two phases at a cost estimate of $18.4 million, which would be fully completed in 2029. He also stated that the Springdale Park project would be $10.5 million, scheduled to be completed in 2037. He noted that they put in a request to Senator Markey's office for a $2 million earmark to be put toward the River Terrace project. He also emphasized that they had not expected the MS4 issues to be put into the consent decree. He also stated that many of the obligations under that permit had not yet been completed due to staffing issues, requiring them to play catchup. He further stated that they would be looking at cross connections, zoning, regulations, and other similar focuses. He then explained that their proposed plan was an integrated plan, which came about due to the EPA adding the MS4 component to the CSO's. He then explained that it was a comprehensive capital plan looking at all stormwater and sewer infrastructure. He added that they would have an engineering firm optimizing expenses for capital improvements, looking at replacing pump stations at the end of their life, looking at climate change, as well as running affordability analyses. He added that they would be looking at household incomes to determine what percentage of household income could people afford to pay in their sewer rates. He emphasized that doing all of this would allow them to present it to the EPA and potentially change the dates of the consent decree if they could show there would be a high burden to the ratepayers. He then deferred to Atty Bissonnette to discuss funding.

Councilor McGiverin asked what the purpose of the executive session would be for discussing funding.

M. Monahan sought to clarify how the consent decree coming on January 31st would be driving factors, including funding. She then stated that they did not need to talk about funding now.

President McGee stated that could be discussed in the Finance Committee.

Councilor McGiverin asked for what has been spent of what was being paid. He then asked for more explanation of MS4.

K. Baker stated that it stood for Municipal Separate Storm Sewer System. He then explained that the permit regulated stormwater only, where outfall going into the river was only stormwater and not combined with sewer.

Councilor McGiverin recalled being warned it was coming but still felt a little shocked. He then emphasized that a significant amount of water came from I-91 into the stormwater system. He then expressed frustration that the federal government was giving the city an unfunded mandate to take care of their water coming off 91. He then suggested that would be called litigation.

K. Baker noted that the city also had 137 miles of city roadway that were impervious as well. He agreed that this was an unfunded mandate.

M. Monahan clarified that the federal DOT and MassDOT had their own stormwater management plan that the city would be coordinating with to ensure the city was not obligated to address runoff from state and federal highways.

Councilor Jourdain asked for clarification of his understanding that water from 91 was entering into the city's system.

M. Monahan stated that they did not yet know that because the city had not identified the catchment or started mapping where the stormwater was coming from. She noted that this was a requirement of the permit so they would then be able to identify the sources.

Councilor Jourdain emphasized the need to look into that, noting that it was examined between 2003-2005 and he understood there was runoff from 91 going into the city's system. He added that there was around 1 million gallons of brook water coming from Community Field and directly into the system. He then suggested that these factors bring into question whether there would be the same number of events happening per year going into the river. He then stated that everyone was likely in agreement with fixing the problem but there was a question of who should pay. He then stated that state and federal assistance was needed to meet these obligations. He then asked that city leaders work with the state delegation to address this concern, emphasizing that it would be an unbearable expense to put these costs on the city's ratepayers alone.

Councilor I. Rivera asked what the city could manage and what was the city's responsibility aside from the I-91 concerns. He further asked what the main things were that the city should be focusing on.

K. Baker stated that the city's responsibility was outlined in the consent decree, which included everything that had been lacking on the city's end. He added that the sewer separation projects were a part of addressing that.

Atty Bissonnette stated that in the original long term control plan, River Terrace was going to be the last project done. He then explained that in negotiations with the EPA, they believed that it would be better to switch it with the Springdale Park project. He added that River Terrace had around 3 times as much elimination as Jackson Street and would cost 3 times as much. He then stated that in the most recent transportation funding bill, the integrated plan called for 25% environmental justice grants, which could mean the city would be able to get around $68 million toward paying that off. He then noted that the project was around 75% design complete. He then stated that there was a possibility of a major road project going through the Springdale area along Main Street, which led to many open questions about impact. He suggested that funding for the road project could mean getting a bigger bang for the buck in Springdale. He added that there was a possibility of newer technology over the next ten years leading to alternative ways to keep the runoff from going into the river until the levels go down.

Councilor Vacon stated that she had not yet had a chance to study the documents but did note that there was a retroactive application of penalties and no amounts indicated in the contract. She then asked if the city was currently paying penalties and what they were. She also asked what could be anticipated.

Atty Bissonnette stated that in looking at the partial consent decree, it stated that if the city finished all of its projects, it would not have to pay retroactive penalties. He then stated that while he believed they could make that case to the EPA, the MS4 matters could be a problem. He explained that even though that was not in the initial consent decree, the city had agreed to do certain things in exchange for getting the permit to allow some things to flow into the river without going through the plant. He then suggested that if there were a penalty, that may be where there is impact. He noted that Quincy went through a similar situation and had a net penalty of $115,000. He suggested that calculations could lead to Holyoke getting a $25 million bill but expected the EPA would prefer that the city build the River Terrace project than pay that bill.

Councilor Givner asked for clarification of his opening statement that the city would not have to pay if a certain thing happened. She explained that she was not sure what the city could do to avoid fees and penalties.

Atty Bissonnette stated that he believed the city was okay on feasibility. He noted that they had several Zoom meetings with several agency people and found the dialogue to be professional and friendly, with everyone sharing the goal of making the Connecticut River as clean as possible within the people of Holyoke's ability to pay. He then noted that there would not be any rate setting within the consent decree, but there would be timetables that would come with a cost. He added that the cost of the remaining two projects were estimated to be around $25 million. He suggested that grants could provide up to around $20 million, but there was an open question over other costs such as fixing the plant or what would happen if they had to deal with the nitrogen issue.

Councilor Vacon offered a summary of what she believed she heard. She then stated that it appeared there would be an integrated plan for around $500,000, which would allow the city to have data that would make it possible to go back to the final consent decree for further modifications if they were needed.

Atty Bissonnette stated that was accurate. He then explained that it was not just for negotiations with the EPA but also to address a lack of planning. He added that with the contract with Veolia coming up in 2026, there was also a need to get everyone's mindset focused on that.

Councilor Vacon expressed her understanding that the Council had already authorized the mayor to have the contract audited in terms of the potential of reevaluating and renewing it.

M. Monahan stated that they had a contract to do the technical review of the operations at the wastewater treatment plant. She then explained that the review would confirm or find issues with respect to the operations requirements in the contract. She added that they were also about to enter into an agreement with a CPA to audit the financials to ensure that the contract's financial requirements for maintenance and the service agreement were followed. She further explained that many things were being merged together into this integrated plan, including the CSO's and the MS4, the potential nitrogen limits and the potential updates that would require, the coming contract renewal, and costs, to address sludge removal among them.

Councilor Vacon stated that when these costs get discussed in the Finance Committee, they should be clear on what had already been funded, what related to the contract, and what related to the bigger picture. She added that it would be helpful to be able to compare what was specific to the consent decree, what was part of the larger integrated plan, and what affects those and what doesn't.

Councilor McGiverin made a motion to go out of executive session. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

Councilor McGiverin made an announcement that no votes were taken in executive session.

Adjourned at 6:48 PM

EXECUTIVE SESSION OF THE CITY COUNCIL

December 6, 2022

The meeting was called to order by President McGee at 6:11 PM

President McGee called the roll. Absent members: 2 (Jourdain, J. Rivera) Present Members in person 10 (Anderson-Burgos, Bartley, Givner, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, I. Rivera, Tallman, Vacon). Members present on Zoom: 1 (Puello)

The Pledge of Allegiance was recited.

President McGee made a motion to go into executive session to get an update. Councilor Murphy-Romboletti seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Jourdain, J. Rivera).

President McGee noted that Assistant City Solicitor Michael Bissonnette was online. He then stated that the purpose of the executive session was to get update from Mayor Garcia and the Law Department.

Mayor Garcia stated that they were going to update the Council on consent decree negotiations with the stormwater separations. He noted that Board of Public Works chair, Mary Monahan and Atty Bissonnette would participate in the update.

M. Monahan stated that at the last meeting between the city, representatives from the Department of Justice, EPA (Environmental Protection Agency), MassDEP (Department of Environmental Protection), and the Attorney General's office, they reached an agreement on what the consent decree would look like. She then explained that this meeting gave her a clearer understanding of the violations that were discussed with the Council at a previous executive session. She then stated that the city had a temporary consent decree in 2019, which had not been acted on yet, but had been based on the city's failure to submit a long term control plan. She added that it had since been done. She then explained that the other component of the existing consent decree was the city's failure to execute the Municipal Separate Storm Sewer System (MS4) permit, a prescriptive process for what municipalities had to do with addressing issues within their storm and sewer system. She then explained that the consent decree addressed both the MS4 and CSO component - both wastewater and stormwater. She then asked Atty Bissonnette if she could announce the proposed penalty.

Atty Bissonnette stated that this would be a great time for that. He noted that it was not $45 million.

M. Monahan stated that it could have been a significant penalty. She then explained that the support the city was providing to get back into compliance throughout various departments all contributed to a penalty of only $50,000. She added that the reason for the penalty was divided between the two issues: the previous failure to execute a long term control plan and the existing failure to execute an MS4 plan. She stated that they had put in place actions to meet the schedule that was in plan and to maintain compliance with the CSO and to get into compliance with the MS4. She then stated that they would be confirming with regulators the next week that the city would be accepting the penalty and the conditions of the consent decree. She added that after the first of the year, there would be filings and a press release with the city getting 24 hour notice from EPA about what was happening with the city, allowing the mayor's office to get ahead of it and explain the good part of it. She then explained that to main compliance, they would be seeking funding for staffing to ensure that the work continued according to the schedule. She added that there were also capital projects naturally occurring. She added that with a new DPW Director stepping in, he would need professional staff to be the eyes and ears to stay in compliance and get ahead of projects in order to avoid just responding to crises and emergencies.

Atty Bissonnette emphasized the importance of understanding that while $45 million could have been the fine for the criminal penalties, there was no admission of any wrongdoing by the city. He added that there could have been civil penalties of $250 to $750 a day, which could have added another $500,000 to $1.5 million. He then suggested that based on other communities, a penalty of $50,000 was a gift in recognition of the sad state the upgrade was in when Mayor Garcia came in and the negotiations that had to begin. He then commended the City Engineer and Chair M. Monahan for stepping up in the absence of a DPW Director.

Councilor Bartley stated that the fine was tough to put into context with respect to other communities. He then asked who the other communities were and what their situations were.

Atty Bissonnette stated that Quincy was the most recent, with a fine of $150,000 or $175,000. He then stated that his goal was to beat Swampscott, who were fined $65,000.

M. Monahan stated that Quincy was the city she had been looking at with a potential pattern. She added that they were fined in August specifically for MS4 without a CSO.

Councilor Bartley suggested that with this fine dating back to issues in 2019 and earlier, somebody was derelict. He then expressed an expectation that the City Council would have to take a vote on this. He then stated that someone in a leadership position could have prevented this at some point. He then asked if the point person working with the DPW Director could be someone from Veolia, noting that it appeared that a new position was being proposed.

M. Monahan stated that in discussions with regard to Veolia's role in what was happening, their contract did include responsibility for them to implement a number of the MS4 requirements that were not done. She then explained that part of their discussions moving forward would be to work with the Law Department and reach out to Veolia to pay a portion of the penalty as it was their failure through a lack of supervision over what was required of them in their permit. She then suggested that the city would be better off taking the lead, noting that the permit was in the city's name, but the work should be shared.

Councilor Bartley commended the team for their work on this. He then stated that he was more interested in sharing the cost with Veolia. He then asked at what point the city would know when its obligations were complete so that it no longer needed to go through the process with the involved agencies.

M. Monahan stated that the long term control plan had a schedule to get the city to 85% removal. She added that the work would never stop and there would always be ongoing stewardship to ensure the city didn't fall back, but the big projects would be completed. She added that long term control plan was the bulk of the expenses the city would be paying over the next 20 years with respect to the CSO.

Councilor Vacon also commended them for all of the hard work done to get the city to the current place. She then expressed concern in learning that Veolia had not been doing what was stipulated in their contract, especially when the city would be setting the tax rate soon and the tax dollars had already been encumbered in the budget. She then expressed hope that Veolia would make good on the costs related to this. She expressed concern with creating a new position to supervise the contract that was entered into to avoid spending money on the city side. She suggested letting the new DPW Director to get into the position and get settled before any restructuring of the department took place.

M. Monahan clarified that the new position was not in response to their failure but was desperately needed. She emphasized that the DPW had been undervalued for some time and did not have the level of staffing in order to function as the way the city should be. She added that the city's infrastructure had significant needs and the inability to have the staffing to actively pursue funding from several available grants was disconcerting.

Councilor Vacon asked for clarification that the position was not before the Council in the last supplemental budget that they can act on this year.

M. Monahan stated that was correct. She added that they were looking at it for FY24. She then explained that the new DPW Director would have a big say in how that position functioned in the department.

Councilor Vacon made a motion to go out of executive session. Councilor Tallman seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 11--Nays 0--Absent 2 (Jourdain, J. Rivera).

McGivern announced that no votes were taken in executive session.

Adjourned at 6:34 PM

REGULAR MEETING OF THE CITY COUNCIL

June 4, 2024

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

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

The Pledge of Allegiance was recited.

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

President Murphy-Romboletti welcomed Councilor Bartley to the podium to present a proclamation in honor of Barbara Bernard.

Councilor Bartley stated that the proclamation was to celebrate Ms. Bernard being inducted in the Massachusetts Broadcasters Hall of Fame. He added that she had been involved in many things, including the Holyoke Merry-go-Round, Holyoke Medical Center, the Senior Center, and was a lifelong writer. He added that she was the kind of person a lot of people could rely on and had a tremendous amount of wisdom. He noted that the official ceremony would be later that month. He then offered congratulations to her on behalf of the City Council President, the City Council, the City Clerk, and the City of Holyoke.

Councilor Devine stated that Ms. Bernard asked her to read something for her:
"Dear Patti, I am honored and touched by the proclamation concerning my induction into the Massachusetts Broadcasters Hall of Fame. It dos stroke ones ego a little and adds to the joy of receiving this proclamation from the Holyoke City Council. I regret I am unable to be there in person but thank you to each and every one of you but I am watching you on television this evening. I do want to thank you sincerely for the wonderful work you do for our city. Sincerely, Barbara Bernard."

Councilor Greaney offered thanks to Ms. Bernard for her years of service.

PUBLIC COMMENT

President Murphy-Romboletti stated that nobody had signed up to speak during public comment. She noted that the time for each person to speak had increased from 90 seconds to 2 minutes. She commended Givner for providing a bell to ring when people were at time.

LAID ON THE TABLE

(5:50)

Councilor Bartley noted that there were several items left over from the previous meeting and suggested removing them from the table as a blanket motion.

Motion was made and seconded to suspend the necessary rules to remove items 1 through 34 as a package.

The Committee on Finance to whom was referred an order That the City Council conduct a comprehensive study of employee safety for the benefit of our Holyoke municipal employees and our taxpayers. The City Council should invite in the Personnel Director, our Workers' Comp representatives, Mayor, law department, department heads, union leadership, and others as needed to gather all of the information we need to study the root causes of employee injuries, how they are handled, how are they mitigated, how are we handling risk management to avoid future losses. Our goal should be to keep employees safe, reduce lost hours, productivity and overall cost to the city. We need to collect all relevant data including a prior 3 year report tracking injury claims, workers' comp claims, injured on duty claims, and related. Ideally, the City Council will produce a report within 6 months on its findings in conjunction with all key stakeholders.

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

Committee Members:

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

UNDER DISCUSSION:
Councilor Devine stated that one reason for the recommendation to give this a leave to withdraw was due to it being a fairly old item. She added that it was unclear where else it went or who it went to. She noted that the order asked for the City Council to conduct a study and produce a report, but no information was available on if that was ever done.

Councilor Jourdain stated that he filed this in conjunction with Andeson-Burgos and Councilor I. Rivera. He then explained that the city decided to create a workplace safety committee to conduct a study either through bringing in a consultant or using in house services. He added that nobody called him to ask for background of this order. He suggested that the order remain in committee and allow the city to do its work. He added that it had transitioned away from being led by the City Council to being led by Personnel, and they should be allowed to do their work.

Councilor Devine stated that this was on the committee agenda, could be taken up again, but was not sure how much further the committee could go with it. She suggested that Personnel could be invited to discuss it.

President Murphy-Romboletti noted that sometimes things take time.

Councilor Jourdain stated that was especially true on weighty items like this.
---> Report of Committee received and referred to the Finance Committee.

The Committee on Public Safety to whom was referred an order that the city creates a Certificate of Occupancy program that works to inspect rental units in order to acquire the certificate. Certification is based on passing State Safety and Sanitation Codes on a regular basis (not more than 3 year cycles, less for continuously problematic properties) for properties with 3 or more units. Send to Public Safety.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated that the Building Department was sending out letters to owners of 2, 3, and 4 family homes, urging compliance with safety laws after 30 years of neglect. She added that Councilor I. Rivera suggested creating a system of checks and balances to prevent future lapses. She also stated that Timothy Rivers from the Board of Health was supportive of the idea, suggesting exploring alternative solutions.
--> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order That the board of health/ health Commission please be invited to attend to discuss if changes are possible to the changes to the Tobacco license issuance policy that supports common sense economic growth on a case by case basis and also protects public health. That they also please discuss syringe access and whether common sense changes can be made. Ex: 1 for 1 exchange

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated that they recommended a leave to withdraw as the filer, former councilor Will Puello, was no longer available to discuss. She added that Councilor I. Rivera was planning to refile an order.

Councilor Bartley suggested returning items 3, 5, 8, and 12 back to the Public Safety Committee. He noted that they were taken up under a section that suggested they would not be discussed but were discussed and given leave to withdraw. He then stated that he would like to discuss this order.

Councilor I. Rivera clarified that there were a lot of orders that needed to be cleaned out and anyone could speak up if they wanted items to be kept. He added that he believed it made sense to have someone refile the order that was available to take the lead on it.
---> Report of Committee received and referred to the Public Safety Committee.

The Committee on Public Safety to whom was referred an order The DPW and Mayor locate public spaces where trash and recycling receptacles can be placed and maintained. This should start off as a pilot program and it will require funding and management to ensure the debris/recycling bins are maintained but hopefully it will be a success and Holyoke can expand its scope.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor Bartley stated that this and the next order were taken up once, and the City Engineer was not in attendance, and the order was never taken up again.
---> Report of Committee received and referred to the Public Safety Committee.

The Committee on Public Safety to whom was referred an order City Engineer review options to improve road safety at Queen and Cherry St. Issue: trucks exiting Queen St. are seen driving over the median strip and making an illegal left-hand turn onto Cherry St. (Rt. 202-South)

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

---> Report of Committee received and referred to the Public Safety Committee.

The Committee on Public Safety to whom was referred an order The city engineer review the signaling at the Maple St / South St. / Parenteau Dr intersection. Multiple accidents and near-accidents have occurred there over the years as motorists from Maple St turn Left against oncoming traffic on South St (heading downtown). The intersection is proximate to the former Whole Donut and the Fitzpatrick Ice Rink. Refer to Public Safety with copy to City Engineer.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor Bartley stated that this was a serious aera requiring serious thought. He then expressed a desire to discuss this with someone from DPW in committee.
---> Report of Committee received and referred to the Public Safety Committee.

The Committee on Public Safety to whom was referred an order that the Cannabis Commission create a regulation that retail marijuana products be required to have a health safety warning. This is needed in light of studies showing significant medical emergencies among children and adolescents as well as adults, due to marijuana use.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated that the reason for withdrawing was that the Cannabis Commission would be creating their own regulations.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order that Order that the public safety committee invite in the water dept to discuss and address the water issues on Michelle lane.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated that the order was being withdrawn to clear out the jacket and could be refiled if someone wanted to take it on.

Councilor Bartley stated that Michelle Lane was a new cul-de-sac near the college, but he was not sure what the issue was. He deferred to the ward councilor for that area to address it if the issue persisted.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order that the Board of Health, Community Development, and Mayor do a survey of City Hall and the annex building in order to prioritize the top needs for improvements of the two buildings (I.e. elevators, mold removal, carpets, etc).

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated that this was being withdrawn to clear it out and could be refiled if someone wanted more discussion.

Councilor Sullivan stated that he could take the lead on this order rather than having it be refiled.

Councilor I. Rivera stated that he was aware that the Mayor had begun the process and it made sense to keep up on it to make sure the process continued to happen.

Councilor Magrath-Smith recalled that a similar order came through to look at which municipal buildings could be supported by CPA (Community Preservation Act) funds. She then explained that they looked at a report specifically related to City Hall, adding that Sean Sheedy, formerly from the DPW, had begun an exhaustive list of the needs, including costs, sources of funding, but he then took a different position. She then emphasized the need to keep the lines of communication open once his position was filled.
---> Report of Committee received and referred to the Public Safety Committee.

The Committee on Public Safety to whom was referred an order that the city council invite the Mayor, Community Development, Parks & Recreation Department as well as Public health to a Public Safety committee meeting to discuss developing so form of community coalition around addressing homelessness, substance abuse, and youth programming.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated they gave it leave to withdraw and deferred to Councilor I. Rivera to provide more explanation.

Councilor I. Rivera stated that the work on already happening with Holyoke HUB, adding that Ed Caisse was working with several agencies and service providers coming together on a weekly basis to discuss cases to move to the next level.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order That the City/DPW/Public Safety Committee review and determine how to close Wyckoff Ave from Northampton Street, similar to that on 202.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera stated that the order was filed by former councilor, Todd McGee in 2022, and it was not clear why they would want to close that street.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order that a camera be placed on Homestead Avenue to be used to enforce “no truck traffic after 8PM.”

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:
Councilor J. Rivera deferred to other councilors as she had lost her notes.

Councilor I. Rivera recalled that when he was chair of the committee, they took it up and understood the Law Department was exploring if it was legal. He added that it was suggested the order be refiled if it was still a concern.

Councilor Vacon stated that she would refile and reword it, noting the concern was relative to automatic enforcement through use of the camera. She noted that cameras had been used effectively throughout the city to discourage illegal activities.

Councilor Greaney emphasized the problem still existed.
---> Report of Committee received and recommendation Adopted.

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.

have considered the same and Recommended that the order be adopted, amending "five (5) years" to "three (3) years," amending "may be established" to "shall be established," and removing the clause, "elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer".

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith asked to ensure that councilors received the legal language.

President Murphy-Romboletti stated they had.

Councilor Magrath-Smith stated that the committee debated if this position should be appointed by the Mayor or the City Council, and decided on the City Council believing that would secure the votes to move forward. She suggested there was a desire to change it from elected to appointed, and this is what would make it possible. She added that some did not particulate love the idea, preferring a system where the Mayor had this appointment because other financial appointments were already made by Council. She emphasized that the goal was to come up with a way to have an appointed position.

Councilor Bartley asked if the legal language was on the agenda.

Councilor Vacon stated that it came as a communication.

City Clerk Murphy McGee stated that it was attached to the order.

Councilor Bartley made a motion to approve the legal language. Councilor Vacon seconded the motion. He then stated that after going through it, he believed Atty Bissonnette did a great job covering everything the Council wanted to do. He then expressed his understanding that the voters would get a summary ahead of the election and they would then decide.

Councilor Magrath-Smith stated that some information had come in around ballot and timing, which would effectively make it hard to put on the ballot unless the city found the funding for it to put it on the ballot in November. She then explained that the ballot in November would already be two pages due to Spanish translation and the CPA ballot question.

City Clerk Murphy McGee stated that it was not just about the CPA ballot question but the other questions that had been petitioned across the entire commonwealth, in addition to the presidential election. She anticipated this question would create the need for a third ballot. She then explained that she reached out to the Secretary of State's office that day with questions, including an inquiry about postage, noting her confidence that the two ballots that included the federal elections would have to be in a separate envelope from this special election question, doubling the cost of postage. She further explained that her office only got reimbursed for the federal election and they were anticipating sending out 5,000 ballots. She stated that she had not yet heard back from their office.

Councilor Magrath-Smith stated that if it were not funded, it would have to wait until the next municipal election to be funded.

Councilor Greaney asked what the cost would be. He suggested it shouldn't be too expensive.

City Clerk Murphy McGee stated that while she was unsure of the postage, each ballot itself was between $1 and $1.50 because of all of the envelopes that had to go with them, which would then be multiplied by 5,000. She added that there was also the cost of poll workers who had to process the ballots.

Councilor Greaney stated that he was alright with the language as long as it went before the people.

Councilor Jourdain, noting the CPA question was already on the ballot, asked if the city already had to do an extra ballot.

City Clerk Murphy McGee stated that the only municipal questions that could go on state ballot were CPA questions or tax overrides. She added that any other local questions had to be deemed special elections and run alongside the state elections.

Councilor Jourdain suggested that in fairness to the Treasurer, he would rather see it done this year rather than waiting until the following year because that would put the city in limbo considering the plan was to make the transition in January 2026, but the result would not be known until November of 2025. He added that it also created a precarious position if it were voted down. He also stated that City Treasurer, Rory Casey, or anyone else that may be interested, would have to run a campaign and be on the same ballot as the question. He stated that while it was unfortunate to have to pay $5,000-$7,500, the alternative was having an election for the Treasurer. He then commended the Law Department for their work on the language.

Councilor Vacon noted that the Mayor was giving his budget presentation, he made clear he was in favor of this and urged passage.

Councilor Greaney called the question. Councilor Vacon seconded the question.

City Clerk Murphy McGee noted that if this question passed, a special election would have to be called.
---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Givner).

The Committee on Charter and Rules to whom was referred an order that the Joint City Council and School Committee have a standing order to report to the City Council on meeting topics originating from the School Committee.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that this was an easy move forward to have this standing order.

Councilor Jourdain commended Admin Asst Anderson-Burgos for coming up with this idea. He added the School Committee appreciated that when they file topics to be discussed in the Joint Committee, there was now a vehicle for those to be heard at City Council.
---> Report of Committee received and recommendation Adopted.

The Committee on Charter and Rules to whom was referred an order amend Rule 6E by adding the following: that no member of the City Council shall make references to or about another member but in respectful terms whether inside or outside the City Council Chambers including on social media.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that the vote for no recommendation was 2-1 in committee. She then stated that while everyone believed it was best practice to be respectful inside and outside Council chambers, there were concerns about censorship as well as no way to control what people do outside Council chambers.

Councilor Greaney asked if there was an intent clause in this, where if someone intended to do something or if there was an inadvertent comment, sometimes there could be language problems. He noted that sometimes things get said off the cuff that get out to people without intent, while things that are intentional were a whole different matter. He suggested that could be problematic.

Councilor Magrath-Smith stated that was why it was brought to full Council without recommendation to put it in the rules because there were enough sticky points that they did not feel could be resolved or be workable as a practical rule.

Councilor Vacon made a motion to amend the order, adding "intentional" after "make" in the sentence that said no member of the City Council shall make references to or about another member but in respectful terms.," and then adopt the rule change. She added that all of the rules were only as effective as each councilor's willingness to hold themselves accountable to them. She added that all councilors operated under the rules that were agreed to and under Roberts Rules. She added that everyone did have freedom of speech but that should not be an excuse for failing to hold to certain standards of conduct. Councilor Jourdain seconded the motion.

Councilor Devine asked for clarification of the vote in committee.

Councilor Magrath-Smith stated that she and President Murphy-Romboletti voted to not recommended and Councilor Vacon voted in support of it.

Councilor Vacon raised a point of order. She noted that the chair's report stated that the committee reported it out without recommendation.

Councilor Magrath-Smith expressed her understanding that without recommendation meant that it was recommending against passage and was not meant to be neutral.

Councilor Jourdain stated that was not what it means.

President Murphy-Romboletti suggested hearing from the Law Department.

Councilor Magrath-Smith expressed a willingness to send it back to committee to talk about it again.

President Murphy-Romboletti asked Atty Bissonnette to clarify what "without recommendation" meant.

Atty Bissonnette stated that the committee did not offer a recommendation to the full Council, and then there was a question from one councilor as to who voted which way. He then advised that the point of order should not be well taken. He then noted that the current matter was the amendment offered by Councilor Vacon to adopt as amended.

Councilor Anderson-Burgos stated that he had many jobs in the past telling him that writing certain things on social media could lead to him being fired. He then stated that following that, he told himself he would never have a job that would hold those things against him. He then emphasized the importance of freedom of speech. He added that as elected officials, they were all targets. He then stated that he could follow the rules while in chambers but nobody was going to tell him what he could or could not say on social media. He questioned if this was a dictatorship. He then noted that he was told he would need to grow a thick skin while serving. He added that people should not be silenced because sometimes things needed to be heard.

Councilor Jourdain expressed support for the rule change on the spirit of discussion of decorum. He emphasized that they were councilors 24/7. He then noted that while the public could say anything they want, the question was about councilors not keeping criticisms to the issues and not being nasty and name-calling colleagues on social media. He suggested that this would be setting a leadership tone to the public. He added that the basics of decorum can't mean blasting each other on social media and then expecting it to be a good work environment at meetings. He reiterated that he encouraged debate on the issues as fair game, but people were crossing the line on things that were not about issues but were making character statements. He added that this order was meant to be aspirational. He also emphasized that he never speaks about other councilors on social media and encouraged others to follow the same idea.

Councilor Greaney stated that he believed social media was really antisocial media, adding that he saw it mostly as a bunch of garbage. He then stated that he did not see the harm in this order, noting that there were no consequences or repercussions.

Councilor Devine stated that she would be voting against this, noting that it was not just talking about social media but referred to inside or outside Council chambers. She then stated that it was about free speech, and questioned who would enforce it or what the punishment would be.

Councilor Anderson-Burgos stated that he doesn't talk about other councilors on social media, but this issue was not just about him. He then expressed frustration with hypocrisy, noting that when he first decided to run, another councilor called him "Juany come lately," adding that he had a screen shot of it. He added that his integrity and character were challenged, and cheap shots were taken at him. He then stated that he was okay with rules being enforced while in Council chambers because he honored and respected the space, but when everyone leaves the room, it should be a different story where people shouldn't have to worry about what they might say getting them into trouble.

Councilor Vacon stated that nothing in the rule controlled content of speech but was about decorum. She then emphasized that she did not post personal posts on Facebook about any city councilors. She added that she had been the victim of anonymous hit pieces. She then stated that the point was not that there needed to be enforcement or punishment but that the way people conducted themselves in chambers should be the same when not in chambers.

Councilor I. Rivera recalled that in the past, there used to be news articles where people wrote about each other all the time. He questioned why it was now different with social media and now not okay when it was okay then.

Motion was made, seconded, and thirded for a roll call vote.
---> Report of Committee received and recommendation denied on a call of the roll of the yeas and nays--Yeas 6 (Bartley, Greaney, Jourdain, Ocasio, Sullivan, Vacon)--Nays 6 (Anderson-Burgos, Devine, Magrath-Smith, Murphy-Romboletti, I. Rivera, J. Rivera)--Absent 1 (Givner).

Councilor Bartley made a motion to reconsider the previous action and lay on the table. Councilor Vacon seconded the motion. Motion failed on a show of hands vote.

The Committee on Charter and Rules to whom was referred an order add a new Rule 6G that no member shall make any external statements, social media posts, or texts regarding City Council business during any meeting of the City Council or its committees in the spirit of the open meeting law.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that the committee confirmed with the Law Department if this was in line with Open Meeting Law. She added that with people being used to having their devices, this was about making sure people were not making external statements, social media posts, or texts about Council business during any meeting of the City Council or its committees. She noted it was a 3-0 recommendation.

Councilor Jourdain stated that this was a no brainer, noting that it was happening but should stop.

Motion was made, seconded, and thirded for a roll call vote.
---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Givner).

The Committee on Charter and Rules to whom was referred an order That City Council rule 9 (Committees) Section (P) be amended to change 45 days to 60 days. New language: All orders sent to any subcommittee be acted upon (taken up, not disposed of) within 60 days shall be deemed tabled.

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

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith deferred to Councilor Devine as a the maker of the order to explain why it be given leave to withdraw.

Councilor Devine stated that she was fine if 45 days was working.
---> Report of Committee received and recommendation Adopted.

The Committee on Charter and Rules to whom was referred an order that City Council Rule 9P be modified to add: Only those items that are reasonably expected to be taken up at the meeting (per open meeting law) will be published on the meeting agenda. Items “deemed tabled” by virtue of their existence in the committee jacket for 45 days will not be published on the active agenda. Listing every item in the entire committee jacket on every agenda will create confusing agendas for Councilors and the general public when the vast majority of items will never be considered at that meeting and create the false impression that they will be. This will create an absurd result that appears to be a violation of the Open Meeting Law.

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

Committee Members:

Meg Magrath-Smith

Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith deferred to Councilor Jourdain as one of the makers of the order to explain why it was complied with.

Councilor Vacon stated that she believed this was complied with because the administrative assistant had been placing those tabled items on a separate portion of the agenda indicating that they would likely or may not be discussed, but they had been listed. She added that the administrative assistant had indicated that the items from this year had not been listed because it was a lengthy technical project to accomplish. She then requested that the administrative assistant send a communication when all of the tabled items had been brought up to date.

Admin Asst Anderson-Burgos clarified that all of them items that had been previously taken up and tabled had been put into that section on the agendas. He then explained that the items that had not been added were the items that had been deemed tabled by virtue of having been in the committee jackets for more than 45 days, because that was a lengthy process requiring putting the text of all of those orders into a word document. He noted some of the committee jackets had multiple dozens of orders. He reiterated that anything that had been taken up and tabled had been placed on committee agendas.

Councilor Vacon stated that in order to have this order complied with, it would require putting all of them on that list whether they were taken up or not. She expressed her understanding that it would be by the end f the summer recess.

Councilor Jourdain expressed his support for the recommendation. He then asked Councilor Vacon if she was good with the motion.

Councilor Vacon stated that if the administrative assistant was stipulating to send a communication, she was good.
---> Report of Committee received and recommendation Adopted.

The Committee on Charter and Rules to whom was referred an order 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.

have considered the same and Recommended that the order be referred to the Joint City Council and School Committee.

Committee Members:

Meg Magrath-Smith
Linda L. Vacon
Tessa Murphy-Romboletti

UNDER DISCUSSION:
Councilor Magrath-Smith stated that there were a lot of miscellaneous rules that had become defunct that

she was slowly working to bring up to discuss if they should be removed or revised to make active again. She then explained that this rule had been in use in an earlier term but the tradition had changed around how the Pledge of Allegiance was done. She then stated that the committee decided to refer it to the Joint Committee so they could consider how to proceed. She then stated that they considered having the administrative assistant reach out to school principals to ask if any students would want to come, but that would be giving that person a large task. She added that there were additional concerns over who would make sure they were coming, if they had transportation, and if they understood their role.

Councilor Greaney called the question.

Councilor Jourdain asked the administrative assistant to add this item to the Joint Committee's June 13th agenda.
---> Report of Committee received and recommendation Adopted.

Vacon- ORDER: trim the low branches on two city trees across from #88 Meadowbrook Rd. The low branches are hitting vehicles and causing drivers to move into the wrong lane.
---> Received and Adopted. Copy to DPW.

Bartley- That certain city departments review two matters proximate to 61 Lawler St: (a) City Forester and Holyoke Water Works inspect the tree to see if it needs to be trimmed or removed; (b) the DPW take corrective action to fix the raised sidewalk. Receive, Adopt and Refer. Send to Public Safety for a follow-up.

Councilor Bartley made a motion to amend the order, adding "and Holyoke Water Works" after "City Forester."

Councilor Greaney noted Forester was spelled wrong.

Councilor Bartley added to the amendment to fix the spelling.
---> Received and Adopted. Copy to Public Safety Committee.

Bartley- City Forester and Conservation Commissioner please review the tree belts in Elmwood to suggest places for new plantings. Several constituents are requesting them throughout the Ward. Refer to these departments and DCR (Sarah) for a follow- up at a future Public Safety meeting. Our goal is to have many new trees planted in the Fall of this year.
---> Received and Adopted. Copy to City Forester, Conservation, DCR, Public Safety Committee.

Bartley, Ocasio- The City determine a more efficient manner to remove Handicap/Disability signs. Perhaps a database should be maintained by the Clerk. City addresses with Handicap/Disability signs in front of a parcel's address should maintained and made public. Further, for example, on an annual basis, each addressee with such a sign should be notified and must affirm whether or not the sign should remain. Refer to Ordinance for a follow-up.

Councilor Devine suggested sending a copy to the Disabilities Commission.

Councilor Vacon stated that they weren't involved in removing signs.

Motion was made and seconded to copy to the Disabilities Commission.

Councilor Bartley stated that a good discussion on this subject took place in the Ordinance Committee. He added that he ran this idea by the City Clerk as he did not want to burden her office more than it already was, but someone needed to handle this. He added that it made sense to go through a whole process to add them, but removing them should be more efficient.
---> Received and referred to the Ordinance Committee. Copy to Disabilities Commission.

Bartley, Sullivan - The conservation commissioner be invited to attend a future DGR meeting to provide an update on the construction in and around Scott's Tower. Please be prepared to address the issue of water run-off to the pond owned by the abutter at 5 and 15 Lindor Heights. Refer to DGR and Conservation Commission.

Councilor Bartley made a motion to amend the order to add 15 Lindor Heights. Councilor Vacon seconded the motion. He noted the order was already on the agenda for the committee later that week.

Councilor Sullivan asked to be added to the order.
---> Received and referred to the Development and Governmental Relations Committee. Copy to Conservation Commission.

Givner, I. Rivera - Order that upon constituent request, that a stop sign be placed at the corner of where Larkin and Willow St. meet.

Councilor I. Rivera asked to be added to the order.
---> Received and referred to the Ordinance Committee.

Rivera I.-Order that representatives of the Water Department come in to DGR and elaborate on processing fee attached to payment when using a credit/debit card when processing payment. Constituents have raised concerns on how much the are being charged on top of their water bill.
---> Received and referred to the Development and Governmental Relations Committee.

Rivera I- Order that representatives of the Holyoke Public Schools and STCC (specifically Dean tech) come into DGR and elaborate on the "After Dark" programming that will be soon launching at the Dean Tech school site.
---> Received and referred to the Development and Governmental Relations Committee.

Rivera I.- Order that Parks and Rec, along with the school department come into Public Safety to discuss the management and maintenance of parks that are on school property. There has been much confusion as to who is responsible for what and it is important for the city get a formal understanding so that we are able to better fund things are needed.
---> Received and referred to the Public Safety Committee.

Rivera I.- Order that Health Commissioners representing the board of health come into DGR and discuss the Tobacco license issuance policy and how it may or may not align with the city's economic development plans around supporting small business growth and tourism.

Councilor Bartley suggested sending this to Public Safety instead of DGR, noting that a similar order had already been referred there.
---> Received and referred to the Public Safety Committee.

Rivera I.- Order that DPW and Sewer put together a study and present on the potential benefits of adopting a sewer maintenance program similar to the one run at the Water Department.
---> Received and referred to the Finance Committee.

Rivera I, Ocasio.- Order that Members of the parks & Rec Commission be invited in to Public safety to discuss plans around Springdale park as well as what the plans or if any support is needed in potential park improvement throughout the city.

Councilor Ocasio asked to be added to the order.
---> Received and referred to the Public Safety Committee.

Jourdain- Ordered, that DPW and Veolia provide the City Council with a status report on city street sweeping It feels like we are behind schedule and this should have already been largely complete. Please advise as to what percentage of the city is fully complete and what is the schedule to complete the remainder.

Councilor Magrath-Smith stated that she reached out to Veolia on this. She then stated that they had staffing and equipment constraints and had hired a third party Mohawk Sweeping Services that had begun sweeping as of May 28th. She added that they had been contracted to sweep in the non-posted neighborhoods, including the Bemis area. She expressed interest in explanation of the issues.

Councilor Jourdain made a motion to amend Suez to Veolia. He added that he was glad to hear they were starting in the Bemis area as that was where he was getting calls from. He suggested that they should be communicating with the Mayor if they were having these types of issues.
---> Received and Adopted. Copy to DPW, Veolia.

Jourdain- Ordered, that the Building department come to the Public Safety committee to discuss the new inspection initiative for 3+ family homes and the implications for owners. A general notice to owners should be published on Building dept and City Council website inviting them to attend the meeting if they wish to give feedback.

Councilor Jourdain stated that he was getting calls on this issue and believed citizens should have a forum to talk about this issue. He emphasized that the City Council had not made this rule but was a state building code requiring inspections every five years.

President Murphy-Romboletti noted that a public meeting had been held the previous week that had been recorded by Holyoke Media.

Councilor Devine stated that she had been receiving calls about this as well. She noted that this had not been done in over 30 years because the Building Department did not have the staff. She then suggested that citizens could talk to the Building Department as well as look to Holyoke Media's website to watch the presentation by Jason from the Building Department.

Councilor Ocasio stated that a lot of the residents at the presentation were more concerned with how to pay for the inspections as some of them don't have enough money. She questioned if the city had grants available because some of them were panicking.

Councilor Greaney stated that in addition to cost, some who were complying with this also had a problem with finding licensed personnel, such as electricians, to do the work. He suggested there needed to be a timeline that allowed people to find someone to do the work. He expressed concern that there was no information on what people could do if they could not find anyone to do the work.

Councilor Devine suggested informing people to go to the Building Department website to find recommendations for laborers such as architects and electricians. She agreed that it would be good if there were grants to help people. She added that if people informed the Building Department that they were working on finding someone to perform the work, they will give those property owners time.

Councilor Greaney suggested people also call Holyoke Gas & Electric to see if they can recommend someone.
---> Received and referred to the Public Safety Committee.

Rivera I.- Order that the city put out an RFP to do a study on our finances, specifically focusing on tax revenue brought in and how it is spent throughout the community. This analysis is important in order for the city to have a better understanding of how much tax money is allocated in different parts of communities vs the subsidization of state and federal funding.

I. Rivera stated that this could be a communication to the Mayor. He then explained that this was about having a better understanding of where tax dollars were being spent in the community. He expressed his belief that those in the lower wards were not getting their fair share.
---> Received and Adopted. Copy to the Mayor.

COMMUNICATIONS

(1:31:10)

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

From Mayor Joshua Garcia, letter reappointing Jonathan Moquin of 195 Brown Ave., to serve as a Commissioner of the Parks and Rec. Mr. Moquin will serve a three year term expiring June 30, 2027.
---> Received and appointment confirmed.

From Mayor Joshua Garcia, letter reappointing Paul Burns-Johnson of 15 Steven Dr. to serve on the Board of Appeals. Mr. Burns-Johnson will serve a three-year term expiring July 1, 2027.
---> Received and appointment confirmed.

From Mayor Joshua Garcia, letter appointing Mr. James P. O'Connell of 25 Brookline Ave. to serve on the Recycling Advisory Committee. Mr. O'Connell will replace Ms. Markeysha Dawn Davis and will serve the remainder of her term expiring August 1, 2026.
---> Received and referred to the Public Service Committee.

From City Clerk Brenna Murphy McGee and Admin. Assistant Jeffery Anderson-Burgos, minutes from the May 7, 2024 meeting.
---> Received and Adopted.

From Attorney Jane Mantolesky, letter regarding small wireless facilities ordinance
---> Received and referred to the Ordinance Committee.

From Board of Public Works, communication regarding Councilor's comments

Councilor Bartley stated that the letter was written by Board of Public Works Chair, Mary Monahan, attacking him for a vote he took. He then expressed amazement that the letter was not only written but that it was put on a public agenda. He then referred to a statement in the letter characterizing comments he made as incendiary. He then emphasized that she had not pointed out even one inaccurate statement on his part. He suggested that her letter was hyperbole. He added that the vote was 12-1, she got 12 votes, and he had exercised his right to take a vote and provide an explanation. He then explained that the issue was that the elevator had been broken for 9 years, there was feces all over the building, the stairwells stunk, and the building was falling apart. He then emphasized that as someone who had been on the Council for 13 years, he could take the criticism, but had concerns about any newer councilors taking a vote and being blasted by a commission chair. He also emphasized that he had voted for every DPW budget over his career without making cuts. He then asked rhetorically if they had sent a letter when an order was filed suggesting an ordinance to allow people to sleep in their cars in the parking deck. He suggested that this letter was an act of initiation. He noted that he tried to call her over the weekend, and she did not pick up.

Councilor Greaney stated that he had been the only minority vote on many issues, noting that he had always been the only one dissenting vote on marijuana items. He then stated that he supported Councilor Bartley's right to vote how he wanted to.

Councilor Vacon echoed earlier remarks on freedom of speech, as well as doubling down on the order relative to decorum. She then suggested that how councilors conducting themselves in chambers and in the public reflected throughout all departments and all boards throughout the city.

Councilor Jourdain suggested that this was the playbook, where if you dissent and don't vote the way the party line wants you to vote, they're going to come after you. He noted he had been on the receiving end of attacks for his vote opposing the sewer increases from the Mayor and Ms. Monahan on the day of the election. He then emphasized that when he votes to keep sewer rates down and asks for fiscal accountability, he then has to take character assassinations. He then emphasized that he on the Council to look out for the voters, not there to make friends.

Councilor I. Rivera extended an apology to Councilor Bartley for this letter. He noted that while it wasn't him who sent the letter, this issue had become about other things.
---> Received.

Motion was made and seconded to suspend the necessary rules to take up items 41 through 45 as a package.

From City Council appointee Daniel O'Sullivan, Quarterly Update on Holyoke Media Board
---> Received.

From Olivia Mausel, National Register nomination, Central Churchill Historic District
---> Received.

From Board of Fire Commissioners, minutes from the April 29, 2024 meeting
---> Received.

From Local Historic District Commission, minutes from March 21, 2024 and April 18, 2024 meetings
---> Received.

Grant Report- EMPG-FY23-Fund-FIR1415-Closing-of-Grant.pdf
---> Received.

PETITIONS

(1:47:00)

Petition of Blue Fox Brands, Inc. for a special permit for a Marijuana Manufacturing Establishment at 1 Cabot St.

Councilor Vacon asked how this was already on the Ordinance agenda, noting it was just being received.

Admin Asst Anderson-Burgos stated that the petitioner reached out to him in early May with the hope that they could get the hearing opened before the Council's summer recess. He then explained that the petitioner assured him they would get the petition to the Ctty Clerk in time to have it on this agenda so that it could be referred, and that allowed the notice to be done in time to have it on the following day's Ordinance agenda.

Councilor Vacon expressed a hope that going out of order like this wouldn't cause technical problems with the permit since the permit was advertised before the application came in. She suggested having the Law Department advise the Council if this was to move forward, unless that was already done.

Admin Asst Anderson-Burgos stated there was a similar situation the previous year that promoted him to check with the Law Department to make sure it would be okay to notice something before the Council received it and was told that as long as the Council received it prior to the hearing, it would be okay.

Councilor Bartley asked that the administrative assistant get that in writing just to be sure it was being done right. He then noted that while he kept hearing about the death of marijuana manufacturing but here was another petition coming in. He also noted that gentleman who bought the building at 1 Cabot had come into the DGR Committee years earlier with a great proposal and had been a credit to the city.

President Murphy-Romboletti asked Atty Bissonnette if he heard the request about putting something in writing.

Atty Bissonnette stated that he could do that.
---> Received and referred to the Ordinance Committee.

Petition of Edwin Colon of 23 Springdale Ave for a Street Vendor License to be located at the Gas Station on Berkshire and Main St.
---> Received and referred to the Development and Governmental Relations Committee.

Petition of Open Square Realty LLC for a Multi Family Dwelling at 4 Open Square Way
---> Received and referred to the Development and Governmental Relations Committee.

PRESIDENT'S REPORT

(1:52:10)

President Murphy-Romboletti stated that councilors had been invited to the Taxpayers Association luncheon on June 13th at the Library. She stated that DPW would be presenting.
She then stated that June was Pride Month. She noted that the flag raising had been held the day before. She then thanked Admin Asst Anderson-Burgos and Councilor Anderson-Burgos for their work on the month's events. She noted that all events could be found on holyokepride.org. She added that PrideFest would be on June 22nd at Veterans Park.
She then thanked department heads for attending budget hearings, adding that the budget vote would take place on June 11th. She suggested that remaining questions should be directed to department heads in the next week.
She then stated that an executive session would take place at 6pm immediately before the budget vote.

Councilor Vacon asked for clarification, noting that the executive session appeared to be scheduled from 6-8pm, but the budget vote was scheduled for 7pm.

Admin Asst Anderson-Burgos clarified that the default for Google calendar was 2 hours but did not mean the executive session would actually last that long.

Councilor Jourdain asked if they could recess the executive session and come back after the budget vote if they needed more than one hour.

President Murphy-Romboletti stated that they could as long as the City Solicitor and Chief Pratt could do that.

Councilor Bartley stated that the Memorial Day ceremony had been a terrific event, adding that the Rotary Club had put up a great flag display.
He also stated that there was a well-attended event at the park on Laurel for former Ward 3 Councilor, Helen Norris. He commended Councilor Jourdain for his part in it. He also commended the Parks staff for above and beyond for the event.

Councilor Sullivan offered a shout out to Holyoke native, Jamie Westbrook, for recently being called up to play for the Boston Red Sox.

Councilor Jourdain observed that the Helen Norris had a great turnout. He then thanked Mayor Garcia for his support, adding that it would not have been possible without his coordination. He also thanked Parks Director, Tom Reynolds.

President Murphy-Romboletti stated that the vote to fill the at-large vacancy on the School Committee would be taken on June 18th prior to that evening's Council meeting. She added that anyone interested was still welcome to submit their resumes to the Personnel Department.

Councilor Magrath-Smith asked when councilors would receive cover letters and resumes.

President Murphy-Romboletti stated that the administrative assistant had been collecting them and would be sending them all the following day rather than sending them one at a time.

ORDERS AND TRANSFERS

(1:58:05)

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

Bartley- The DPW provide an update on resurfacing projects in W-3 and citywide: essentially where and when will they take place. It would be interesting to know the name of the vendor and the associated costs for each street. In particular, homeowners on Homestead Av and Judith St are seeking to coordinate homeowner projects for their properties with the City's resurfacing. Please send communication to city council administrative assistant by the end of June and please contact the W-3 city councilor to meet on site to review.
---> Received and Adopted. Copy to DPW.

Bartley- The dpw look at water runoff on Argyle Ave and offer suggestions for improvement. Please contact W-3 councilor to meet on site.
---> Received and Adopted. Copy to DPW.

Councilor Devine stated that Councilor Givner contacted her and asked that the next three items be sent to DGR.

Motion was made and seconded to suspend the necessary rules to take up items 51, 52, and 53 as a package.

Devine- ORDERED: that the City Council reconsider and then rescind their vote of May 21, 2024 on agenda item #25 filed buy Councilor Jourdain, Councilor Vacon, Councilor Devine, Councilor Sullivan, Councilor Bartley and Councilor Greaney re: pending HOUSE No. 2747 , an ACT granting a local option for a real estate transfer fee to fund affordable housing.

Councilor Jourdain stated that this should be voted on now instead of being referred to committee.
---> Received and referred to the Development and Governmental Relations Committee.

Devine- ORDERED that the Mayor consider appointing an Affordable Housing Commission using the guidelines in proposed HOUSE BILL 2747 (An Act granting a local option for a real estate transfer fee to fund affordable housing)

Councilor Jourdain stated that there was no need to appoint an affordable housing commissioner, noting that the Speaker had already announced this was not included in the bill.
---> Received and referred to the Development and Governmental Relations Committee.

Devine- ORDERED: That the DGR Committee invite in Representative Duffy and Senator Velis to clarify if there is a difference between the Affordable Homes Act and the 2% real estate surcharge we voted on Tuesday 5/21. If this surcharge on real estate is contained in the Affordable Homes Act, then ordered that our vote taken on 5/21/2024 be rescinded.
---> Received and referred to the Development and Governmental Relations Committee.

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, FOURTEEN THOUSAND EIGHT HUNDRED THIRTY EIGHT AND 34/100 Dollars ($14,838.34) as follows:
FROM:
12101-51105 SERGEANTS $6,995.44
12101-51107 PATROLMEN 7,842.90
TOTAL: $14,838.34
TO:
12101-51180 INJURED ON DUTY 5-11-2024 $14,838.34
TOTAL: $14,838.34

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
President Murphy-Romboletti stated that this transfer represented 6 officers.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Givner).

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, SEVENTEEN THOUSAND NINE HUNDRED EIGHTY SIX AND 29/100 Dollars ($17,986.29) as follows:
FROM:
12101-51105 SERGEANTS $10,143.39
12101-51107 PATROLMEN 7,842.90
TOTAL: $17,986.29
TO:
12101-51180 INJURED ON DUTY (PAYROLL 5-25-2024) $17,986.29
TOTAL: $17,986.29

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 2024.

Joshua A Garcia, Mayor

UNDER DISCUSSION:
President Murphy-Romboletti stated that this transfer represented 6 officers.
---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 0--Absent 1 (Givner).

Motion was made and seconded to suspend the necessary rules to take up items 56, 57, and 58 as a package.

Devine- Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, NINE THOUSAND AND 00/100 Dollars ($9,000) as follows:
FROM:
11751-51223 OPED-DEVELOPMENT SPECIALIST $9,000
TOTAL: $9,000
TO:
11751-53010 OPED-OTHER CONTRACTED SERVICES $9,000
TOTAL: $9,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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, SIXTEEN THOUSAND THREE HUNDRED AND 00/100 Dollars ($16,300) as follows:
FROM:
12101-51312 HPD-SNOW REMOVAL OVERTIME $6,300
12101-51915 HPD-EDUCATION PLAN 10,000 TOTAL: $16,300
TO:
12101-51321 HPD-SPECIAL EVENTS OVERTIME $16,300
TOTAL: $16,300

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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 AND 00/100 Dollars ($21,000) as follows

FROM:
12101-51107 PATROLMEN $21,000
TOTAL: $21,000
TO:
12102-52100 ENERGY $21,000
TOTAL: $21,000

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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 AND 00/100 Dollars ($21,000) as follows
FROM:
12101-51107 PATROLMEN $21,000
TOTAL: $21,000
TO:
12102-52100 ENERGY $21,000
TOTAL: $21,000
To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 2024.

Joshua A Garcia, Mayor

Councilor Devine noted that this item was a duplicate of the previous item.
---> Received and returned to the Auditor.

Devine, All councilors - ORDERED that the City Council give a proclamation to Captain Denise Duguay for 31 years of dedicated service to the City of Holyoke.

All councilors asked to be added to the order.

Councilor Jourdain stated that Cpt. Duguay had done a great job for the city and would be missed.
---> Received and Adopted.

Givner- Per resident request, please remove handicap sign from 204 Oak St, for Ms. Josephine Rivera. She will no longer need it. Ordinance, Copy to DPW
---> Received and referred to the Ordinance Committee. Copy to DPW.

Jourdain, Bartley, Greaney - That the City Treasurer please provide the City Council with a review and analysis of the Pacific Legal foundation report (https://homeequitytheft.org/massachusetts) that states that $83,000 in home equity from 13 Holyoke homes was inappropriately taken from our residents pursuing Holyoke property tax liens. Please provide us the details on these 13 properties and how this could happen to Holyoke residents; including the names of any entity pursuing our liens. Please advise the City Council if Holyoke has done business with Tallage Davis LLC. Please notify the City Council if proper safeguards are in place so we only collect back taxes and not allow the city or anyone purporting to be acting on our behalf to take residents' home equity.

Councilor Jourdain stated that he spoke with the Treasurer and understood he would be working on this.

Councilor Bartley and Councilor Greaney asked to be added to the order.

Councilor Greaney asked if this should also be copied to the Law Department.

Councilor Jourdain stated that it should not yet be, pending what the report says. He then stated that a resident of Springfield recently won a case in Hampden Superior court against Springfield for using this company and taking home equity from that resident. He then stated that the Treasurer informed him the way it was in the report was not the way it was counted for Holyoke. He added that the Treasurer was still researching the background but did say that Holyoke had not done business with Tallage Davis LLC.

Councilor Greaney noted that there were penalties attached to that lawsuit.

Councilor Devine asked if this could wait, noting that the next Finance meeting was planned for June 12th.

Councilor Jourdain suggested giving the Treasurer longer than that, perhaps in August.

Councilor I. Rivera asked if the situation in Springfield was through the receivership program. He recalled that their program was having issues with how much money was being taken from property owners.

Councilor Jourdain stated that he had not researched how it started but understood that this resident had gotten behind on her taxes, they liened her home, but went beyond just taking the back taxes and wiped her out. He added that the company pocketed the difference. He added that this was happening in multiple states where cities were selling off the liens and residents were becoming victims of predatory practices.
---> Received and referred to the Finance Committee. Copy to Treasurer.

J. Rivera- Order to request the installation of a three-way stop or offer safety recommendations at the intersection of Chestnut and Suffolk Street. Recent incidents of accidents and near-misses in the vicinity highlight the urgent need for enhanced traffic control measures in this area.

Councilor Bartley made a motion to amend, requesting that they install a three-way stop "or offer safety recommendations." He suggested that if they recommended against a stop, there would be no alternative.

Councilor J. Rivera noted this was a request from a nearby business.
---> Received and referred to the Ordinance Committee.

Vacon- ORDER: that the law department issue a compliance letter to JB Hunt company regarding the need to comply with the truck restriction hours on Homestead Avenue.

Councilor Jourdain asked to be added to the order.

Councilor Bartley asked if this was for noncompliance.

Councilor Vacon confirmed that it was regarding the need to be in compliance.
---> Received and Adopted. Copy to Law Department.

Motion was made and seconded to suspend the necessary rules to take up items 65 through 68 as a package.

Vacon- ORDER: That lights be added to the STOP sign (and a larger stop sign be placed) at the Keyes & County Rd. intersection to increase visibility. There have been accidents at the Keyes/County and (Whiteloaf/Southampton) intersection.
---> Received and Adopted. Copy to DPW.

Vacon- ORDER: Please clear the obstructed traffic signs on County Rd (intersection sign) and Westfield Rd (going toward Holyoke). They are overgrown by tree branches and constituents are requesting they be cut back.
---> Received and Adopted. Copy to DPW.

Vacon- ORDER: that temporary speed humps be place on Apremont Highway near Dupuis to help slow traffic. Constituents have requested traffic calming in the area.
---> Received and Adopted. Copy to DPW.

Vacon- ORDER: please cut back brush on Lower Westfield Rd next to the union building. This is a constituent request.
---> Received and Adopted. Copy to DPW.

Vacon, Bartley - The City of Holyoke amend Zoning Ordinance section 4.3(A)(8) to require a special permit prior to granting permission for this use in all residential districts in the City of Holyoke and no longer allow the use as of right; the special permit is to be issued by the City Council or the Planning Board only after a public hearing.

Councilor Vacon stated that Councilor Bartley was looking to be added to the order. She also noted that this order had been previously filed but there was an active lawsuit going on and Council had been asked not to pursue it at that time. She then stated that she had asked the Law Department for an update on that lawsuit and had not heard a response so she was assuming it was over.
---> Received and referred to the Ordinance Committee.

LATE FILED ORDERS AND COMMUNICATIONS

(2:15:25)

Devine - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2024, FIVE HUNDRED AND 00/100 Dollars ($500) as follows:

FROM:		
12202-51105	FIREFIGHTERS	$500
TOTAL:	$500	
TO:		
12201-51301	ARSON OVERTIME	$500
TOTAL:	$500	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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-FOUR THOUSAND FIVE HUNDRED SEVENTY AND 00/100 ($24,570) as follows:

FROM:		
1376-10400	SMART GROWTH ZONING	$24,570
TOTAL:	$24,570	
TO:		
GRANT-VOTE	FY 2023 SAFE STREETS	$24,570
TOTAL:	$24,570	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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, SEVEN THOUSAND SIX HUNDRED FIFTEEN AND 42/100 ($7,615.42) as follows:

FROM:		
11521-51104	PERSONNEL-HEAD ADMIN CLERK	$7,615.42
TOTAL:	$7,615.42	
TO:		
11522-53009	PERSONNEL-CONTRACTED PROF SERV	$7,615.42
TOTAL:	$7,615.42	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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, THIRTY THREE THOUSAND AND 00/100 ($33,000) as follows:

FROM:

12941-51104	PAY-TREE CLIMBER	$15,000
14101-51105	PAY-SR CIVIL ENGINEER	12,000
14251-51105	PAY-POWER SHOVEL OPERATOR	6,000
TOTAL:	$33,000	

TO:

16942-52500	R&M EXHIBIT HALL	$1,000
14222-52504	R&M PELLISSIER BUILDING	5,000
14222-52505	R&M SENOIR CENTER	10,000
14222-52509	R&M POLICE STATION	12,000
14222-52510	R&M CENTRAL FIRE STATION	1,000
14222-52512	R&M HIGHLAND FIRE STATION	2,000
14222-52514	R&M W HOLYOKE FIRE STATION	2,000
TOTAL:	$33,000	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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, FIVE HUNDRED AND 00/100 Dollars ($500) as follows:

FROM:

15101-51203	PAY-BOH SUBSTITUTE NURSE	$500
TOTAL:	$500	

TO:

15101-51300	PAY-BOH OVERTIME	$500
TOTAL:	$500	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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, SIXTEEN THOUSAND AND 00/100 Dollars ($16,000) as follows:

FROM:

14251-51105	PAY-HIGHWAYS POWER SHOVEL OPERATOR	$16,000
TOTAL:	$16,000	

TO:

14301-51102	PAY-REFUSE HMEO	$16,000
TOTAL:	$16,000	

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 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 “FY2023 SAFE STREETS AND ROADS FOR ALL, $197,850, LOCAL FUNDS $24,570/IN KIND MATCH $15,000” 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.

To the City Council:

I hereby recommend the passage of the above order at the meeting of your Council to be held Tuesday, June 4, 2024.

Joshua A Garcia, Mayor

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

MiFA response to Mr. Weinberg letter and addendums.

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

Bartley - Ordered, that the City Council approve an Amendment to a Home Rule Petition for the purpose of expanding the Center City Liquor License Area.

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

Brenna Murphy McGee

Adjourned at 9:21 PM

City of Holyoke Social Media Use Policy

The City of Holyoke understands social media has been incorporated into most of our daily lives. Responsible social media use is perfectly acceptable as long as the City of Holyoke Social Media Use Policy is being followed. However, it is crucial that this use does not interfere with work responsibilities and maintains the confidentiality and professional image of the City of Holyoke.

The appropriate guidelines for using social media that the city sets are outlined in the Social Media Use Policy. This policy addresses personal social media accounts for all individuals who are employed and/or associated with the City of Holyoke including volunteers, interns, employees, independent contractors, and students (hereinafter referred to as "Individual").

This policy has been created to ensure a great understanding of social media use. We are not trying to restrict Individual's legal rights by any means but rather avoid issues in the long run with the department and personnel.

1. Definitions

"**Social Media**'' refers to a form of electronic communication used to create online communities to share information, ideas, personal messages and other content such as photos, videos, gifs and more. Some examples of social media platforms include, but are not limited to Facebook, Instagram, X, Snapchat, Tik Tok.

2. Responsibilities of All Users

Use of social media is based upon and subject to the City's Social Media Use Policy. Usage must comply with all other applicable City regulations as well as any applicable Massachusetts and Federal laws, in addition to this policy. Individuals should take proper precautions when posting on social media and keep in mind social media posts are public, not private, and an offensive post could be seen as evidence of discrimination against the City or damage its reputation.

All network communications identify the Individual to all sites accessed. City email addresses assigned to employees and other authorized Individuals identify the sender as a member of the City. Internet access and email, like all other forms of communication, reflect upon the City. Individuals always should maintain a professional and courteous tone, observing the rules and policies governing conduct of employees. An Individual should not use a City email account for personal, non-City purposes, including, but not limited to, using City email for social media websites such as Facebook and Twitter, unless properly authorized to do so.

Before making any comments, posts or reactions on social media, Individuals shall consider any risks that may apply. Even if your account is in a private setting it is still possible it may be seen publicly. All Individuals are fully responsible for what they post on their social media pages, including if management determines the post warrants disciplinary action or termination for hate speech of any kind (regarding any protected classes); speech that is severe enough to constitute a hostile work environment (regarding any protected classes); threats to employee health and safety (including workplace violence); speech that damages the City guests, vendors, or community at large; and confidential and/or proprietary information. If you are unsure of something you can ask the Personnel Director for advice.. When posting it should be made clear you are speaking for yourself and not on behalf of the city with any content related to the city or any of its departments. As a city employee consent to monitoring social media pages is conditioned upon strict adherence to the City's Social Media Use Policy.

3. City Social Media

Individuals are legally allowed to have personal social media accounts as long as all work policies are being followed. Individuals must keep a professional and appropriate social media presence when using social media as a representative of the City. Individuals should not speak for the City unless authorized to do so.

4. Prohibited Conduct: Social Media Personal Use

Do not display confidential information about the City or the department on your social media. Individuals should keep in mind that you are a representative of the City on and off of social media. When individuals are not working, the City has less of an interest in regulating your speech. However, you can be disciplined for content that you post outside of work, depending on what you say.

No Individual shall use their social media :

(1) to post confidential information about the city, workplace or other employees;
(2) to make derogatory, defamatory, slanderous posts about the City and/or other Individuals that are not a matter of public concern or otherwise protected by the First Amendment
(3) to post or comment in a manner that offensively addresses someone's age, ancestry, color, creed, disability, ethnicity, family status, gender, genetic information, marital status, military status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or veteran status, including comments posted on, or messages sent via, blogs, or any other social media platform;
(4) post images of yourself or others of a sexual nature while in city uniform or any other city equipment or logo in sight;
(5) to create unauthorized post portrayed as being part of the department or city officials;
(6) with any expectations of privacy on the city's technology resources;
(7) as connected to a city email for personal use , unless instructed to do so.

5. Consequences of Violation of Policy

Responsible use of social media is strongly encouraged but should there be any violations of the City of Holyoke Social Media Use Policy may result in an investigation followed by appropriate disciplinary action up to and including termination. In appropriate circumstances, the City may refer the matter to law enforcement officials for possible prosecution.

6. Receipt and Acknowledgment

The Personnel Administrator shall provide annually to all Individuals an individual written copy of the City of Holyoke's Social Media Use Policy.

7. Complaint

In the event the city receives a complaint or anonymous tip concerning an individual's social media post, the city may conduct an independent or in-house investigation. Individuals may be placed on leave consistent with City policies, procedures or the applicable collective bargaining agreement.

8. Filing a Formal Complaint with the City

Submit a written complaint to the City Personnel Director. Kelly A. Curran at currank@holyoke.org

Every Individual must read the City of Holyoke's Social Media Use Policy, familiarize themselves with the material , and sign the Acknowledgement Form distributed by the Personnel Administrator. All Individuals must submit to the Personnel Department, during onboarding and prior to their first day of work or within thirty (30) days of the date of receipt of an updated Social Media Use Policy, a signed Acknowledgment Form certifying that they have received a copy of the City's Social Media Use Policy and that they understand that they are required to abide by the City's Social Media Use Policy.

ACKNOWLEDGMENT OF RECEIPT OF THE CITY OF HOLYOKE'S SOCIAL MEDIA USE POLICY

I hereby acknowledge that I have received a copy of the City of Holyoke's Social Media Use Policy.

I understand that I am required to abide by the City of Holyoke's Social Media Use Policy and all other policies of the City of Holyoke throughout the time that I am employed by, or otherwise work for, the City of Holyoke.

I understand that the City of Holyoke's Social Media Use Policy and other policies of the City of Holyoke are subject to change at any time.

I agree to read the City of Holyoke's Social Media Use Policy thoroughly. I agree that I will seek clarification from the Personnel Administrator or from the City Solicitor if there is any policy, provision, procedure, or any other term or language in the City of Holyoke's Social Media Use Policy that I do not understand.

______________________________________ ____________________

Employee Signature Date

Mayor Joshua A. Garcia

City of Holyoke

Lisa A. Ball, Esq.

City Solicitor

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

July 9, 2024

RECEIVED

JUL 10 2024

Holyoke City Clerk's
Holyoke, MA

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

Opinion on voting requirements

Dear Honorable Councilors:

I am writing to clarify some of the procedural issues and ultimately the vote which was taken on an order at the June 27, 2024 special meeting of the City Council. Upon review of all relevant information, the order concerning interdepartmental transfers from the police department to the claims account passed on June 18, 2024.

On June 18, 2024, after discussion on the order, a vote was taken and the matter received an 8-3 vote with two councilors not in attendance. This vote allowed the order to pass but was declared as defeated having not received 9 votes, or a super majority of the entire body. However, this particular order only needed a simple majority of the City Council and an 8-3 vote was sufficient for the order to be considered as passed. Nonetheless the chair inadvertently declared the order as defeated. A motion to reconsider was made and seconded and voted on to lay the order on the table.

On June 27, 2024, this matter was taken from the table and there was a motion to pass the "first" reading. This was incorrect as the matter had already passed the first reading on June 18, 2024 and arguably on April 2, 2024. Nevertheless, a motion was made to pass the "first" reading and then a motion to pass the second reading was made which also passed, leading one to believe this was a matter governed by Sec 22 of the Holyoke City Charter. To be clear, Sec 22 of the Charter would only apply if an order was truly appearing for a First reading with no interval of three days between readings. This particular order was not before the Council for the first time on June 18, 2024 or on June 27, 2024.

Section 22 reads in part as follows:

".....any ordinance, order, resolution or vote involving the appropriation or expenditure of money to an amount which may exceed two hundred dollars, shall require for its passage the affirmative votes of a majority of all the members of the city council. Every such ordinance, order, resolution or vote shall be read twice, with an interval of **at least three days between the two readings,** (emphasis added) before being finally passed; and the vote at its final passage shall be taken by roll call; provided, however, that upon and after the written recommendation of the mayor the city council may pass such ordinance, order, resolution or vote **on the same day** (emphasis added)by a two-thirds yea and nay vote."

This order has appeared on two City Council agendas, that being April 2, 2024, and June 18, 2024. It also appeared on several finance committee agendas before being sent back to the City Council by vote of the Finance Committee on June 12, 2024. Therefore, Section 22 of the Charter is not applicable in this particular timeframe because MGL c 44 sec 33B controls financial orders in the last two months of the fiscal year.

After much discussion about how many votes were needed to pass the order on the evening of June 27, 2024, Attorney Bissonnette informed the Council that only seven (7) votes were needed (a simple majority). Attorney Bissonnette referred to the year end procedure for transfers which only requires a simple majority vote as governed by MGL c 44 sec 33B (a).

MGL c 44 Section 33B. (a) provides the following:

".... on recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department. **In addition, the city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation.** (Emphasis added) Except as provided in the preceding sentence, no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council on recommendation of the mayor and with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed to be made. No transfer involving a municipal light department or a school department shall be made under the previous sentence without the approval of the amount of the transfer by a vote of the municipal light department board or by a vote of the school committee, respectively."

Discussion continued that the statute was in conflict with Section 49 of the Charter. Section 49 of the Charter provides as follows:

"No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liabilities incurred by or in behalf of the city until an appropriation has been fully voted by the city council, sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation, except in accordance with the recommendation of the mayor to the city council, approved by the yea and nay vote of two-thirds of the council: provided, however, that after the expiration of the financial year and until the passage of the annual appropriations liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one third of the total of such appropriation for the preceding year. Every bill, payroll or other voucher covering an expenditure of money shall be approved by the signatures on the back of such bill or voucher of the majority of the board or committee having control of or incurring such expenditure, and after such approval such bills, pay rolls or vouchers shall be turned over to the auditor. The financial year shall begin with the first day of December in each year."

Section 49 of the City Charter however does not govern the specific exception for year end procedures as provided for in MGL c. 44, Section 33B. The specific section regarding end of year transfers in Section 33B was a recent amendment provided for in 2016 and the legislature was clear in its intent to have end of year procedures proceed under a separate procedure than transfers during all other times of the year. While, "absent a clear legislative intent to the contrary the provisions of a special charter generally prevail over conflicting provisions of a subsequently enacted general law. ...[t]he test is whether the prior statute . . . is so repugnant to and inconsistent with a later enactment covering the same subject that both cannot stand. When the Legislature has dealt in a comprehensive way with an entire subject, the previous conflicting provisions of the law are not continued in force. Legislative preemption may be inferred if the Legislature explicitly limits the manner by which cities and towns may act on a given subject." Hayden v. West Springfield, 22 Mass. App. Ct. 902, 903-904 (1986) *citing School Comm. of Boston* v. *Boston*, 383 Mass. 693, 700 (1981), *Golden* v. *Selectmen of Falmouth*, 358 Mass. 519, 524 (1970), *North Shore Vocational Regional Sch. Dist.* v. *Salem*, 393 Mass. at 358, *Warr* v. *Collector of Taxes of Taunton*, 234 Mass. 279, 282 (1920). *Del Duca* v. *Town Administrator of Methuen*, 368 Mass. 1, 11 (1975), Bloom v. Worcester, 363 Mass. 136, 155 (1973).

It is my opinion that the state statute MGL c 44 Section 33B provides for an intent that certain interdepartmental transfers can happen within the last two (2) months of the fiscal year in a different manner than regular interdepartmental transfers, and there was an inferred intent that the provision of the statute would govern over the Charter. The city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation. I have also attached an ordinance from the Town of Greenfield as well as a proposed order from the City of Amesbury to show the codification and practical application of MGL c. 44, Section 33B.

Note that a point of order may be raised at any time when, "any action has been taken in violation of applicable procedural rules prescribed by federal, state, or local law". Robert's Rules of Order at Section 23:6(c). Therefore, the City Council may still correct this error and the Chair may declare that the above order was passed.

Should you have any questions, please feel free to contact me.

Respectfully,

Lisa A. Ball
City Solicitor

RECEIVED
CITY CLERK

2024 JUN -3 P 2:29

CITY OF AMESBURY, MA

CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-FOUR

SPONSORED BY: Kassandra Gove **BILL No.** 2024- 079
Kassandra Gove, Mayor

An Order to authorize inter-departmental transfers of general fund appropriations in accordance with MGL c.44 Section 33B.

Summary: The City Council may, by majority vote, on recommendation of the Mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation. Please see transfer summary below for additional information.

Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

Transfer to:

Dept. #	Department Name	Transfer To:	Reason
145	Treasurer/Collector - Other Expenses	$ 4,830	Billtrust has to update the template for tax bills to include CPA
151	Legal - Other Expenses	$ 40,000	Numerous legal reviews
155	IT - Other Expenses	$ 10,600	Govern has to modify for CPA
171	Conservation- Other Expenses	$ 5,000	Staffing transition- consulting funds required for interim
241	Inspectional Services - Personal Services	$ 2,500	Overtime costs
423	Snow & Ice- Other Expenses	$ 243,000	Snow & Ice deficit
510	Health Inspection- Personal Service	$ 100	To cover possible overage
610	Library - Other Expenses	$ 2,500	Emergency roof repair
220	Fire- Capital	$ 86,000	Purchase of a command vehicle
134	Administration & Finance	$ 5,000	Funds to begin a salary study
	Sub-Total	$ 399,530	

Transfer from:

Dept. #	Department Name	Transfer From:	Reason
155	IT - Personal Services	$ (34,000)	Available funds due to staffing transition (open positions now filled)
543	Veterans - Other Expenses	$ (10,000)	Decrease in Veterans cash payments
910	Employee Benefits - Other Expenses	$ (59,030)	Available funds in excess of appropriation to be transferred to departmental budget overages listed above.
946	Reserves	$ (192,500)	Available funds in excess of appropriation to be transferred to departmental budget overages listed above.
220	Fire- Personal Services	$ (86,000)	Available funds due to staffing transition (retirement, departure). Backfills were grant funded.
171	Conservation- Personal Services	$ (18,000)	Available funds due to staffing transition (open position)
	Sub-Total	$ (399,530)	

Article II Departmental Transfers and Supplemental Appropriations

[Adopted as amended 1-18-2012 by Order No. FY 12-068 (Ch. 67 of the 2002 Bylaws)]

§ 27-4 Purpose.

This article shall be deemed to fulfill the requirements of Section 5-7 of the Greenfield Home Rule Charter.

§ 27-5 Intradepartmental transfers.

A. Intradepartmental transfers of funds from one line item to another line item within the same department may be made when authorized, in writing, by the Mayor.

B. Written notice of said transfer and the reason it was deemed advisable shall be filed with the Clerk of the Council.

C. The transfer shall be effective upon the filing of said notice with the Clerk of the Council.

§ 27-6 Interdepartmental transfers and supplemental appropriations.

A. Interdepartmental transfers and supplemental appropriations of funds must be approved by the Town Council.

B. Interdepartmental transfers or supplemental appropriations sought by the Mayor shall be submitted as a written request filed with the Clerk of the Council setting forth the following:

(1) The amount or amounts requested;

(2) The reasons for the request;

(3) The source of the requested funds;

(4) The department or other entity responsible for the expenditure of the funds.

C. Said request shall be accompanied by an advisory opinion signed by the head of the department from which the funds are being transferred, indicating to what extent, if any, the transferring department will be prevented from performing any of its vital functions and the sufficiency of remaining funds to meet the monetary needs of the department for the remainder of the fiscal year.

D. The Council shall hold a public hearing for requests of interdepartmental transfers within 30 days of the receipt of the filing request with the Clerk of the Council.

E. The Council shall hold at least two readings for interdepartmental transfers.

F. Notice of the public hearing for an interdepartmental transfer or supplemental appropriation shall be posted on the Town Bulletin Board at least 10 days before the public hearing to consider the request.

G. Interdepartmental transfer or supplemental appropriation requests of $25,000 or more shall be published once in a newspaper of general circulation in Greenfield. Said publication shall be at least seven days prior to the public hearing.

H. Approval of said requests shall require a majority vote of the Council present.

§ 27-7 Copies of requests to Councilors.

The Clerk of the Council shall forward a copy of each intradepartmental transfer, interdepartmental transfer, and supplemental appropriation request to each Councilor.

§ 27-8 **Exceptions.**

Exceptions to the preceding sections will occur only during the last two months of a fiscal year and the first 15 days of the new fiscal year to apply to the previous fiscal year. During that time, the Town Council may, by majority vote, on recommendation by the Mayor, transfer an amount appropriated for the use of any department other than a Municipal Light Department or a School Department to the appropriation for any other department consistent with MGL c. 44, § 33B.

Mayor Joshua A. Garcia
City of Holyoke

Lisa A. Ball, Esq.
City Solicitor

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

August 2, 2024

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

RE: <u>11 Yale Street Litigation and PILOT Payments</u>

Councilors:

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

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

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

Respectfully,

Lisa A. Ball

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

Birthplace of Volleyball

Mayor Joshua A. Garcia
City of Holyoke

Lisa A. Ball, Esq.
City Solicitor

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

August 2, 2024

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

Executive Session Minutes

Dear Honorable Councilors:

The Law Department in conjunction with the City Council Administrative Assistant have put together several meeting minutes for Executive Sessions that have occurred between 2021 and the present. There were no executive sessions held in the year 2020.

On your agenda are **the following minutes which can be released in their entirety:**

February 8, 2021 Executive session minutes
August 25, 2021 Executive session minutes
October 18, 2022 Executive session minutes
December 6, 2022 Executive session minutes

The following minutes have been redacted:

November 1, 2022 Executive session minutes
December 5, 2023 Executive session minutes

November 1, 2022 Executive session minutes:

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Discussion on NASDI litigation, the Roca civil service matter, Roberts Field litigation, and the Puello complaint are released.

Discussion of the Salmar Realty, LLC et al v. Holyoke Planning Board et al will continue to be withheld under exemption of the executive session reasons to allow a public body to meet in executive session. Said exemption states a public body may meet to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Furthermore, the discussion of the Salmar Realty, LLC et al v. Holyoke Planning Board et al litigation is also exempted from disclosure, in accordance with the provisions of M.G.L. c. 30A, Sections 22(f) and 24(e), due to attorney-client privilege.

December 5, 2023 Executive session minutes:
Discussion on Veolia's billing and the claim of Elizur Garcia are hereby released as the matters have concluded. Redacted from these minutes is any and all discussion regarding an MCAD claim by a current police officer against the City which is in active litigation. Disclosure of this particular discussion falls under exemption 3 of the executive session reasons to allow a public body to meet in executive session. Said exemption states a public body may meet to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Furthermore, the discussion of the MCAD claim is exempted from disclosure, in accordance with the provisions of M.G.L. c. 30A, Sections 22(f) and 24(e), due to attorney-client privilege.

The following minutes will be withheld in their entirety at this time.

January 22, 2024 Executive session minutes
February 6, 2024 Executive session minutes
June 11, 2024 Executive session minutes

January 22, 2024 Executive session minutes- discussion regarding an MCAD claim by a current police officer against the City which is in active litigation. Disclosure of this particular discussion falls under exemption 3 of the executive session reasons to allow a public body to meet in executive session. Said exemption states a public body may meet to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Furthermore, the discussion of the MCAD claim is exempted from disclosure due, in accordance with the provisions of M.G.L. c. 30A, Sections 22(f) and 24(e), to attorney-client privilege.

February 6, 2024 Executive session minutes-discussion regarding an MCAD claim by a current police officer against the City which is in active litigation. Disclosure of this particular discussion falls under exemption 3 of the executive session reasons to allow a public body to meet in executive session. Said exemption states a public body may meet to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Furthermore, the discussion of the MCAD claim is exempted from disclosure, in accordance with the provisions of M.G.L. c. 30A, Sections 22(f) and 24(e), due to attorney-client privilege.

June 11, 2024 Executive session minutes-will be withheld at this time-Matters discussed in this executive session:

MCAD Claim by a police officer against the City
Threatened litigation of Cannabis companies against the City over impact fees
Active land court case: Salmar Realty, LLC et al v. Holyoke Planning Board et al.

Disclosure of these particular discussions falls under exemption 3 of the executive session reasons to allow a public body to meet in executive session. Said exemption states a public body may meet to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Furthermore, these discussion are exempted from disclosure, in accordance with the provisions of M.G.L. c. 30A, Sections 22(f) and24(e), due to attorney-client privilege.

The above mentioned minutes from 2024 are prepared and will be released in whole or in part once the litigation has been resolved.

Should you have any questions, please feel free to contact me.

Respectfully,

Lisa A. Ball
City Solicitor

Mayor Joshua A. Garcia
City of Holyoke

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Tasheena M. Davis, Esq.
Mary E. Gotham, Paralegal

Aug 2, 2024

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

RE: City of Holyoke Law Department Business Report 23/24

Dear Honorable Councilors,

Please find below a summary of all current and pending litigation matters including claims against the city for YEAR 23/24 as follows:

- Litigation
  - Federal Court Litigation
  - Massachusetts Appeals Court
  - Superior Court Cases
  - Land Court Cases
  - Housing Court Cases
- Tort claims

Please contact me with any questions or requests for clarification.

Respectfully,

Lisa A. Ball
City Solicitor

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Birthplace of Volleyball

LITIGATION

1. **JANE DOE 1 v. CITY OF HOLYOKE, et al**
US District Court 3:22CV11701
Summary: Lawsuit initiated against the City, the School Department and others alleging sexual abuse/sexual harassment.. City filed a Motion to Dismiss which was granted in part. Matter is currently pending.

2. **JANE DOE 2 v. CITY OF HOLYOKE, et al**
US District Court 3:24CV30018
Summary: Lawsuit initiated against the City, the School Department and others alleging sexual abuse/sexual harassment. City filed a Motion to Dismiss. Motion will be heard on September 12th.

3. **ZK, RK v. CITY OF HOLYOKE, et. al Reyzecandre**
Hampden Superior Court 2379CV00507
Summary: Lawsuit initiated against the City, the School Department and others alleging sexual abuse/sexual harassment. Matter is currently pending.

4. **CHIMNEY v. LUDLOW COUNTY JAIL, CITY OF HOLYOKE**
US District Court 3:22CV30077
Summary: Civil action: Dismissed without prejudice

5. **WESTBROOK v. CITY OF HOLYOKE**
Holyoke District Court 2317CV000154
Summary: Westbrook filed a complaint to have the denial of his License to Carry a Firearm reversed. District Court found for Westbrook. City has appealed to the Superior Court. The Attorney General will be filing an appearance in the litigation as an intervener as they believe the granting of the license by the district court was an abuse of discretion.

6. **VALEGO v. CITY OF HOLYOKE**
Holyoke District Court 2279CV00673
Summary: City is being sued for a slip and fall injury. Matter is currently pending.

7. **ROCA v. CIVIL SERVICE, COH**
Suffolk Superior Court 2384CV01229
<u>**Summary:**</u> Civil Service found for the for the City & Appellant has appealed to the Hampden Superior Court. Superior Court held the Appellant's appeal on May 21st. Waiting for decision.

8. **GILBERT v. PRATT, HPD**
Holyoke District Court 2417CV00045
<u>**Summary:**</u> Gilbert filed a complaint to have the denial of his License to Carry a Firearm reversed. District Court found in favor of Gilbert. City is appealing the decision to the Superior Court. We have reached out to the Attorney General to see if they will be filing an appearance in this litigation as an intervenor.

9. **VACON v. GARCIA**
Hampden Superior Court 2379CV00438
<u>**Summary:**</u> The matter was argued in Sept. 2024 & Plaintiff's motion for Preliminary Injunction denied.

10. **PUELLO-MOTA v. CITY OF HOLYOKE CITY COUNCIL**
Hampden Superior Court 2279CV00532
<u>**Summary:**</u> Judgment: failed to appear and prosecute: Dismissed without prejudice.

11. **HERNANDEZ v. HOLYOKE WATER**
MCAD 23SEM02045
<u>**Summary:**</u> Voluntarily resigned, action withdrawn

12. **SALMAR REALTY, LLC ET AL v. HOLYOKE PLANNING BOARD ET AL**
Land Court 2021 MISC 000434
<u>**Summary:**</u>
The Planning Board approved the Site Plan Review Application with Conditions. The Applicant is now litigating the conditions as unreasonable. A hearing is scheduled on August 27, 2024 to determine the reasonableness.

13. **FIRE DEPT EMPLOYEE v. CITY OF HOLYOKE**
CIVIL SERVICE D1-24-012
<u>**Summary:**</u> Disciplinary matter currently in litigation at Civil Service

14. **REIDY v. CITY OF HOLYOKE DPW**
Holyoke District Court 2417SC0215 Small Claims
Summary: Submitted a claim in January 2024 for City snow plow damage to his lawn, sprinkler system, retaining wall and mailbox: asking $4,281.00. His claim was denied for insufficient evidence of the alleged damage. He then filed small claims suit for damages in the amount of $2,891.63. A hearing is scheduled for Sept. 18, 2024.

15. **CITY OF HOLYOKE v. FLYNN**
Holyoke District Court 2217CV000067
Summary: COH filed suit for $25K in damages to 316 Clemente, Holyoke. Property partially owned by Defendant, settled for $15K. Matter dismissed with prejudice.

16. **CITY OF HOLYOKE v. IPBO Local 388, GARCIA**
Hampden Superior Court 2279CV00541
Summary: COH filed suit to reverse decision of arbitrator. Court upheld arbitrator decision to place Garcia on IOD. COH appealed to Appeals Court. Court ordered settlement. Matter settled for $80,000.

17. **HPD EMPLOYEE v. CITY OF HOLYOKE**
MCAD / 23SEM01119
Summary: MCAD claim against COH. Currently pending.

TORT CLAIMS

July 2023			
Pothole	Carmen Aleman	$209.71	
Pothole	Beatriz Colon	$722.50	
Pothole	Karen Quinn	$581.88	
Tree/Fence	David Griffin	Denied	no proof of pmt
Pothole	Leslie Ayala	Denied	no proof of pmt
Sept. 2023			
recycle bins	Megan Brunelle	$49.94	
Oct. 2023			
Pothole	Leah LaBrecque	Denied	no prior knowledge

Dec. 2023

Tree/House	Chelse Gazillo/Progressive	$1,364.99 Subrogation	

Jan. 2024

Pothole	Marilyn Lopez	$186.63	
Pothole	Rosa Lopez Vasquez	Denied	Ref to Veolia
Plow/mailbox	Frank Wolanin	Denied	no proof of pmt
Personal Injury	Jason Omar Rodriguez	Denied	not a public way-private
Pothole	Ray Simon	Paperwork not returned	
Plow/Lawn	Joan Kirschner	Denied	insufficient proof of damage
Pothole	Daniel Rodriguez	Denied	no prior knowledge
Personal Injury	Waleska Miranda	Denied	not a defect
Plow/sprinklers	Roger Reidy	Denied	insufficient proof of damage

Feb. 2024

Plow/mailbox	Elaine Pluta	$425.00	
Pothole	Jennifer Veale	$169.95	
Pothole	James Henne	$436.48	
Pothole	Samantha Gladu	$125.23	
Pothole	Sean Soens	Denied	no prior knowledge
Pothole	Julia Pluta	Denied	no prior knowledge
Pothole	Salvadore Rodriguez	Denied	no proof of pmt
Pothole	Ann Thalheimer	Denied	no proof of pmt
Pothole	Rorth Soen	Denied	no prior knowledge
Pothole	Eva Bartlett	Paperwork not returned	
Vehicle	Progressive/Derek Wallace	$247.46	(Subrogation)
Pothole	James Grandchamp	Denied	no prior knowledge

Mar. 2024

Pothole	Ziyad El-Mallah	$403.37	
Pothole	Tasha Rennock	Denied	under MassDOT jurisdiction
Pothole	Lydiana Robles	Denied	Not a public way-private

Apr. 2024

Pothole	Troy Jagadowski	$123.06	
Pothole	Felipe Rivera	Denied	no prior knowledge
Pothole	Daisy Rentas	Denied	no prior knowledge
Pothole	William Heron	Denied	no prior knowledge

May 2024

Personal Injury	Hector Cruz	Denied	not a defect
Pothole	Marisa O'Brien/MAPFRE	Denied Subrogation	not a public way

June 2024

vehicle tow	Miguel Perez	Denied	inaccurate, non actionable
Tree/vehicle	GEICO/Aura Nunez	Pending	(Subrogation)
Water Damage	Elizabeth Larivee	In process/investigation	

HOUSING COURT

Property Address	Status
160 Pine	New receiver appointed; preparing rehab plan; Review set for August 16, 2024
1990-1992 Northampton	Dismissed - all matters resolved
190 Lyman	Receiver appointed - Tony Whitman - rehab plan approved; Review set for August 14, 2024 at 9:00 a.m.
188 Lyman	Agreement out for signature - have received one signature back; Will follow-up with heirs to check status of agreement
538 Hampden	Closed
186 Suffolk	Property being foreclosed upon by the lender; City will have say in sale which is contingent upon an approved rehab plan; Review set for August 16, 2024

98 Suffolk	Closed
208-210 Sargeant	One owner deceased; Will be filing amended complaint to add in heirs
281 Main	Hearing on motion set for August 22, 2024
148-154 High	Motion to Approve Receiver's lien allowed and property will be auctioned
168-176 West	AG taken over
75 Elm	Served; I believe owners are working with Board of Health - BOH to reinspect
15 Gates	Property owner unable to complete repairs, will be filing for a receiver; Hearing set for August 22, 2024
129 Morgan	Filed and served schedule court hearing
52 Longwood	Motion set for 8/22/2024
903 Dwight	Working with Attorney for property owner on repairs; Review set for 8/22/2024
50 West/41-43 Mosher	Almost Complete - BOH will schedule inspection once units finished

470 Maple	Closed
11-13 Hampshire	Ongoing negotiations with owner
69 Gates	Ongoing negotiations with owner
74-76 Newton Street	Reinspection on August 15, 2024; Motion for Receiver set for August 19, 2024
41 Lynwood Ave	Receiver appointed; Review set for September 6, 2024
127-131 Clemente	Answer due by August 10, 2024.

Mayor Joshua A. Garcia
City of Holyoke

Lisa A. Ball, Esq.
City Solicitor

Kathleen E. Degnan, Esq.
Jane L. Mantolesky, Esq.
Michael D. Bissonnette, Esq.
Jeanne A. Liddy, Esq.
Mary E. Gotham, Paralegal

CEASE AND DESIST ORDER
NOTICE OF NON-COMPLIANCE WITH ONE OR MORE LAWS

June 24, 2024

J.B. Hunt Transport Services, Inc.
615 J.B. Hunt Corporate Drive
Lowell, AR 72745

RE: Heavy Commercial Vehicle Operation on Homestead Avenue, Holyoke, Massachusetts

To Whom It May Concern:

Please be advised there is reason to believe your company and its employees, contractors, agents, and/or officers have been utilizing Homestead Avenue, Holyoke, Massachusetts during hours of exclusion pursuant to Holyoke City Ordinances 86-211. Please be advised that commercial vehicles over the tonnage of two and one half may not use the area of Homestead Avenue between Westfield Road and Lower Westfield Road between the hours of 8:00 p.m. and 6:00 a.m. daily.

You are hereby ordered to cease and desist all utilization of Homestead Avenue, Holyoke, Massachusetts between Westfield Road and Lower Westfield Road between the hours of 8:00 p.m. and 6:00 a.m. Failure to comply with this order may result in a citation or other legal action.

Thank you for your compliance and assistance in resolving this letter.

Sincerely,

Jane L. Mantolesky
Assistant City Solicitor

CC: City Council

20 KOREAN VETERANS PLAZA • CITY HALL ANNEX, SUITE 204 • HOLYOKE, MASSACHUSETTS 01040-5019
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Tasheena M. Davis, Esq.
Mary E. Gotham, Paralegal

August 2, 2024

Attorney Elizabeth Carnes-Flynn
Assistant Attorney General
Division of Open Government
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108

Re: Open Meeting Law Complaints from Stephen Superba

Dear Attorney Carnes Flynn:

Enclosed please find two (2) Open Meeting Law complaints filed by Mr. Stephen Superba; one of which is dated June 18, 2024 and the other is dated July 10, 2024. Please know that the City Council will be taking up both complaints in open session on August 6, 2024. As you can see from his complaint dated July 10, 2024, it appears that Mr. Superba is requesting a video from a Special Meeting called by Holyoke Mayor Joshua Garcia which took place on June 27, 2024. Such a request is not an Open Meeting Law complaint, but rather it is a complaint requesting a public record. Having said this, the City argues that this complaint is not a complaint which requires any action from the Attorney General's Office, particularly given that the meeting on June 27, 2024 was not an Executive Session meeting.

The complaint dated June 18, 2024 is an Open Meeting law complaint to which I am responding now because in this complaint, Mr. Superba is requesting the minutes of the same Executive Session meeting involved in his prior request on which you made a ruling in OML-2024-139. I note that as of the date of my letter, I submitted to you a letter in which I stated that the minutes from the Executive Session are exempted from disclosure under an attorney-client privilege in accordance with the provisions of M.G.L.c. 30A, Sections 22(f) and 24(e). Said letter has been submitted to you under separate cover and I have attached a copy for you as a matter of convenience.

As you can see in his complaints, Mr. Superba is taking issue with an Executive Session meeting that occurred on June 11th. The minutes from this meeting involves same discussion of the same matter that was discussed in the February 6th Executive Session meeting, and as I stated in my letter to you, the minutes of that meeting are protected by attorney-client privilege and exempt from disclosure because an attorney from this office provided legal advice and discussed strategy in connection with pending litigation regarding claims of sexual assault/sexual harassment. During the June 11, 2024, an attorney provided legal advice and discussed strategy in connection with the same pending litigation regarding claims of sexual assault/sexual harassment. As of the date of this letter, this litigation is still pending and has not been resolved.

In addition to attorney-client privilege protection, these minutes are also exempted from disclosure in accordance with M.G.L. c. 30A, Section 21, Paragraph 3 because the discussion involves strategy with respect to pending litigation which if discussed in open meeting would have a detrimental effect on the litigating position of the public body. As an additional note, the minutes contain the name of the victim of the alleged sexual assault/sexual harassment. Since the minutes are protected by attorney-client privilege, the City maintains that these minutes are exempt from disclosure.

Please feel free to call me if you have any questions.

Very truly yours,

Kathleen E. Degnan, Esq.
Assistant City Solicitor

cc: Stephen Superba

Mayor Joshua A. Garcia

City of Holyoke

Lisa A. Ball, Esq.

City Solicitor

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

August 1, 2024
FORWARDED BY EXPRESS MAIL
Attorney Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108

Re: <u>OML 2024-139</u>

Dear Attorney Carnes Flynn:

Please know that I am writing with regard to your decision in the above-referenced matter. You found that the City of Holyoke violated the Open Meeting Law, and you ordered the Holyoke City Council to make public, within 30 days of your decision, the minutes of their February 6, 2024 Executive Session meeting. You also ordered that the City Council make a certification to your office that the City Council has disclosed such minutes.

As permitted in accordance with the provisions of M.G.L. c. 30A, §§22(f), 24(e), the Holyoke City Council, asserts that the minutes of the February 6, 2024 Executive Session meeting are exempted from disclosure in that they are protected by an attorney-client privilege in that an attorney from this office provided legal advice and strategy in connection with pending litigation regarding claims of sexual assault/sexual harassment.

As a result, I am submitting my letter in lieu of the certification of disclosure that you ordered.

Very truly yours,
Kat E Deg
Kathleen E. Degnan, Esq.
Assistant City Solicitor

cc: Stephen Superba

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

Mayor Joshua A. Garcia
Lisa A. Ball, Esq.

City of Holyoke
City Solicitor

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

August 2, 2024

Attorney Elizabeth Carnes-Flynn
Assistant Attorney General
Division of Open Government
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108

Re: Open Meeting Law Complaint by Linda Vacon

Dear Attorney Carnes Flynn:

Enclosed please find an Open Meeting Law complaint filed by Holyoke City Councilor Linda Vacon. Councilor Vacon has filed this complaint in her capacity as an individual. Please know that the City Council is taking this complaint up in open session on August 6th. I am responding to this complaint now because a portion of her request involves the same matter of which Mr. Stephen Superba complained in his Open Meeting Law complaint and on which you made a ruling in OML-2024-139. I note that as of the date of my letter, I submitted to you a letter in which I stated that the minutes from the Executive Session are exempted from disclosure under an attorney-client privilege in accordance with the provisions of M.G.L.c. 30A, Sections 22(f) and 24(e). Said letter has been submitted to you under separate cover and I have attached a copy for you as a matter of convenience.

As you can see in her complaint, Ms.Vacon takes issue with an Executive Session meeting that took place on June 11, 2024. She also claims that she has not received Executive Session meeting minutes for the past (5) years. She makes other allegations to which this office denies.

However, with respect to her claim that the minutes from the June 11th Executive Session meeting should be disclosed, please know these minutes include the same matter which was discussed in the February 6th Executive Session meeting, and as I stated in my letter to you, the minutes of that meeting are protected by attorney-client privilege and exempt from disclosure because an attorney from this office provided legal advice and discussed strategy in connection with pending litigation[1] regarding claims of sexual assault/sexual harassment. During the June 11, 2024, an attorney provided legal advice and discussed strategy in connection with the same pending litigation regarding claims of sexual assault/sexual harassment. As of the date of this letter, this litigation is still pending and has not been resolved. In addition to attorney-client privilege protection, these minutes are also exempted from disclosure in accordance with M.G.L. c. 30A, Section 21, Paragraph 3 because the discussion involves strategy with respect to pending litigation which if discussed in open meeting would have a detrimental effect on the litigating position of the public body. As an additional note, the minutes contain the name of the victim of the alleged sexual assault/sexual harassment. Since the minutes are protected by attorney-client privilege, the City maintains that these minutes are exempt from disclosure.

The other matter that was discussed in the June 11th Executive Session meeting involved as she states "one was a completed agreement that was communicated to the city council that required no action by the city council". With respect to this matter, please know that an attorney from this office provided legal advice in connection with threatened litigation from a Cannibas company regarding impact fees. This discussion is also exempted under the attorney-client privilege because an attorney from this office gave legal advice and strategy regarding threats of litigation, and it is also exempt under M.G.L. c. 30A, Section 21, Paragraph 3 because it is a discussion of legal strategy which would have a detrimental effect on the litigating position of the public body.

The other matter to which Ms.Vacon refers is an active litigation. Though Ms. Vacon does not appear to be making a claim in connection with this matter, this discussion is also protected under the attorney-client privilege because an attorney from this office provided legal advice and strategy in connection with a pending litigation involving the Log Cabin.

With respect to her claim that she has not received Executive Session meeting minutes for the past five (5) years, and despite the fact that this claim is not timely [with the exception of the claim involving the June 11, 2024 minutes] please know that the Holyoke City Council did not hold any Executive Sessions in 2020. With respect to the years 2021 to the present date, please know that the minutes will be released in the following manner for the following dates:

1. February 8, 2021 to be disclosed in their entirety;
2. August 25, 2021 to be disclosed in their entirety;
3. October 18, 2022 to be disclosed in their entirety;
4. December 6, 2023 to be disclosed in their entirety;
5. November 1, 2022 to be disclosed with redaction of the Log Cabin litigation which is still pending and during which legal advice and strategy was given;
6. December 5, 2023 to be disclosed with redaction of discussion regarding the same litigation that was discussed during the February 6th and June 11th meeting as this discussion is protected under the attorney-client privilege.

[1] Ms. Vacon statement that "one was resolved with a recommendation for money requiring a public vote of the city council" is inaccurate. This matter has not yet been resolved. This litigation is still active and has not been dismissed.

Please feel free to call me if you have any questions.

Very truly yours,

Kathleen E. Degnan, Esq.
Assistant City Solicitor

cc: Linda Vacon

Mayor Joshua A. Garcia

City of Holyoke

Lisa A. Ball, Esq.

City Solicitor

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

August 1, 2024

Forwarded by Express Mail

Attorney Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108

Re: OML 2024-139

Dear Attorney Carnes Flynn:

Please know that I am writing with regard to your decision in the above-referenced matter. You found that the City of Holyoke violated the Open Meeting Law, and you ordered the Holyoke City Council to make public, within 30 days of your decision, the minutes of their February 6, 2024 Executive Session meeting. You also ordered that the City Council make a certification to your office that the City Council has disclosed such minutes.

As permitted in accordance with the provisions of M.G.L. c. 30A, §§22(f), 24(e), the Holyoke City Council, asserts that the minutes of the February 6, 2024 Executive Session meeting are exempted from disclosure in that they are protected by an attorney-client privilege in that an attorney from this office provided legal advice and strategy in connection with pending litigation regarding claims of sexual assault/sexual harassment.

As a result, I am submitting my letter in lieu of the certification of disclosure that you ordered.

Very truly yours,

Kat E Deg

Kathleen E. Degnan, Esq.
Assistant City Solicitor

cc: Stephen Superba

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

Birthplace of Volleyball

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

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

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

Instructions for filing a complaint:

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

Instructions for a public body that receives a complaint:

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

Once the public body has responded to the complaint:

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

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

OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Linda Last Name: Vacon

Address: 7 Pheasant Drive

City: Holyoke State: MA Zip Code: 01040

Phone Number: 413-210-6077 Ext.

Email: lindavac@aol.com

Organization or Media Affiliation (if any): Holyoke City Councilor Ward 5

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

(For statistical purposes only)

- [x] Individual
- [ ] Organization
- [ ] Media

Public Body that is the subject of this complaint:

- [x] City/Town
- [ ] County
- [ ] Regional/District
- [ ] State

Name of Public Body (including city/town, county or region, if applicable): Holyoke City Council as advised by the CIty Solicitor and called by City Council President

Specific person(s), if any, you allege committed the violation: City Solicitor Lisa Ball & President Murphy Romboletti

Date of alleged violation: 6/11/24

Description of alleged violation:

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

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

On May 29, 2024, I requested information from the city solicitor about host community agreements and future revenues during a public budget hearing. The city solicitor said she would rather discuss that in executive session and declined to answer. She did not state a reason.
1)Later, when notice was given of the executive session of the Holyoke city council to be held on June 11, 2024, the only agenda item was "litigation update". No subjects to be discussed were listed, no exception under the open meeting law was cited and no statement that an open meeting may have a detrimental effect on the litigation position of the city was made.
2)During the executive session on June 11, 2024, three issues were discussed. Of the three issues; one was an active law suit, one was resolved with a recommendation for money requiring a public vote of the city council, and one was a completed agreement that was communicated to the city council that required no action by the city council. In the last two cases listed the city council was not part of a strategy, but rather the recipient of the outcome.
3) A question about minutes of executive session was raised during the meeting, The City Solicitor indicated that minutes are available if requested. The City council has not received minutes of Executive sessions for the last 5+ years.
4) The use of executive session appears to be geared to keeping councilors silent on matters of concern and interest to the public due to the fact that the information has been shared in executive session. The concern of a detrimental effect on litigation appears secondary to the desire to keep the information from the public. The City Solicitor is a very experienced municipal attorney who should be well informed on the Open Meeting Law; the notice requirements, the the exceptions allowed for to hold executive sessions, and the requirement for timely minutes of executive sessions.

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

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

1)Provide all executive session minutes previously withheld as soon as possible and going forward, provide timely minutes in accordance with the open meeting law unless a written explanation is provided by the City Solicitor as to why the minutes of a topic should not be released.
2)Make any discussions that took place in executive session that do not meet one of the ten exceptions immediately available
3)Give proper notice for future executive sessions: providing the subject and topics of discussion without full details that would be detrimental
4)The City Solicitor and President of the City Council attend and successfully complete a training on the open meeting law as it relates to Executive sessions of the City council.
5)The City Solicitor shall comply with the timely provision of minutes from executive sessions in coordination with the City Clerk

Review, sign, and submit your complaint

I. <u>Disclosure of Your Complaint.</u>

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

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

II. <u>Consulting With a Private Attorney</u>.

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

III. <u>Submit Your Complaint to the Public Body.</u>

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

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

Signed: Linda Vacon **Date:** 7/8/24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

July 18, 2024

ent of Holyoke City Council:
ke Ma 01040

Madam President:

have it duly noted that I,
B Greany, voted no on this
municipal budget. There has
some confusion on the vote
is issue.

Respectfully
Howard B. Greany Jr.

July 18, 2024

President of Holyoke City Council:
Holyoke Ma 01040

Dear Madam President:

Please have it duly noted that I, Howard B Greany, voted no on this years municipal budget. There has been some confusion on the votes on this issue.

Respectfully
Howard B Greany Jr.

RECEIVED

JUL 15 2024

Holyoke City Clerk's
Holyoke, MA

The Ad Hoc Committee is an informal citizen's advisory group formed to provide independent, unofficial advice to the DPW Board as the current longterm contract for the management of Holyoke's wastewater treatment facility approaches the end of its 20-year term. The DPW Board has important choices to make as it considers paths forward, and the Ad Hoc Committee is grateful to have had the opportunity over the past months to study the issues and opportunities the contract expiration presents.

It is impossible to overestimate the importance of this matter. Sanitation and handling of waste are among the most fundamental of all urban infrastructure. Always critically important, the challenges it presents have only grown as our society's technological sophistication has increased, and our understanding of the health risks of industrial activities in the past has improved. With our new understanding has come emerging demands, such as the new requirement that wastewater systems address so-called "forever" chemicals in our waste streams. Such demands increase the cost of treating waste, for every community, and this and other challenges cannot be managed by ignoring them.

At the same time, however, new technologies present real opportunities: for better outcomes, for potential economic growth, for Holyoke to position itself as a leader in a region-wide green network that supports sustainability and resilience. The Ad Hoc Committee has been able to discuss some of the possibilities with industry representatives including our current partners at Veolia, and to see results at other communities in the Northeast. Possibilities for the future include, for example, technologies that would generate renewable energy from the processing of organic waste. While these are not processes that Holyoke could put into place tomorrow, the possibilities are real and exciting.

To choose the best path forward will require time, expertise, and money. Under the terms of our current contract, and consistent with the Commonwealth Enabling Act that provides Holyoke with the legal framework for the current contract and for our future contracts, we understand that Holyoke could simply extend the existing contract for a five-year term.

We believe, however, that to do so would be a mistake. The current contract has significant weaknesses, which we need not elaborate upon here. While some of those could possibly be addressed within the framework of a five-year contract extension, we believe they would be addressed with greater certainty and urgency if the city chooses instead to go out to RFP for a new management contract, while we do the work to develop the strongest possible understanding of what the city needs and wants in future capital development and technical improvements to the plant and citywide system.

Doing so need not mean replacing our current operator, and this recommendation is not intended to imply any criticism of that operator or the excellent staff the City now works with. But we believe this contract would attract significant interest from most or all of the industry's most important and technologically sophisticated firms, and it would thus allow Holyoke to learn from, and to compare proposals from, a multitude of experts in the field.

Respectfully submitted,

[the ad hoc committee}

Board of Public Works Meeting
July 29, 2024
Statement from Chair Mary L. Monahan

I want to open this discussion by acknowledging the time and work put in by members of the volunteer ad hoc committee. It's been almost 18 months since we first met to discuss the end of the City's 20 year contract for contract operations at our wastewater treatment plant.

The current contract expires September 29, 2025. It was procured adhering to the requirements in Acts (2002), Chapter 214: An Act Authorizing the City of Holyoke to Enter into Contracts for a Sewer Works System and Operations. The Special Act was approved by the Legislature and took effect August 6, 2002. This legislation allows the City to enter into a contract for wastewater services for a term not to exceed 20 years and an option for renewal or extension for one additional term not exceeding 5 years.

The ad hoc committee has been joined by others in investigating how Holyoke's next long term service agreement reflects Holyoke's regulatory, environmental, financial, and societal needs and expectations. Members of the group have visited MWRA's plant in Deer Island to view a comprehensive wastewater operation that includes green power generation and the production of a retail fertilizer product from its sludge. We had tours of Holyoke's own plant led by the professional plant operations team from Veolia.

Holyoke's group has participated in workshops sponsored by Veolia and other consulting engineers in the wastewater industry. As a group, and individually, we investigated the opportunities that our wastewater treatment plant provides to Holyoke's residents and the environment.

Advancements in technology, climate change threats, and expanded funding options excite me about how our next long term service agreement can incorporate technologies that generate green power, advance the City's economic development initiatives, and generate revenue. DPW and the Board of Public Works are aggressively seeking grant assistance to fund a comprehensive wastewater master plan for the plant and collection system. This plan will identify operations and applications at the facility that are feasible, cost effective, and provide the ratepayers and taxpayers a return on investment, These efforts to improve operations, contain costs, and provide an overall benefit to the City and region are not fully realized within a five year term.   My support of the Board of Public Works recommending to the Mayor that the City issue a new request for proposals for long term contract operations at Holyoke's wastewater treatment plant is based on this being the option that bests serves the ratepayers and taxpayers of the City. It is not a reflection on the performance of Veolia, the current contractor. In fact, I look forward to seeing Veolia's submission in response to the RFP.

In conclusion, again thank you to Andy Fiske, Brian Beauregard, Mike Sullivan, Mimi Panitch, and Carl Rossi. Also, thank you to HG&E, Miira Gates, and Yoni Glogower for their input and support.

City of Holyoke, Massachusetts
Birthplace of Volleyball

Brenna Leary <mcgeeb@holyoke.org>

Holyoke treasurer position

Duffy, Patricia - Rep. (HOU) <Patricia.Duffy@mahouse.gov> Wed, Jul 31, 2024 at 11:26 AM
To: Tessa Murphy-Romboletti <tessaforholyoke@gmail.com>
Cc: Brenna McGee <mcgeeb@holyoke.org>, Jeffery Anderson-Burgos <anderson-burgosj@holyoke.org>

Councilor Murphy-Romboletti, City Council President:

I am writing to update you and the City Council on H4748 An Act Establishing an Appointed Treasurer for the City of Holyoke. After the City Council's vote this past spring I filed this home rule petition which calls for an election on November 5th.

Subsequent discussions with the Secretary of State's office and the City Clerk's office in response to this filing have raised the prospect of the many logistical and costly challenges inherent in holding a special election on the same date as a national and statewide election. Looking more closely at these challenges gave rise to conversations with the Mayor and other department heads where it became clear that this will likely impact the timeline for the City's plans to implement much needed financial systems, policies, and procedures.

I share this information with you so that you can make an informed decision as to next best steps.

Sincerely yours,
Pat Duffy

Patricia Duffy
State Representative
Fifth Hampden District
District office: 413-529-4307
164 Race St., Suite 105
Holyoke 01040

June 14, 2024

Mr. Carl Rossi
City of Holyoke
Department of Public Works
63 N. Canal Street
Holyoke, MA 01040

Re: City Council Chambers Plan Sketches

Carl,

Thank you for the opportunity to work with you and the City of Holyoke on the City Hall City Council Chambers renovation project. I worked closely with Sean Sheedy during the conceptual design phase which was critical to the success of the project, as it determined the direction and set the tone for future work phases. We developed four conceptual layouts for the City Hall City Council Chambers renovation project and understand that the next step is to review plans with the City Council to solicit their comments. Please let me know if I can assist with updating you on the conceptual design process in Sean's absence.

I've included five City Council Chambers Plan Sketches for your review and comment, (see attached). The first sketch is an existing condition reference drawing that approximates how the City Council Chambers are currently configured today. The following four drawings can be divided into two categories, Options A and B retain the existing separation railing between the Council members and the public and Options C and D propose a new railing with a straight configuration. The design concept of the sketches was reviewed in detail with Brian Lever of Epsilon Associates, our historical consultant. He approved the elimination of the president's podium because of his determination that it was not original to the room and he suggested we include design layouts both with and without the existing separation railing, to allow for more flexibility in reacting to comments by the Massachusetts Historical Commission.

<u>SK1.0 0 - Floor Plan - Existing</u>:

This plan replicates the existing layout as it is today; it shows the existing president's podium with the secretary's desk, councilors desks (12), meeting table, separation railing and public seating area.

<u>SK1.1 - Floor Plan - Option A</u>:

This plan replicates the existing floor plan layout including the existing separation railing. The programmatic functions are essentially the same as the existing Council Chambers, however a clerk's table is added. The public area is the same as existing.

Advantages: centralized layout, generally good circulation, maintains clear historic reference to existing Council Chambers

Disadvantages: four councilor's tables are tight against the existing separation railing, approximately 42" clearance, some councilors have their backs toward the public

SK1.2 - Floor Plan - Option B:

This plan is similar to Option A however the president's desk has been moved closer to the back wall allowing the councilors to sit in a straight line facing each other and placing the president and public to either side. This layout includes the same existing separation railing and the public area configuration as the existing layout and Option A.

Advantages: clean, centralized layout, maintains a direct line of sight between the president, officers, councilors and the public

Disadvantages: two councilor's tables (6 and 7) are tight against the existing separation railing with approximately 42" clearance, this creates a circulation pinch point

SK1.3 - Floor Plan - Option C:

Option C removes both the existing president's podium and the separation railing. The centralized "U" shape layout faces the public area behind a new, straight separation railing. This layout is typical of many council chambers, where the president, secretary, clerk, councilors and the public all have a more-direct line of sight to each other.

Advantages: centralized layout with the president at the center and linear councilor's seating wings on each side, councilors have a more direct line of sight to the president, officers, the public and each other, clean design and open central space will make the room appear to be larger

Disadvantages: circulation is limited to the outside at the "U" shape, the open central area is more difficult to access, minimum clearance is 36" at the open end of the "U" shape configuration, the size of the public area is reduced to accommodate the expanded linear layout

SK1.4 - Floor Plan - Option D:

This option is similar to Option C in that both the existing president's podium and the separation railing are removed, the centralized, interior open square-shape layout faces the public area behind a new straight separation railing. The president, secretary, clerk, councilors and the public all have a more-direct line of sight each other, but with improved circulation and access than Option C.

Advantages: clean centralized layout creates an orderly visual appearance that will make the room appear to be larger, maintains good circulation, public seating is similar to the existing public seating, councilors have a more direct line of sight to the president, officers, the public and each other,

Disadvantages: circulation is limited at the councilor's aisles, councilor's 6 and 7 are located tight against the separation railing, close to the public

Let me know if you have any questions or comments regarding these conceptual plans. I'm happy to review them with you and make any necessary adjustments as needed. I can also meet with you and the City Council to present these conceptual plan options at your convenience.

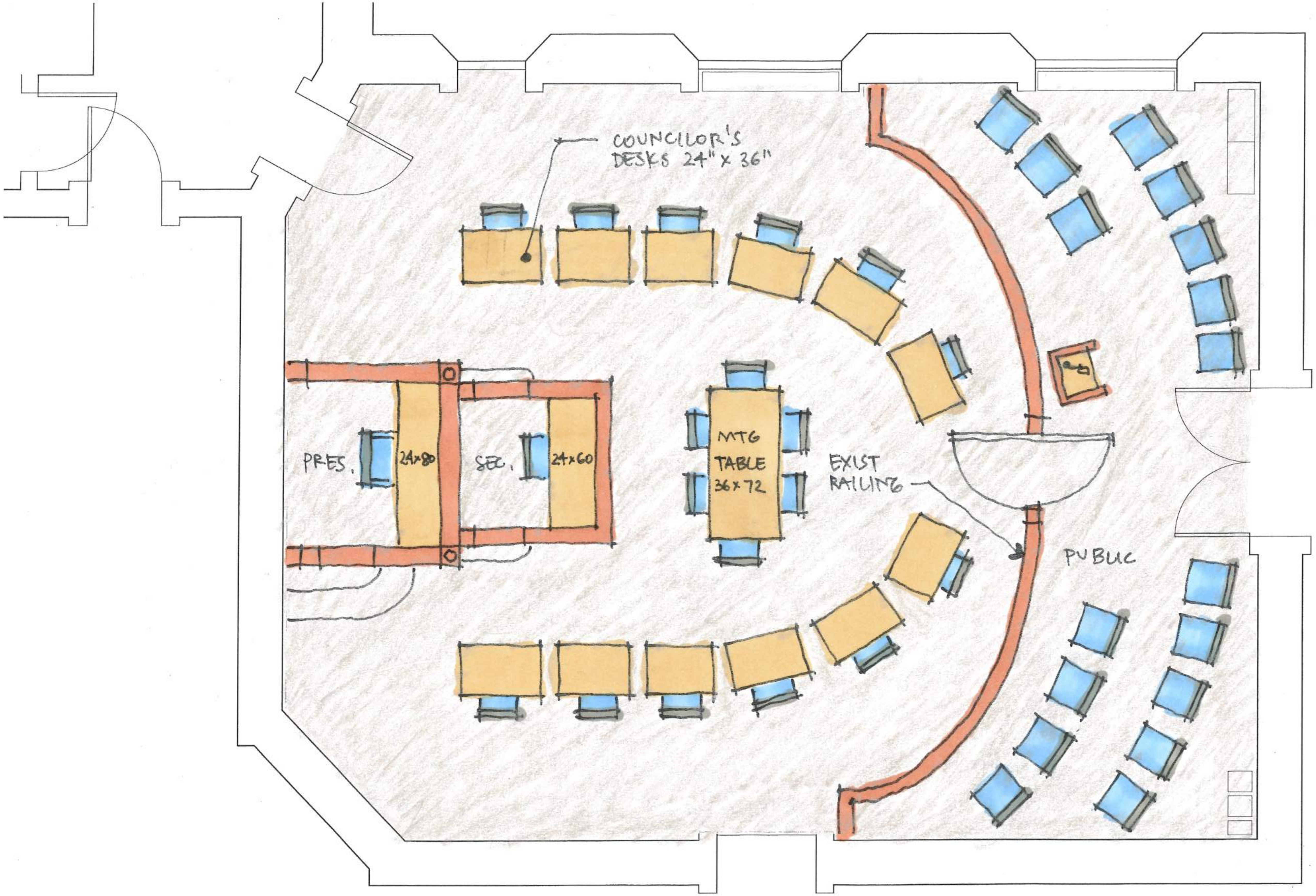
Sincerely,

Marco Crescentini

Attachments:

- SK1.0 - Floor Plan - Existing
- SK1.1 - Floor Plan - Option A
- SK1.1 - Floor Plan – Option B
- SK1.1 - Floor Plan – Option C
- SK1.1 - Floor Plan – Option D

4:57 PM Tuesday, March 19, 2024; FS-AEL-01\PROJECTS\MUNICIPAL\2023-17 HOLYOKE CITY COUNCIL CHAMBERS\CONSTRUCTION\CH-DRAWING SET\SKETCHES\CH-SK 1.1.DWG



1 SK1.0 FLOOR PLAN - EXISTING

SCALE: 1/4"=1'-0"

ArchitectureEL
Environment Life Inc.
East Longmeadow, MA
ph. 413-525-9700
Harwich Port, MA
ph. 508-251-9076

PROFESSIONAL SEAL

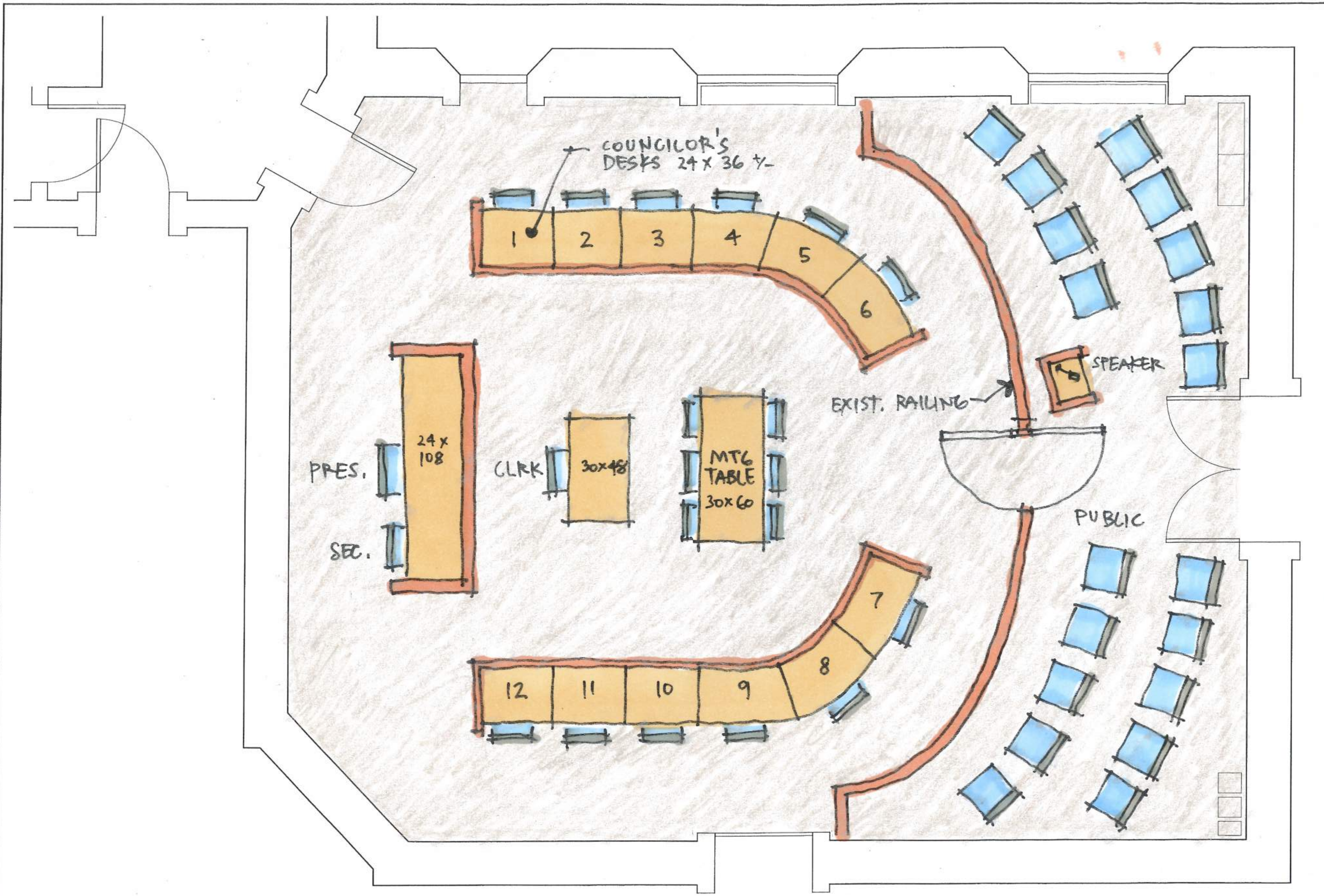
HOLYOKE CITY
COUNCIL CHAMBERS
536 DWIGHT STREET
HOLYOKE, MA 01040

PROJECT NAME

PLOT DATE: 04/19/2024
CAD FILE: CH-SK 1.1.DWG
DRAWING REVISION LOG

DRAWING NAME
FLOOR PLAN - EXISTING

DRAWING NUMBER
SK1.0



1 SK1.1 FLOOR PLAN - OPTION A

SCALE: 1/4"=1'-0"

ArchitectureEL

Environment Life Inc

East Longmeadow, MA
ph: 413-525-9700
Harwich Port, MA
ph: 508-251-9076

PROFESSIONAL SEAL

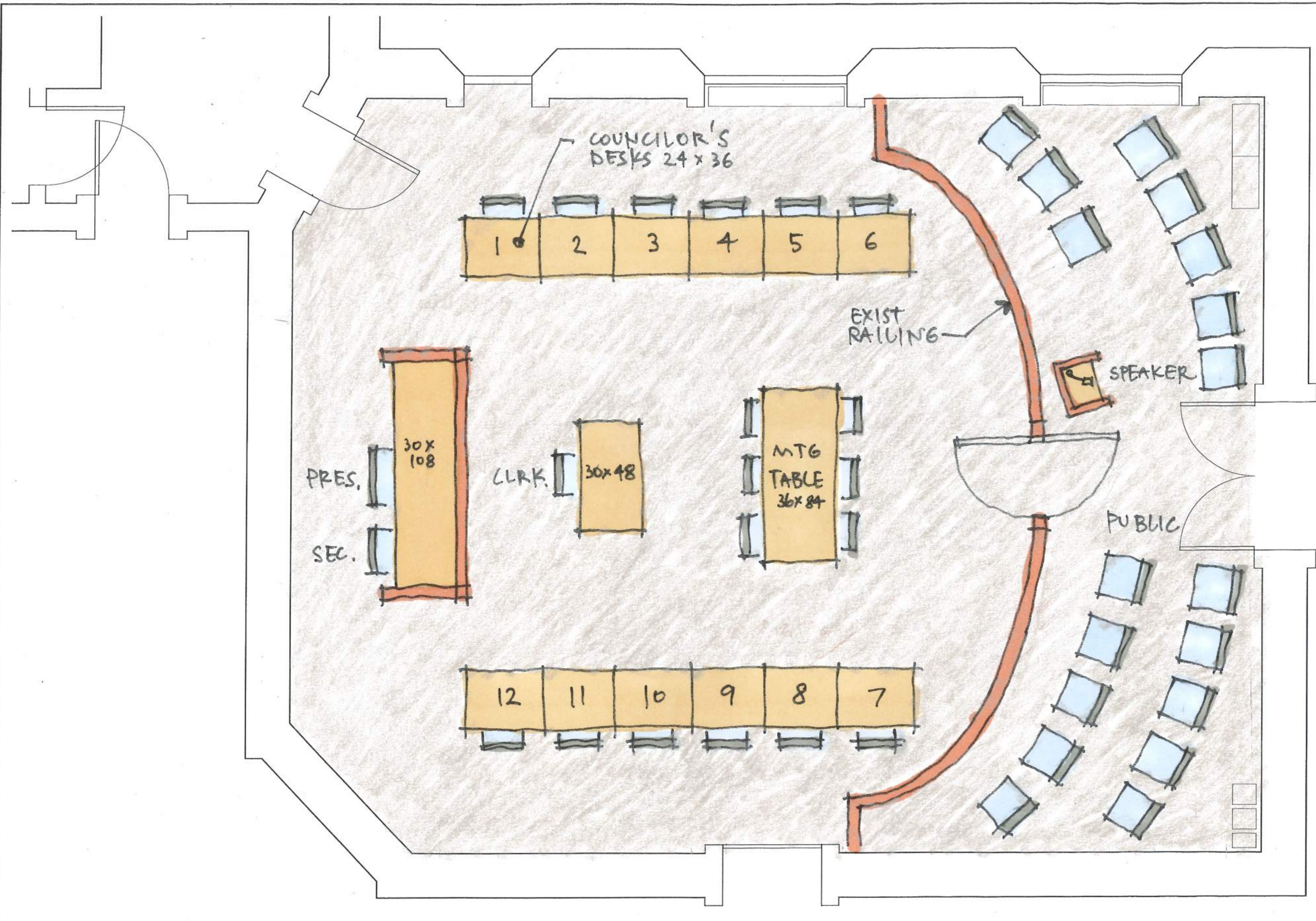
HOLYOKE CITY COUNCIL CHAMBERS
536 DWIGHT STREET
HOLYOKE, MA 01040

PROJECT NAME

PLOT DATE : 04/19/2024
CAD FILE: CH-SK 1.1.DWG
DRAWING REVISION LOG

DRAWING NAME
FLOOR PLAN - OPTION A

DRAWING NUMBER
SK1.1



1 SK1.2 FLOOR PLAN - OPTION B

SCALE: 1/4"=1'-0"

ArchitectureEL
Environment Life Inc
East Longmeadow, MA
ph: 413-525-9700
Harwich Port, MA
ph: 508-251-9076

PROFESSIONAL SEAL

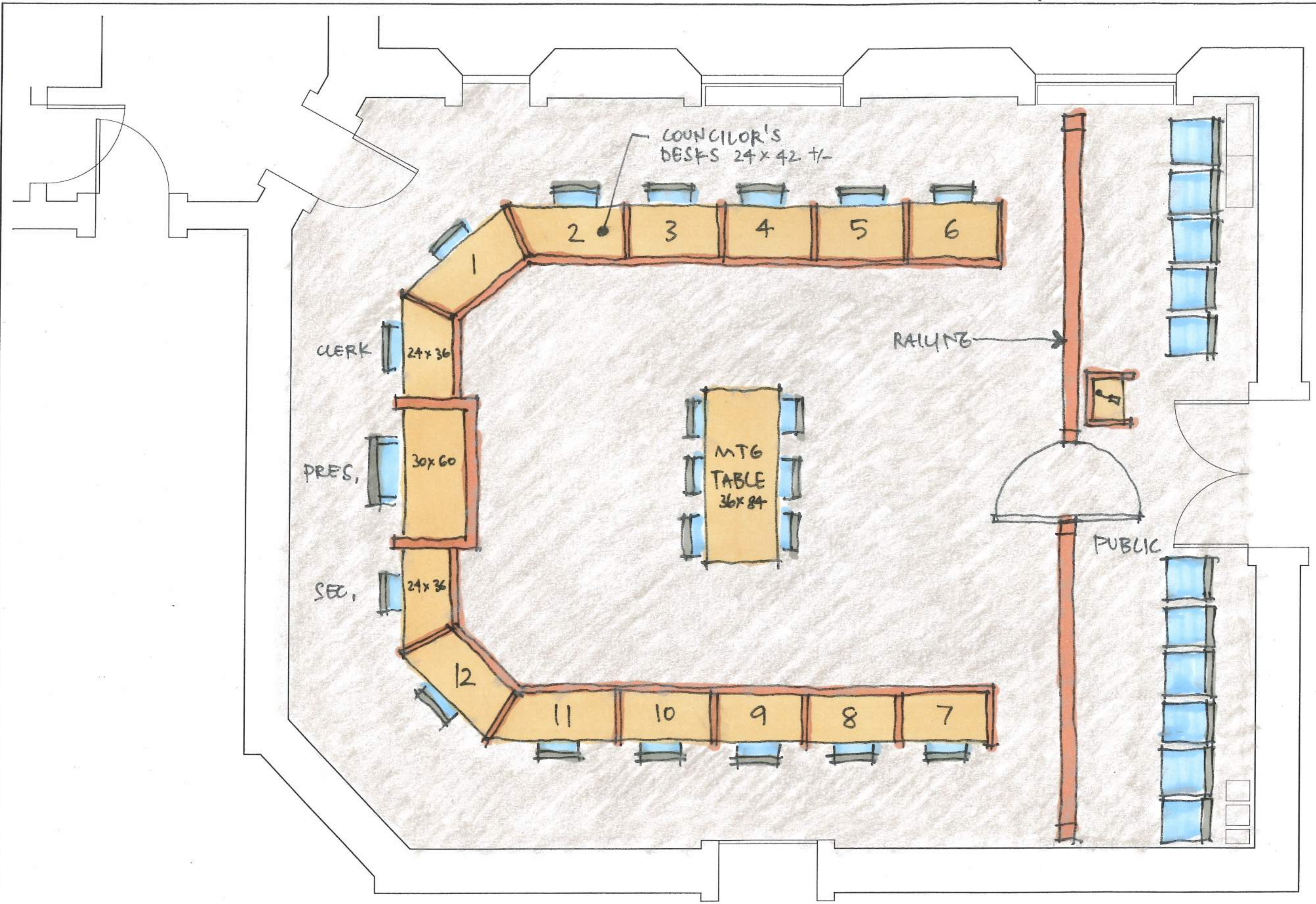
HOLYOKE CITY COUNCIL CHAMBERS
536 DWIGHT STREET
HOLYOKE, MA 01040

PROJECT NAME

PLOT DATE : 04/19/2024
CAD FILE CH-SK 11.DWG
DRAWING REVISION LOG

DRAWING NAME
FLOOR PLAN - OPTION B

DRAWING NUMBER
SK1.2



1 FLOOR PLAN - OPTION C

SK1.3

SCALE: 1/4"=1'-0"

ArchitectureEL
Environment Life Inc.
East Longmeadow, MA
ph: 413-525-9700
Harwich Port, MA
ph: 508-251-8076

PROFESSIONAL SEAL

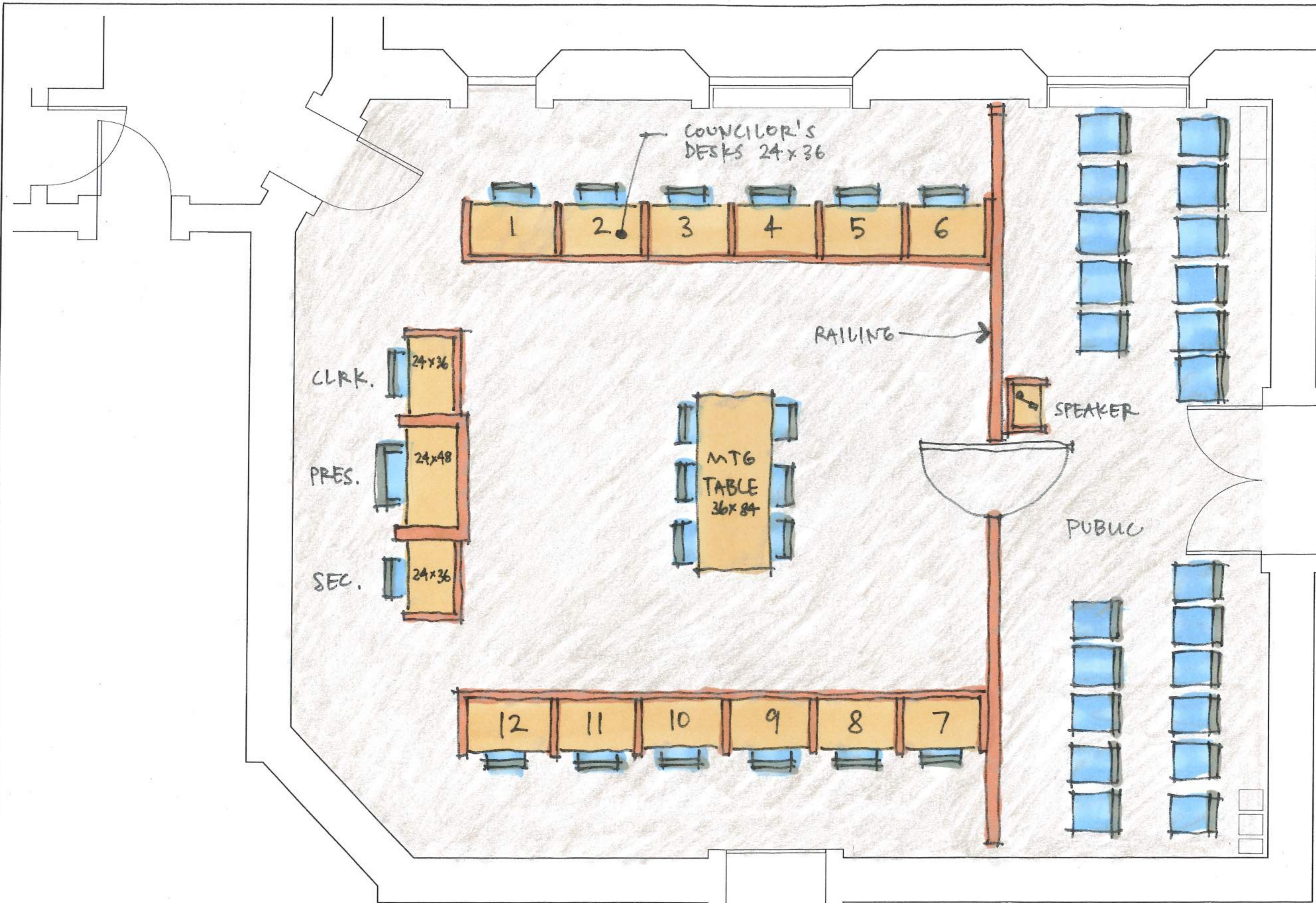
PROJECT NAME

HOLYOKE CITY COUNCIL CHAMBERS
536 DWIGHT STREET
HOLYOKE, MA 01040

PLOT DATE: 04/19/2024
CAD FILE: CH-SK 11.DWG
DRAWING REVISION LOG

DRAWING NAME
FLOOR PLAN - OPTION C

DRAWING NUMBER
SK1.3



1 SK1.4 FLOOR PLAN - OPTION D

SCALE: 1/4"=1'-0"

ArchitectureEL
Environment Life Inc
East Longmeadow, MA
ph: 413-525-9700
Harwich Port, MA
ph: 508-251-9076

PROFESSIONAL SEAL

HOLYOKE CITY COUNCIL CHAMBERS
536 DWIGHT STREET
HOLYOKE, MA 01040

PROJECT NAME

PLOT DATE: 04/19/2024
CAD FILE: CH-SK 11.DWG
DRAWING REVISION LOG

DRAWING NAME
FLOOR PLAN - OPTION D

DRAWING NUMBER
SK1.4

Mayor Joshua Garcia **Office of Planning and Economic Development**

City of Holyoke **Historical Commission**

July 3, 2024

RE: VICTORY THEATRE

To who it may concern,

In response to the questions raised at the city council meeting held on 6/8/24 regarding the Victory Theatre, The Victory Theatre is not listed on the National register of Historic places. The Victory Theatre however is deemed eligible by the Massachusetts State Historical Commission for the National Register which makes them eligible to receive Historic tax credits.

Any questions regarding historic tax credits should be directed to the Massachusetts State Historical Commission as it is outside of this body's purview.

Regards,

Christopher H. Gauthier
-Chair
Joseph Charles Mazzola
-Vice Chair
Holyoke Historical Commission
hhcc@holyoke.org

OFFICIAL PETITION
TO
COUNCIL MEMBERS
HOLYOKE, MA

City of Holyoke
536 Dwight St
Holyoke, MA 01040-5086

To Members of the Holyoke City Council:

There is a national movement underway to cut back on quality-of-life policing methods such as making arrests for vandalism, littering, loitering, vagrancy, public intoxication, and other quality of life violations.

As a registered voter in Holyoke, I urge you to maintain all quality-of-life policing methods, vigorously defend these methods, support our police in enforcement of quality-of-life violations, and make sure our district attorney is fully behind quality-of-life policing methods.

Quality of life policing, as well as pro-active policing methods, have cleaned up and maintained order in many neighborhoods in our city and helped reduce more serious crime nationwide between 1985 and 2015 by over 50%.

Louise Lataille

Louis Rigali

Mr. Ernest Whitney

Lucjan Hronowski

Mr. Roland Damon

Ms. Marcie Hammond

Ms. Marlene Mozgala

RECEIVED

JUL 02 2024

Holyoke City Clerk's
Holyoke, MA

OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Superba

Address: 17 Glen Street

City: Holyoke State: MA Zip Code: 01040

Phone Number: 413 532 0246 Ext. —

Email: mujimoto@aol.com

Organization or Media Affiliation (if any): N/A

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

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

Name of Public Body (including city/town, county or region, if applicable): Holyoke City Council

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

Date of alleged violation: 6/11/2024

Description of alleged violation:

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

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

SEE ATTACHED NARRATIVE

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

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

SEE ATTACHED NARRATIVE

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: ____________________

Date: 6/18/24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Description of alleged violation:

On 6/11/2024 at 6:00PM, the Holyoke City Council entered Executive Session to discuss a matter only identified as **Litigation Update.** This description does not conform to the specificity requirements of 940 CMR 29.03(b) as required under Massachusetts General Law C30As20(b).

I had previously filed an Open Meeting Law complaint with the City Council on 3/05/2024 for an infraction of the Open Meeting Law with the same set of facts as this complaint, that previous violation occurred on 2/06/2024. The only difference is the format; i.e. the entry into this most recent executive session was videoed. Regardless, the complaint remains: lack of specificity about the topic(s) to be discussed.

As of the filing of this complaint, the Massachusetts Attorney General's Office is reviewing the previous complaint (1248355) which I filed on 4/11/2024 and the status is pending. Until a determination has been made in that case, I deem it necessary to file this complaint; and as a matter of practicality the matter discussed in this complaint may not be related to the first.

In closing, a lawsuit indicates mistakes occurring that adversely impact an individual or an entity. These mistakes occur as the result of omissions, missteps, or overt failures of elected officials to the detriment of both the aggrieved as well as the taxpayer. These elected officials need to have their performance open to scrutiny so that the voter may make informed decisions at election time. This closing expresses the significance of this issue for me.

What resolution do you desire?

I would defer to the determination of the Attorney General's Office as it relates to case# 1248355 which is the same set of facts, and would be satisfied with the same results. In sum, I am interested in the release of as much descriptive information of the executive session of 6/11/2024.

OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Superba

Address: 17 Glen Street

City: Holyoke State: MA Zip Code: 01040

Phone Number: (413)532 0246 Ext.

Email: mujimoto@aol.com

Organization or Media Affiliation (if any): N/A

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

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

Name of Public Body (including city/town, county or region, if applicable): City Council

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

Date of alleged violation: 6/11/24

Description of alleged violation:

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

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

SEE ATTACHED NARRATIVE

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

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

SEE ATTACHED NARRATIVE

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

Signed: ______________________ **Date:** ~~6~~ 7/10/24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Description of Alleged Violation:

On 6/18/2024, I filed an Open Meeting Law complaint for the executive session of 6/11/2024, with the complaint being Lack of Specificity regarding the descriptor heading of the meeting which was simply **Litigation Update.** This is a new complaint with an upgraded accusation/complaint, and the allegation is Total Deception/Obscuration in the identification of the subject matter of the executive session of June 11, 2024. This new accusation is based on new evidence that has come to light.

On 6/27/2024, the Mayor called a special meeting of the City Council to conduct financial matters and maneuvers that is under the auspices of the Council. I request that that video be reviewed as part of this complaint and can be found on YouTube by querying Holyoke City Council special meeting 6/27/2024 and is the first order of business. In this special meeting there were multiple discussions that revealed much information about the previous executive sessions which were the objects of my complaints, and actually validates the merits of the complaints I had brought which was Lack of Specificity.

The Council discussion in this special meeting confirmed there is no litigation in process, nor a "complaint, lawsuit or petition" per Councilor Bartley. The discussion amongst the Council proceeds and the troubling part is the participation of Asst. City Solicitor Bissonnette.

At 8:45 of the video, Asst. Solicitor Bissonnette replies to questions from the Councilors. The requested appropriation "is not really for a specific settlement, but to fund a claims and damages account for which there are several matters (deliberate attempt at obscuration)." The Council, more specifically Councilor Mike Sullivan at 10:20, would have no part in this obscuration which prompted the next response from the assistant city solicitor, the City has been "made aware of a pending litigation, there's a complaint that has been filed, and the City is attempting to negotiate." But the breadth of the deception is highlighted by Atty. Bissonnette's response to Councilor Greaney when posed with the question whether there will be a Non-Disclosure Agreement as part of the settlement. Atty. Bissonnette responded that there will be no NDR as a part of this settlement. That is blatantly false on its face. Atty. Bissonnette cannot in good faith answer that question; as a matter of fact, Atty. Bissonnette knows, being the competent attorney that he is, that a NDR is not only likely, but probable---at the victim's request---and the City will oblige that wish.

This entire process, this meeting and the previous two executive sessions tagged with Litigation Update, is a charade designed to obscure the facts from the taxpayer from any knowledge of this settlement. More importantly, it is designed and perpetrated to minimize or erase ANY responsibility from the actors whose jurisdiction involved the mishandling of this entire situation. Thank you for considering my complaint.

What Action Do You Want:

My request is the same as in the past: the disclosure of as much of the record of the executive sessions that can be released as per law. In addition, I am requesting an apology from Asst. City Solicitor Michael Bissonnette for the obvious falsehood he attempted to perpetrate on the the City Council and the citizens of Holyoke at large.

City of Holyoke, Massachusetts
Birthplace of Volleyball

Brenna Leary <mcgeeb@holyoke.org>

New submission from Grant Completion Form

1 message

notify@proudcity.com <notify@proudcity.com> Thu, Jul 11, 2024 at 2:57 PM
To: wdowiakt@holyoke.org, mcgeeb@holyoke.org, anderson-burgosj@holyoke.org

Grant Information

0531 Capital Facilities Fund Grant Mass Cultural Council

Grant Period

3/11/21-5/31/24

Grant Purpose

The Mass Cultural Council Capital Facilities Fund grant was for demolition of degraded electrical equipment, installing updated electrical equiptment, and increase accessibility. This was a matching reimbursement grant and matching funding came from CDBG and CPA.

Total Budget

$110,000

Actual Expenses

$52,876- Mott MacDonald Electrical Engineering Survey ($30,000 CDBG, $22,876 CPA)
$55,000- Upgrading electrical and lighting in the Music Room (CPA)
Matching Budget: $107,876

$55,157- Removing and replacing electrical panels in the Main House.
$50,791.74-Grounding outlets on first and second floor, new outlets to offices with large electrical loads, new lighting on first and second floor, and new light fixtures outside.
$4365.26- Smart TV, Smart Screen, Conference Camera
Total Expended MCC-CFF: $107.350.99

Ending Fund Balance

0.00

Additional Comments (optional)

Thanks to supporting funds from the CPA and CDBG, we were able to match them with this MCC-CFF grant to upgrade a lot of dangerous and energy inefficient electrical equiptment and lighting. Outlets on the first and second floor were grounded, some were added to spaces without outlets, additional outlets were added to offices with overloaded energy loads, and we now have more accessibility options with a smart tv to help with our public events, we have a smart screen that allows people to explore the second floor for those who have mobility limitations, and a professional level conference camera to share our events with the public and help facilitate professional meetings for our institution and for paying organizations. This grant has helped us create a safer public space and a more accessible public space.

Grant Manager

Megan Seiler 691- Museums and Monuments

City of Holyoke, Massachusetts
Birthplace of Volleyball

Brenna Leary <mcgeeb@holyoke.org>

New submission from Grant Completion Form

notify@proudcity.com <notify@proudcity.com> Tue, Jul 23, 2024 at 11:40 AM
To: wdowiakt@holyoke.org, mcgeeb@holyoke.org, anderson-burgosj@holyoke.org

Grant Information

Fund #0689 FY24 Firefighter Safety Equipment Grant, Department of Fire Services

Grant Period

2/7/24 - 7/26/24

Grant Purpose

Purchase of life safety firefighter equipment

Total Budget

17,245.53

Actual Expenses

11,997.00 Thermal Imaging Camera
3,679.60 Harnesses
1,150.00 Active Shooter Kit

Ending Fund Balance

0.00

Additional Comments (optional)

Grant was awarded 17,245.53 department expended 16, 826.60. This was a reimbursed grant no funds to return.

Grant Manager

David Rex Fire

Mayor Joshua A. Garcia | Holyoke Redevelopment Authority

City of Holyoke | Aaron M. Vega, Executive Director

RECEIVED

AUG 02 2024

Holyoke City Clerk's
Holyoke, MA

August 2, 2024

Holyoke City Council
City of Holyoke
Holyoke, MA 01040

Dear Councilors:

Attached please find copies of Meeting Minutes for the Holyoke Redevelopment Authority (HRA) for March 20th, 2024, April 17th, 2024 and April 25th, 2024 for your review.

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

Sincerely,

AV

Aaron M. Vega

Holyoke Redevelopment Authority

Meeting Minutes - Wednesday March 20th, 2024, at 5pm

Holyoke Public Library Community Room, 250 Chestnut St, Holyoke, MA 01040

Or via Zoom: https://us02web.zoom.us/j/85909097462

Meeting ID: 881 1270 0331

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

Members Present:
Daphne Board, Chair (Via Zoom)
Carl Eger, Vice Chair
Jorge Colon, Asst Treasurer
Thomas Creed, Member
Patrick Beaudry, Member

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

Others present: Hagop Toghramadjian (Winn Development), Anthony Cicero (Anchor Church Inc)

1. **Call to Order**

Chairperson Daphne Board called the meeting to order at 5:02 p.m. and announced that the meeting is being recorded and is being held both in person and virtually. The Chair then read the following disclaimer: "The meeting is being held remotely according to Chapter 22 of the Acts of 2022, extending the remote meeting provisions of Governor Healey's March 29, 2023, executive order. The meeting notice contained a link to "GoToMeeting" providing the public with remote access." A roll call followed:

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

3. **Property/Project Updates and Next Steps**
   a. WinnDevelopment – Hagop Toghramadjian to present

Hagop Toghramadjian of Winn Development provides an update. Project is progressing well. Window installation is in progress. Some unanticipated obstacles that arose include structural steel work costing $2.5M, asbestos found in the parking lot soil with remediation costing $800k and an electric connection fee from Holyoke Gas & Electric that is higher than expected at $200k. Winn Development is requesting Holyoke Redevelopment Authority (HRA) support for a new Underutilized Properties Program (UPP) grant application. Winn is ready to finalize the current UPP award including the grant to loan documents. Keith Construction is ready to begin upon execution of the Access Agreement. Winn is requesting a letter allowing them to amend the historic tax credit paperwork to split the project into 2 phases. Massachusetts Historic Commission (MHC) sees it as one project currently and as credits have been awarded, the deadline clock has started. They have five years from the start to use the credits. Separating the project with MHC allows the acquisition of additional credits and the deadline clock to restart. A tour of the project will be scheduled for the

Board in the near future. John Dyjach explains a first amendment to the phase 2 agreement that needs approval. This amendment states that if Winn Development leases the property instead of buying it then they shall pay rent in the amount of the total purchase price ($100k) on the date any lease is executed.

Carl Eger makes a motion to approve the first amendment to the Phase 2 agreement. Said motion was seconded by Thomas Creed. Roll call followed:

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

2. **HRA Board Business**

   a. HRA Meeting Minutes February 21st meeting minutes

Thomas Creed makes a motion to approve the regular meeting minutes of February 21, 2024. Said motion was seconded by Carl Eger. Roll call followed:

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

   b. Insurance payment

John Dyjach provides a brief update noting that the annual insurance renewal quote is being reviewed and updated. Payment should be made shortly. Additional discussions are ongoing regarding the coverage of 216 Appleton Street.

Carl Eger makes a motion to approve the expenditure with the caveat that the HRA tries to leverage its position to inquire about a possible discount. Said motion was seconded by Patrick Beaudry. Roll call followed:

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

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

   c. The Armory, 163 Sargeant Street – proposal received

The chair introduces Anthony Cicero of Anchor Church. Mr. Cicero explains that they want to create a drop-in center with a chapel that focuses on music, recreation, and leadership.

The majority of workers at the center will be volunteers. Most of the work will be completed through Mr. Cicero's various community trades people connections. The chair thanked Mr. Cicero for attending and presenting his proposal. Further discussions regarding the submitted proposal will be had in the April Executive Session.

b. 123 Pine Street (CAN properties, LLC)

The chair acknowledges receipt of an updated project schedule from CAN properties. Concerns regarding the timeline and financing were expressed. Further discussions will be had in the April Executive Session with Assistant City Solicitor Jane Mantolesky in attendance. Questions regarding the project should be sent to staff within the next week for forwarding and discussion with Attorney Mantolesky.

d. 37 Appleton Street (American Environmental, Inc.)

The chair provides a quick update that this project seems to have stalled after personnel changes and the Board may need direction from legal on available options at this point. John Dyjach confirms that he has not received a response after his first contact. Questions regarding the project should be sent to staff for forwarding and discussion with Attorney Mantolesky.

4. **Other Business**

Aaron Vega provides some brief updates. The City is moving into budget time. The Office of Planning and Economic Development (OPED) has not gotten Planner 2 approval; the Planning side of the office continues to be overwhelmed. Additionally, Marie Brazeau has given her notice. She will leave at the end of the month. She oversaw the Underutilized Property Program (UPP) grant and loan with Winn Development. Jennifer Keitt and Kim Casiano will be the lead going forward. High Street continues to be a priority focus, particularly the Haberman/Hapco buildings. Staff have been in conversations with the Massachusetts Department of Environmental Protection (DEP) and the Environmental Protection Agency (EPA) regarding Brownfields funding and assessments. Will continue to keep the Board updated ass things progress.

5. **Executive Session**

None

6. **Adjournment**

With no further business, a motion was made at 6:05 p.m. by Carl Eger and seconded by Thomas Creed to adjourn the Regular meeting. A roll call followed:

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

Respectfully Submitted,

Daphne Board, Chairperson

Holyoke Redevelopment Authority (HRA)

Regular Meeting Minutes - Wednesday April 17th, 2024, at 5pm

Via Zoom: https://us02web.zoom.us/j/88378250997

Meeting ID: 883 7825 0997

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

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

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

Others present: Jane Mantolesky (Assistant City Solicitor), Michael Bissonnette (Assistant City Solicitor), Hagop Toghramadjian and Dana Angelo (Winn Development), Carrie Naatz and Nick Robinson (CAN Properties); Eric Taub; Adam LaMee

1. **Call to Order**

Chairperson Daphne Board called the meeting to order at 5:14 p.m. and announced that the meeting is being recorded and is being held both in person and virtually. The Chair stated that the meeting is being held remotely according to Chapter 22 of the Acts of 2022, extending the remote meeting provisions of Governor Healey's March 29, 2023, executive order. The meeting notice contained a link to "GoToMeeting" providing the public with remote access." Matters listed on this agenda are those anticipated by the chair, which may be discussed in the meeting, not all items listed may in fact be discussed and other items not listed may also be brought up for discussion. A roll call followed:

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

2. **HRA Board Business**
   a. HRA Meeting Minutes March 20th

Thomas Creed makes a motion to approve the regular meeting minutes of February 21, 2024. Said motion was seconded by Patrick Beaudry. Roll call followed:

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

3. **Property/Project Updates and Next Steps**
   a. 216 / 191 Appleton Street (Appleton Mills Apartments / WinnDevelopment)
   The Board toured the Appleton Mills redevelopment and saw 30% completion. Questions arose around financing phases 1 and 2 separately. Winn Development sought approval to submit an Expression of Interest to fund unexpected costs and construction flexibility between phases. The Board wants to see the Expression of Interest prior to submission.
   Carl Eger makes a motion to approve the submission of an Expression of Interest. Said motion was seconded by Patrick Beaudry. Roll call followed:

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

   Winn Development requested board approval to separately apply for historic tax credits for phases 1 and 2 to access credits sooner. Questions were raised around ensuring both phases receive sufficient funding and credits. All questions were satisfactorily answered.

   Thomas Creed makes a motion to formally approve the separation of phase 1 and phase 2 for the purpose of obtaining historic tax credits, barring any material changes, subject to legal counsel review. Said motion was seconded by Carl Eger. Roll call followed:

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

   b. South Holyoke Homes (Holyoke Housing Authority)
   There is a hearing next week regarding the zone change for phase 3. An ANR for Phase 2 is scheduled before the Planning Board on Tuesday. Holyoke Housing Authority (HHA) hopes to have phase 2 done this calendar year. Thomas Creed and/or Daphne Board may attend the meetings to convey support for the project.

   c. Race Street parcels
   A Request for Proposals (RFP) has been released. The deadline is April 28th. We will know more after that date. John Dyjach and Jane Mantolesky are working on transferring those properties to HRA control.

   e. 37 Appleton Street (American Environmental, Inc.)
   American Environmental moving towards finalizing a contract with their general contractor. They had planned to relocate most operations from Canal Street to 37 Appleton Street by year's end but that has been put on hold. By early May, more specifics should be available regarding their contractor and plans moving forward. They still have to go through planning board, etc.

They will update the board on contractor selection and construction plans. Further discussions to be had in executive session.

d. 123 Pine Street (CAN properties, LLC)
Carrie Naatz updated the board on financing challenges and a proposed extended timeline to 2026. They are seeking grant opportunities through the Underutilized Properties Program (UPP) which could accelerate the project, but the project is not dependent on receipt of the grant funding. Further discussions to be had in executive session.

4. **Other Business**
The Board was advised that Winn Development asked for and received support for their requests for congressional funding from staff.

John Dyjach presents a Waiver of Transfer for properties located at 736-738 Dwight Street. The city released a Request for Proposals, selected a developer and is in the process of selling the property. Upon title examination, it was discovered that the city council had already approved the property for transfer to the HRA; therefore, this document would waive the HRA's rights to the transfer that was approved by the City to the HRA so that the project can move forward. The project aligns with what is in the Urban Renewal Plan. Looking for the chair to authorize waiving of the transfer clearing the way for the city to transfer the property to the developer.

Thomas Creed makes a motion to authorize the chair to sign the Waiver of Transfer. Said motion was seconded by Carl Eger. Roll call followed:

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

5. **Executive Session**
The Chair states that the HRA will enter Executive Session as there are several items to discuss in Executive Session. The chair would like to enter into Executive Session first then return to Regular Session. Motion made by Thomas Creed to enter into Executive Session, seconded by Jorge Colon.

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

6. **Adjournment**
With no further business, a motion was made at 6:10 p.m. by Carl Eger and seconded by Thomas Creed to adjourn the Regular meeting. A roll call followed:

Name	Yes	No

Patrick Beaudry	X
Carl Eger	X
Thomas Creed	X
Jorge Colon	X
Daphne Board	X

Respectfully Submitted,

Daphne Board, Chairperson

Holyoke Redevelopment Authority

Regular Meeting Minutes - Wednesday April 25th, 2024, at 5pm

Via zoom: https://us02web.zoom.us/j/81291775832

Meeting ID: 812 9177 5832

or call in with same meeting ID +1 929 205 6099 US

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

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

1. **Call to Order**

Chairperson Daphne Board called the meeting to order at 5:04 p.m. and announced that the meeting is being recorded and is being held virtually. The Chair stated that the meeting is being held remotely according to Chapter 22 of the Acts of 2022, extending the remote meeting provisions of Governor Healey's March 29, 2023, executive order. The meeting notice contained a link to "GoToMeeting" providing the public with remote access." Matters listed on this agenda are those anticipated by the chair, which may be discussed in the meeting, not all items listed may in fact be discussed and other items not listed may also be brought up for discussion. A roll call followed:
A roll call followed:

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

Chairperson Daphne Board calls for opening Executive Session. Patrick Beaudry makes a motion to move to Executive Session. Said motion was seconded by Carl Eger. Roll call followed:

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

Returned from Executive Session.

2. **HRA Board Business**
   a. 123 Pine Street- Property Reverter Extension Agreement Discussed under Executive Session and Approved.

3. **Other Business**

a. Center City Liquor License Program -- additional proposed modification

Additional amendments to the Center City Liquor License map were discussed, with a focus on balancing incentives for private investments and market support. The newly proposed map encompasses two blocks on Main Street and all of North High Street.

Carl Eger made a motion to approve the extensions to the Center City Liquor License Program. Thomas Creed seconded. A roll call followed:

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

An email will be sent to the City Council to inform them about the newly adopted map that includes the requested expansion.

4. **Adjournment**

With no further business, a motion was made at 8:21 p.m. by Patrick Beaudry and seconded by Thomas Creed to adjourn the Regular meeting. A roll call followed:

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

Respectfully Submitted,

Daphne Board, Chairperson

RECEIVED

AUG 02 2024

Holyoke City Clerk's
Holyoke, MA

August 2, 2024

Holyoke City Council
City of Holyoke
Holyoke, MA 01040

Dear Councilors:

Attached please find copies of Meeting Minutes for the Holyoke Historical Commission (HHC) for April 8, 2024, for your review.

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

Sincerely,

Aaron M. Vega

HOLYOKE HISTORICAL COMMISSION (HHC)

Monday April 8th, 2024, at 5:30 pm
via Zoom: https://us02web.zoom.us/j/87594192994
Meeting ID: 875 9419 2994
Or by call-in at + 929 205 6099 with same Meeting ID

Present: Christopher Gauthier, Joseph Mazzola, Zaisha Roberts, Olivia Mausel

Absent: Lizabeth Rodriguez

Municipal Staff: Jennifer Keitt

Also Present: George Shaw, Building Dept, Peter Palombella

1. Called to Order: 5:34 pm
2. No public comment
3. Minutes for March 11, 2024, accepted and approved (Joseph M/ Olivia M)
4. Discussion of Preservation restrictions review – George will meet with Chris to begin the review process this spring.
5. Reminder for commissioners to take the State Ethics training.
6. Pioneer Planning agreement update: Shannon W. is working on the insurance question- to be continued.
7. Wistariahurst Trellis: on hold…. this commission needs more information regarding current conditions photo, where on the building, intended materials to be used and who's paying? Project Notification Form may be needed.
8. Intern- the chair will inquire at UMass about interns.
9. Letter of support from groups seeking Hist. Tax Credit reviewed and approved. (OliviaM/JosephM.) a link will be created on the commission's page.
10. Announcements:
    - Historic House Plaque application approved needs to go on the commission's page also.
    - Pipeline Replacement Project from DOT discussed. The Historical Commission needs to participate in the project and respond to the packet. Please enlarge page #39
11. Reports from other boards & committee meetings: Holyoke Preservation Trust Garden Tour: July 13 throughout the city. Watch for posters.

Friends of City Hall:

- Stephanie Pierce Photographic show- in production with will be at Heritage Park the month of July. Proceeds going to the Stained Glass Window project.
- Most of the City Hall basement documents are being housed at the Holyoke History Room, school census records and journals for the 1890s-1900s era.
- $10,000 donation from the Gala's silent auction going to the Stained Glass Window project in a dedicated account.

12. Old /New business:

- Continue to monitor Joseph Jacobs progress at 215 High St.
- Continue to monitor Albert B. progress at 345 Dwight St.
- Packet from Fuss & O'Neill concerning a roundabout at Beech St. and Resnic Boulevard— suggest a public hearing for the study area. The project appears to have little historical impact in the area with no adverse effects.
- New appointments to the commission necessary.
- Jennifer K. will be the liaison with the Tourism Committee and this commission. Motion approved (JosephM/OliviaM)

13. No further business adjourned: 6:40 pm

Respectfully submitted.

Olivia Mausel

Warmest Regards,

Christopher Gauthier
Holyoke Historical Commission Chairperson

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

RECEIVED

JUN 2 0 2024

Holyoke City Clerk's
Holyoke, MA

APPLICATION FOR RENEWAL OF A HOME OCCUPATION:

Date 6/20/2024 Fee $100.00

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

Name of petitioner Emma Huse

Address 22 Bassett Rd.

Telephone (413)530-4733 Type of Business Face Painting

Owner of Record of Building Same as above

Address of Owner of Property Same as above Telephone Same as above

Business name Mask Makers Face Painting

Signature of Petitioner [signature] Date 6/20/2024

COMMENTS:

INSTRUCTIONS:

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

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

Date of Expiration ____________

Laura E. Wilson
Tax Collector

RECEIVED
JUN 27 2024
Holyoke City Clerk's
Holyoke, MA

Rory Casey
Treasurer

City of Holyoke

Form A – Tax Compliance Form

DATE: 6/20/24

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

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

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

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

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

Comments:

Applicant: Emma Huse

Address: 22 Bassett Rd, Holyoke, MA

Property Owner: Matthew + Emma Huse

Respectfully,

Laura Wilson
Tax Collector
413.322.5530

[signature]
City Treasurer
413.322.5560

536 Dwight St Rm. 13. • HOLYOKE, MASSACHUSETTS 01040
PHONE: (413) 322-5530 • FAX: (413) 322-5531

Birthplace of Volleyball

City of Holyoke, Massachusetts
Policy for Designated Handicap Parking Spaces on Public Streets in Residential Areas

Rules for Residential HP Usage: handicap parking spaces may be established by the City Council in accordance with Section 86-98(c) of the Code of Ordinances.

1. Handicap Parking cannot be established in areas already restricted as "No Parking" or "Limited Time" parking spots.
2. Handicap Parking shall not be designated when off-street parking is available (driveway, garage or lot).
3. The street must be a Public Way, and the street width must be adequate to allow parking in front of or near the applicant's residence.
4. Handicap parking signs do not exempt a vehicle from other regulations such as snow emergency, street cleaning and/or repair work.
5. Spots established in accordance with this section may be used by anyone with a handicap plate or placard as issued from the Registry of Motor Vehicles. A placard shall not be used by family, friends or other individuals visiting the handicap person. Police may confiscate the HP placard for any violation and the Commonwealth of Massachusetts Registry of Motor vehicles may impose fines if violations occur in use of HP space(s).
6. The City Council shall deny an application under this section if it does not meet the criteria contained herein. The Council may remove any Handicap Parking spaces that it finds are infrequently used or cause a hazard to the motoring and walking public.
7. Handicap Parking spaces established under this section shall be valid for a period which coincides with the applicant's placard or plate. If there is no change in the residence of the individual, a renewal petition shall be submitted to the City Council with a copy of the updated placard. Any change in information will require submission of a new application. Failure to renew will result in the removal of the HP signs and require submission of a new application.
8. When the Handicap Parking space is not longer needed due to the applicant's change of residence or change in eligibility status, the applicant or another household member shall notify the ward councilor in writing within thirty (30) days of this change.
9. Failure to comply with any of the rules will result in fines and penalties as established by City Ordinances for misuse of Handicap Parking spaces.

To apply for a Handicap Parking space near your residence, please submit the following documentation to a city councilor:

1. The completed *Residential Handicap Parking* application.
2. A photocopy of the car registration if it has handicap number plates authorized by Chapter 90, Section 2 of the Massachusetts General Laws or a photocopy of the Handicap Placard issued to the applicant in accordance with the provisions of Chapter 632 of the Massachusetts General Laws.

APPLICANT'S CERTIFICATION

I am aware that it is my responsibility to properly use a handicap parking plate/placard subject to the rules and regulations of the Commonwealth of Massachusetts Registry of Motor Vehicles; I have read and understand the policy for designated Handicap Parking Spaces on Public Streets in the City of Holyoke. I certify that the information contained herein is true and correct to the best of my knowledge and belief.

RECEIVED
JUL 12 2024
Holyoke City Clerk's
Holyoke, MA

Teresa Lewis	Teresa Lewis	7/12/24
Applicant's Signature	Print Name	Date

For Office Use Only

Date order filed with City Council and referred to Ordinance Committee/Handicap Commission ____________

Date Handicap Commission recommendation received by Ordinance Committee ____________

Date Ordinance committee recommendation ____________

Date City Council approval/disapproval ____________

CITY OF HOLYOKE MASSACHUSETTS
RESIDENTIAL HANDICAP PARKING APPLICATION

Applicant's Name (please print) Teresa Lewis

Applicant's Address 15 Davis Street Phone (413)459-7683

To be Completed by the Holyoke Handicap Commission (HHC):

[ ] Received Copy of the Massachusetts Registration and/or Placard
[ ] Received Signature of Landlord – if applicable
[ ] Site inspection by: ______________________ Date: ______________

[ ] Recommend Application Approved [ ] Recommend Application Denied – Reason for recommendation

____

____

HHC Chairperson's Signature: ____________________ Date: ____________________

To be Completed by City Council Ordinance Committee:

Reviewed at meeting of Ordinance Committee (date): ____________________

[ ] Recommend Application Approved [ ] Recommend Application Denied – Reason for recommendation

____

____

To be Completed by Holyoke City Council

Reviewed at meeting of the Holyoke City Council (date): ____________________

[ ] Application Approved [ ] Application Denied – Reason for Application Denial

____

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PL6980031

Expires:

08-17-28

Disabled Persons
Parking Identification Placard

[redacted]

LEWIS

TERESA

ANN

Registrar

Commonwealth of
Massachusetts

In City Council, ____________, 2024. Adopted on a call of the roll of the yeas ____ and nays ____

The City of Holyoke, through its Honorable City Council and Honorable Mayor hereby petition the Massachusetts General Court to enact legislation to that end of amending the Charter of the City of Holyoke to change the office of Treasurer to an appointed, as opposed to an elected, position, and that said legislation be entitled:

AN ACT ESTABLISHING AN APPOINTED TREASURER FOR THE CITY OF HOLYOKE

And that said act read as follows:

SECTION 1: Section 6 of the City of Holyoke Charter shall be amended by deleting the reference to “city treasurer” in the first sentence.

SECTION 2: Section 15 of the City of Holyoke Charter shall be amended by adding the following after the third full sentence:

“Said city council shall also in the month of January, beginning in calendar year 2026, elect by ballot one treasurer who shall hold the office for the term of three (3) years beginning with the first Monday in February in the year of the election and until a successor is elected and qualified unless the position is sooner vacated. The qualifications for the position of treasurer shall be established by ordinance. The present treasurer shall continue to hold the office until the first Monday in February in the year two thousand twenty six (2026).”

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

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

SECTION 5: This act shall take effect immediately upon passage.

____
Clerk

Presented to the Mayor for Approval:

___________________________________ ____________________

City Clerk Date

Approved:

Mayor Date

September 3, 2024 – State Primaries

District:
Statewide

Offices on Ballot:

- U.S. Senator
- U.S. Representative
- Governor's Councillor
- State Senator
- State Representative
- Register of Deeds
- Clerk of Courts
- County Commissioner (certain counties only)

Voter Registration Deadline: August 24, 2024

Vote by Mail Application Deadline: August 26, 2024

Polling Hours: 7:00am-8:00 pm

November 5, 2024 – State Election

District:
Statewide

Offices on Ballot:

- Electors of President and Vice President
- U.S. Senator
- U.S. Representative
- Governor's Councillor
- State Senator
- State Representative
- Register of Deeds
- Clerk of Courts
- County Commissioner (certain counties only)
- Additional local offices (certain cities & towns)

Voter Registration Deadline: October 26, 2024

Vote by Mail Application Deadline: October 29, 2024

Polling Hours: 7:00 am-8:00 pm

City of Holyoke, Massachusetts
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on Public Streets in Residential Areas

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4. Handicap parking signs do not exempt a vehicle from other regulations such as snow emergency, street cleaning and/or repair work.
5. Spots established in accordance with this section may be used by anyone with a handicap plate or placard as issued from the Registry of Motor Vehicles. A placard shall not be used by family, friends or other individuals visiting the handicap person. Police may confiscate the HP placard for any violation and the Commonwealth of Massachusetts Registry of Motor vehicles may impose fines if violations occur in use of HP space(s).
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2. A photocopy of the car registration if it has handicap number plates authorized by Chapter 90, Section 2 of the Massachusetts General Laws or a photocopy of the Handicap Placard issued to the applicant in accordance with the provisions of Chapter 632 of the Massachusetts General Laws.

APPLICANT'S CERTIFICATION

I am aware that it is my responsibility to properly use a handicap parking plate/placard subject to the rules and regulations of the Commonwealth of Massachusetts Registry of Motor Vehicles; I have read and understand the policy for designated Handicap Parking Spaces on Public Streets in the City of Holyoke. I certify that the information contained herein is true and correct to the best of my knowledge and belief.

[signature] Susana Morales 6-18-2024

Applicant's Signature | Print Name | Date

For Office Use Only

Date order filed with City Council and referred to Ordinance Committee/Handicap Commission ____________

Date Handicap Commission recommendation received by Ordinance Committee ____________

Date Ordinance committee recommendation ____________

Date City Council approval/disapproval ____________

CITY OF HOLYOKE MASSACHUSETTS
RESIDENTIAL HANDICAP PARKING APPLICATION

Applicant's Name (please print) Ana L. Rodriguez-Rivera

Applicant's Address 361 Chestnut St Phone 413-210-3454

To be Completed by the Holyoke Handicap Commission (HHC):

[ ] Received Copy of the Massachusetts Registration and/or Placard
[ ] Received Signature of Landlord – if applicable
[ ] Site inspection by: ______________________ Date: ______________

[ ] Recommend Application Approved [ ] Recommend Application Denied – Reason for recommendation

____

____

HHC Chairperson's Signature: ______________________ Date: ______________

To be Completed by City Council Ordinance Committee:

Reviewed at meeting of Ordinance Committee (date): ______________________

[ ] Recommend Application Approved [ ] Recommend Application Denied – Reason for recommendation

____

____

To be Completed by Holyoke City Council

Reviewed at meeting of the Holyoke City Council (date): ______________________

[ ] Application Approved [ ] Application Denied – Reason for Application Denial

____

____

CERTIFICATE OF REGISTRATION

M.G.L. Chapter 90 section 24B makes it a crime to alter this Certificate

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Number	Effective Date	Title Number	Expires On	Month	Year
713LH2	01-Mar-2024	CE945695		02	26

ımber	Body Style	Color(s)	Vehicle Identification Number
	VAN	RED :	KNDMB5C11F6037674

Total Registered Weight for Commercial Vehicle or Trailer

US DOT Number for Commercial Vehicle

ₖE MA 010403702

2

Insurance Company
THE STANDARD FIRE INSURANCE COMPANY

T4 P1
2

Maximum Seating Capacity for Vehicles for Hire

Colleen J. Ogilvie Registrar of Motor Vehicles

Change of Address ☐ Residential ☐ Mailing ☐ Garage

nformation for Vehicle Owners

very person operating a motor vehicle shall have the Certificate of Registration for the he vehicle, in some easily accessible place. **The records of the RMV constitute the ·egistration.**

'ou must report any change of address to the RMV within 30 days. Visit Mass.Gov/RMV you have reported the address change to the RMV, please write corrected address in box

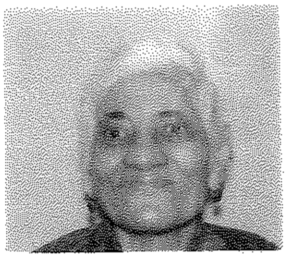
: Massachusetts law does not require an insurance card. M.G.L. Chapter 90, section 34, ـrequires the vehicle's owner to maintain a compulsory motor vehicle liability insurance

PL7070610

Expires:

02-28-29

Disabled Persons
Parking Identification Placard



RODRIGUEZ RIVERA

ANA

LUISA

Commonwealth of
Massachusetts

Policy for Designated Handicap Parking Spaces on Public Streets in Residential Areas

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APPLICANT'S CERTIFICATION

I am aware that it is my responsibility to properly use a handicap parking plate/placard subject to the rules and regulations of the Commonwealth of Massachusetts Registry of Motor Vehicles; I have read and understand the policy for designated Handicap Parking Spaces on Public Streets in the City of Holyoke. I certify that the information contained herein is true and correct to the best of my knowledge and belief.

Monserrate Jusino   Monserrate Jusino   2/23/24

Applicant's Signature   Print Name   Date

For Office Use Only

Date order filed with City Council and referred to Ordinance Committee/Handicap Commission ______

Date Handicap Commission recommendation received by Ordinance Committee ______

Date Ordinance committee recommendation ______

Date City Council approval/disapproval ______

CITY OF HOLYOKE MASSACHUSETTS
RESIDENTIAL HANDICAP PARKING APPLICATION

If this application is being completed by someone other than the Disabled person (the Applicant), please list that person's name below (PLEASE PRINT ALL INFORMATION):

Manserrate Jusino — Self
Name of Person completing this application — Relationship to Applicant

Applicant's (Disabled Person's) Name: Manserrate Jusino

Address: 26 Mosher St Holyoke MA 01040

Telephone: 413-650-0117 Date of Birth: (mm/dd/yy) 5-7-43

Handicap Placard/License Plate Number: DL781065 Expiration Date: 7-12-29

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1.) Is there off-street parking (driveway, parking lot etc.) at your residence? YES [✓] NO [ ]

1a.) If there is off-street parking are you allowed to use it? YES [✓] NO [ ] But I do not use it.

1b.) If you are not allowed to use off-street parking, please explain why: I don't use it as I would need to climb out of my vehicle and walk to open the gate then ~~climb back in to drive in.~~

2.) Explain why you feel that you are in need of Residential Handicap parking in front of/near your home.
(If needed, continue on reverse side or attach additional sheets)
it's easier for me to park outside and just walk into the house. I use a cane and have had hip surgery and I have trouble walking, getting out of the vehicle more then once is alot for me.

3.) Do you rent the property where you are residing? YES [✓] NO [ ] **If YES, your landlord will need to sign below.

** I certify that I am the owner of the property or Property Manger at:
Insert address of resident: 26 Mosher St Holyoke

** I further certify that off-street parking (driveway, garage or lot) is not available
To the applicant at this listed address.

Carla [illegible] Maldonado — 413-437-3210 — 7-23-2024
Signature of Landlord or Property Manger — Phone — Date

ATTACH PICTURE OR SKETCH INCLUDING DRIVEWAYS, RAMPS AND ENTRANCES

RESIDENTIAL HANDICAP PARKING APPLICATION

Applicant's Name (please print) Monserrate Jusino

Applicant's Address 56 Moster St Holyoke Phone 413-650-0117

To be Completed by the Holyoke Handicap Commission (HHC):

[✓] Received Copy of the Massachusetts Registration and/or Placard
[ ] Received Signature of Landlord – if applicable
[ ] Site inspection by: ______________________ Date: ______________

[ ] Recommend Application Approved [ ] Recommend Application Denied – Reason for recommendation

____

____

HHC Chairperson's Signature: ______________________ Date: ______________________

To be Completed by City Council Ordinance Committee:

Reviewed at meeting of Ordinance Committee (date): ______________________

[ ] Recommend Application Approved [ ] Recommend Application Denied – Reason for recommendation

____

____

To be Completed by Holyoke City Council

Reviewed at meeting of the Holyoke City Council (date): ______________________

[ ] Application Approved [ ] Application Denied – Reason for Application Denial

____

____

Applicant's Certification

I am aware that it is my responsibility to file a complete application. I understand that the application will be returned to me if it is found to be incomplete, illegible, or otherwise not filed in compliance with the instructions. I certify that the information contained herein is true and correct to the best of my knowledge and belief.

Applicant's Signature: Monsen Date: 7-23-2024

*Please remember to attach: a photocopy of the car registration if it has handicap number plates authorized by Chapter 90, Section 2 of the Massachusetts General Laws or a photocopy of the Handicap Placard issued to the applicant in accordance with the provisions of Chapter 632 of the Massachusetts General Laws.

PL7810657

Expires:

07-12-29

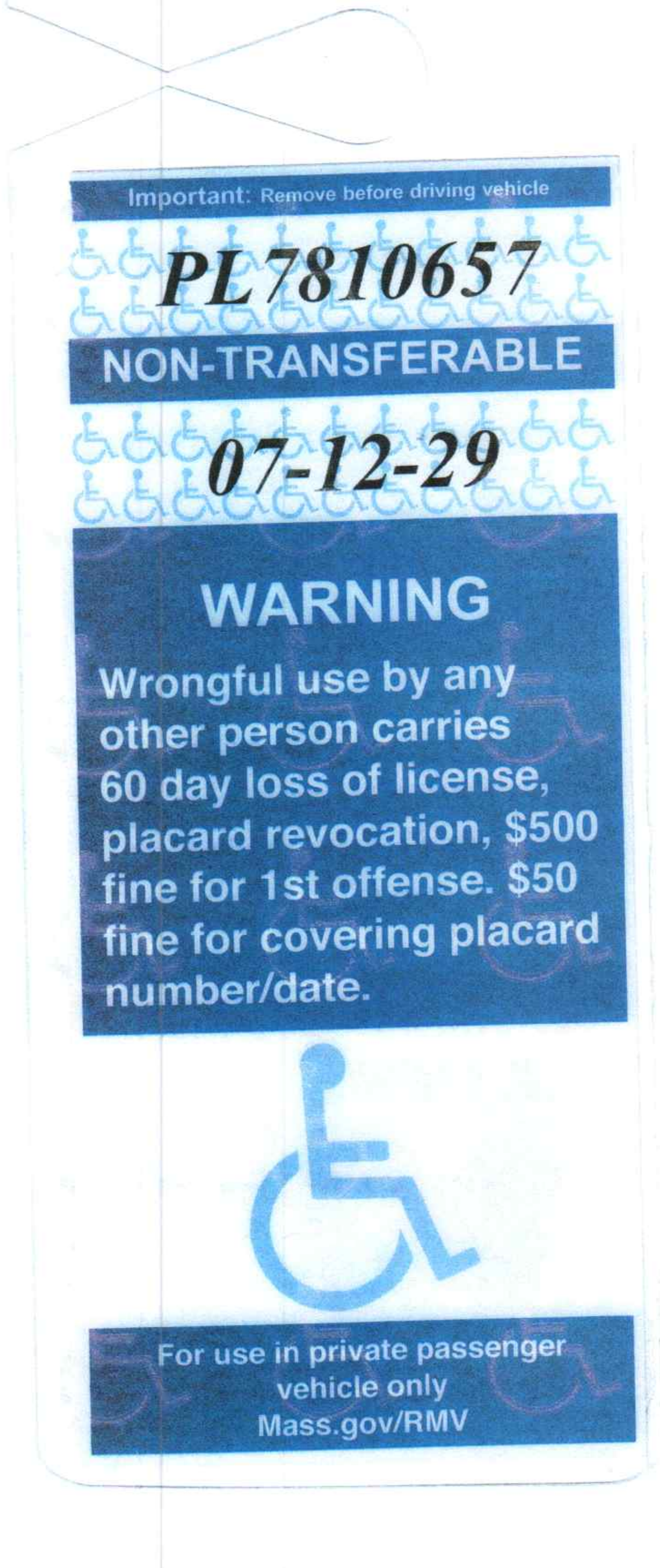
Disabled Persons
Parking Identification Placard

Registrar

JUSINO

MONSERRATE

Commonwealth of
Massachusetts


Important: Remove before driving vehicle
PL7810657
NON-TRANSFERABLE
07-12-29
WARNING
Wrongful use by any other person carries 60 day loss of license, placard revocation, $500 fine for 1st offense. $50 fine for covering placard number/date.
For use in private passenger vehicle only
Mass.gov/RMV

Sec. 78-57. Speed humps and Raised Crosswalks.

(a) Petition to city council required: No speed hump or raised crosswalk shall be installed or established, except upon petition to the city council signed by at least two-thirds of the property owners or two-thirds of the registered voters within the impacted segment of a proposed speed hump street or raised crosswalk. When there are multiple property owners, the signature of one shall be sufficient to count that property towards the required two-third. Said petition shall be referred to the city engineer, fire department, police department and department of public works. Each request must provide the name of the street for which the speed hump(s) or raised crosswalk(s) are requested and the boundaries of the intended street segment to be impacted. Each petition will be reviewed by the city council based upon its own merits. For purposes of this section "impacted segment" shall mean 300 feet to either side of the zone proposed by the city engineer for the location of the hump(s) or raised crosswalk, or to the nearest fully signalized intersection or end of the street in that direction, whichever comes first.

(b) *Reports upon petition of property owners:* The city engineer upon receiving any such petition shall report to the city council whether, in his judgement, the proposed speed hump or raised crosswalk location conforms to Federal Highway Administration guidance, ITE Guidelines for the Design and Application of Speed Humps, the "Manual On Uniform Traffic Control Devices", the Holyoke Code of Ordinances and good engineering practice. The police department, fire department and department of public works shall report to the city council any safety concerns and/or negative effects the proposed speed hump or raised crosswalk may have on the daily and emergency operations of these departments.

(c) *Criteria for Eligible Streets:~~Traffic; speed limit:~~* Eligible streets shall be city-owned, have a “local” federal functional classification, ~~local streets only and~~ have an average daily traffic count of less than 4,000 vehicles per day, ~~and shall~~ have a posted or prima facie speed limit of 30 miles per hour or less. Furthermore, eligible streets shall not be part of bus transit route and~~.~~ no more than five percent of the overall traffic flow shall consist of long-wheelbase vehicles.

(d) *Public hearing:*

(1) Before any order to install or establish a speed hump or raised crosswalk shall be passed, a written notice of the intention of the city council to install or establish a speed hump or raised crosswalk shall be given by publication in a local newspaper of general circulation once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing and sent by mail, postage prepaid to all property owners within a 300-foot radius of the impacted segment of the street under review for speed hump or raised crosswalk installation and such notice shall specify the time and place for such hearing before the city council.

(2) After the hearing has been held, the city council may proceed to act upon an order for the installation or establishment of a speed hump or raised crosswalk. City council action may consist of a request for a traffic data and/or an engineering study, deferral, approval, or denial. Requests for traffic data and/or engineering studies shall be subject to available funding.

(e) *Removal:* Speed humps and/or raised crosswalks may be ordered removed by majority vote of the city council only after notice and public hearing in a manner consistent with subsection (d).

(Ord. of 9-5-00 [2nd amd.], § 1; Ord. of 12-20-05 [5th amd.], § 1; Ord. of 10-2-07 [6th amd.], § 1; Ord. of 8-5-14 [8th amd.], § 1)