

AGENDA FOR THE CITY COUNCIL
OCTOBER 1, 2024

PUBLIC HEARING

PUBLIC COMMENT

LAI D ON THE TABLE

1. 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
2. MAGRATH-SMITH - Ordered, that the Director of Economic Development and Planning come into the Finance Sub-Committee to discuss the use of cannabis impact fee funds and future implications for us as a city.

COMMUNICATIONS

3. From City Clerk Brenna Murphy Leary and Admin. Assistant Jeffery Anderson-Burgos, meeting minutes from September 18, 2024
4. Memorandum of Agreement by and Between the City of Holyoke and NAGE R1-180, Clerical Union
5. From Linda Vacon-Sex Har HPD, Investigation of Complaints Against Manuel Reyes
6. Grant-Completion-Form-for-Fund-0689 FY24 Firefighter Safety Equipment Grant
7. From Board of Fire Commissioners, meeting minutes from August 19, 2024
8. From Stephen Superba, Email to Council accompanying document on Investigation of Complaint Against Manuel Reyes(1)

PETITIONS

9. Speed Hump Petition from Hampshire Street Residents
10. Petition of Peter Hannoush for a renewal for a Second Hand License at 50 Holyoke St.

PRESIDENT'S REPORT

REPORTS OF COMMITTEES

11. The Committee on Ordinance to whom was referred an 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.
Recommended that the order be adopted.
12. The Committee on Ordinance to whom was referred an order that Holyoke double the tax abatement for veterans as authorized by the Hero Act: Expanding Veteran Property Tax Exemptions.
Recommended that the order be adopted.
13. -- The Committee on Ordinance to whom was referred an order To explore creating a zoning and code enforcement position in the building department.
Recommended that the order has been complied with.
14. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND SIXTY NINE AND 13/100 Dollars (\$5,069.13) as follows:
FROM:
11351-51106 AUDIT-PROF ACCOUNTANT HPD \$5,069.13
TOTAL: \$5,069.13
TO:
11522-53009 PERSONNEL-PROF SERVICES \$5,069.13
TOTAL: \$5,069.13
Recommended that the order be adopted.
15. The Committee on Finance to whom was referred an order 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
Recommended that the order be adopted.
16. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY THREE THOUSAND AND 00/100 Dollars (\$33,000) as follows:
FROM:
14101-51101 PAY-ENGINEER \$19,000
14101-51105 PAY-SR CIVIL ENGINEER 14,000
TOTAL: \$33,000
TO:
14102-53010 PROFESSIONAL ENGINEERING SERVICES \$33,000
TOTAL: \$33,000
Recommended that the order be adopted.

17. The Committee on Finance to whom was referred an order that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY EMPG GRANT, \$5,000, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

Sec 2-509 - Grant Reporting

Any city department, of which has received grant funding by approval of the city council pursuant to Massachusetts General Laws, or any other authorizing criteria, shall within a reasonable period of time, but no later than 60 days from the conclusion of said grant, generate a detailed report which outlines the planned outcomes with the documented actual results. Said report shall be submitted to the city clerk for addition to the city council's next agenda.

Recommended that the order be adopted.

18. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWO HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$250,000) as follows:

FROM:

12101-51107	PATROLMEN	\$200,000
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12101-51105	SERGEANT	50,000
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TOTAL:	\$250,000
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FROM:

12101-51300	OVERTIME	\$250,000
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TOTAL:	\$250,000
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Recommended that the order be adopted.

19. The Committee on Finance to whom was referred an order that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY TWO THOUSAND THREE HUNDRED SEVENTY EIGHT AND 00/100 Dollars (\$22,378) as follows:

FROM:

12101-51103	POLICE CAPTAINS	\$22,378
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TOTAL:	\$22,378
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TO:

12101-51117	DISPATCHERS	\$17,404
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12101-51110	PRINCIPAL CLERKS	4,974
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TOTAL:	\$22,378
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Recommended that the order be adopted.

20. 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 "HPD EQUIPMENT DONATION: THERMO SCIENTIFIC TRUNARC HANDHELD NARCOTICS ANALYZER, FAIR MARKET VALUE \$40,871.91".

Sec 2-509 - Grant Reporting

Any city department, of which has received grant funding by approval of the city council pursuant to Massachusetts General Laws, or any other authorizing criteria, shall within a reasonable period of time, but no later than 60 days from the conclusion of said grant, generate a detailed report which outlines the planned outcomes with the documented actual results. Said report shall be submitted to the city clerk for addition to the city

council's next agenda.

Recommended that the order be adopted.

21. The Committee on Development and Governmental Relations to whom was referred an order Petition of Francisco Martir, Food Vendor License Application for 415 Main St. Awaiting disposition
22. The Committee on Development and Governmental Relations to whom was referred an order From Mayor Joshua Garcia-Elms College Lease Agreement for the use of Mackenzie Field Awaiting disposition
23. The Committee on Development and Governmental Relations to whom was referred an order From Mayor Joshua Garcia- Valley Blue Sox Lease Agreement for use of Mackenzie Stadium Awaiting disposition
24. The Committee on Development and Governmental Relations to whom was referred 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. Awaiting disposition
25. The Committee on Development and Governmental Relations to whom was referred an order that the City Council approve the Resolution for the Certified Housing Development Incentive Program Project including a Local Tax Increment Exemption (TIE) Agreement with Elliott Properties, LLC for the redevelopment of 174 Lyman Street (Assessors Map 012, Block 04, Parcel 001) into downtown market rate housing. Awaiting disposition
26. The Committee on Development and Governmental Relations to whom was referred an order From Marco Crescentini-CCC-2024-06-14 City Council Chambers Plan Memo & Sketches Awaiting disposition
27. The Committee on Development and Governmental Relations to whom was referred an order 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 Lindor Heights. Refer to DGR and Conservation Commission. Awaiting disposition
28. The Committee on Development and Governmental Relations to whom was referred an order HPD and MA DOT work to promote a pedestrian safety plan for the employees contracted to work at the Soldiers' Home. MA DOT expects to have up to 300 employees working on site for the next three years. The employees are scheduled to park at Lot Q at H.C.C. during that time. Refer to HPD, MA DOT District 2 and the

Development and Governmental Relations Committee for a follow-up.
Awaiting disposition

MOTIONS, ORDERS AND RESOLUTIONS

29. ANDERSON-BURGOS - Ordered that the DPW repair the sidewalk in front of 86 Beacon St. This is a pressing concern as the sidewalk is severely uneven, causing elderly residents to trip in a poorly lit area. Please prioritize this.
30. Bartley- The public safety committee invite the DPW Superintendent and City Forester to a future meeting to discuss tree trimming, tree stump removal, tree planting, and Holyoke's tree nursery.
31. Bartley- The city of Holyoke work with DCR to allow the state access to city property to plant trees at the top of the 391 interchange. Receive and refer to DGR.
32. Bartley- HG&E review the lighting in the parking lot behind City Hall to see if it's properly illuminated. Receive and Refer to HG&E and request a communication by November's first meeting.
33. DEVINE, RIVERA, J. - Ordered, that the Police Chief, Board of Health Director, Mayor and Law Dept meet with the City Council to discuss improving numerous quality of life issues that we have seen or citizens have expressed concerns with us. We would like to look at current strategies and see if they are effective or what we need to change including the potential need for additional resources. We also request leadership develop a comprehensive plan including a map that they can present containing all the resources currently provided, those planned and needed to achieve both short and long term objectives.
34. DEVINE - Ordered that a proclamation be given to Kate McCoy for 44 years of dedication as the payroll clerk and other duties in the HPD
35. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, SEVEN THOUSAND EIGHT HUNDRED SIXTY ONE AND 26/100 Dollars (\$7,861.26) as follows:

FROM:
12201-51103 CAPTAIN \$3,663.90
12201-51105 FIREFIGHTERS 4,197.36
TOTAL: \$7,861.26

TO:
12201-51180 INJURED ON DUTY (PAY PERIOD #6) \$7,861.26
TOTAL: \$7,861.26
36. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY ONE THOUSAND NINE HUNDRED THIRTY AND 64/100 Dollars (\$21,930.64) as follows:

FROM:

12101-51105 SERGEANTS \$7,135.36

12101-51107 PATROLMEN 14,795.28

TOTAL: \$21,930.64

TO:

12101-51180 INJURED ON DUTY \$21,930.64

TOTAL: \$21,930.64

37. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY FIVE THOUSAND EIGHT HUNDRED NINETY TWO AND 98/100 Dollars (\$25,892.98) as follows:

FROM:

12101-51105 SERGEANTS \$7,135.36

12101-51107 PATROLMEN 18,757.62

TOTAL: \$25,892.98

TO:

12101-51180 INJURED ON DUTY \$25,892.98

TOTAL: \$25,892.98

38. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows:

FROM:

8810-10400 CITY GENERAL STABILIZATION \$150,000

TOTAL: \$150,000

TO:

13003-58000 SCHOOLS-CAPITAL OUTLAY \$150,000

TOTAL: \$150,000

39. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$150,000) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$150,000

TOTAL: \$150,000

TO:

13003-58000 SCHOOLS-CAPITAL OUTLAY \$150,000

TOTAL: \$150,000

40. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, ONE HUNDRED NINETY TWO THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$192,500) as follows:

FROM:

8811-10400 CAPITAL STABILIZATION \$192,500

TOTAL: \$192,500

TO:

14223-58001 CAPITAL OUTLAY-FUEL DEPOT \$192,500

TOTAL: \$192,500

41. DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIFTY THOUSAND AND 00/100 Dollars (\$50,000) as follows:

FROM:

12941-51104 PAY-TREE CLIMBER \$50,000

TOTAL: \$50,000

TO:

12942-53010 CONTRACT FORESTRY SERVICES \$50,000

TOTAL: \$50,000

42. 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:

11752-53010 CONTRACTED SERVICES \$5,000

TOTAL: \$5,000

TO:

11751-51112 LICENSING AGENT \$5,000

TOTAL: \$5,000

43. DEVINE - Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "COMMUNITY COMPACT GRANT-SPEED MANAGEMENT PLAN, \$50,000, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

Sec 2-509 - Grant Reporting

Any city department, of which has received grant funding by approval of the city council pursuant to Massachusetts General Laws, or any other authorizing criteria, shall within a reasonable period of time, but no later than 60 days from the conclusion of said grant, generate a detailed report which outlines the planned outcomes with the documented actual results. Said report shall be submitted to the city clerk for addition to the city council's next agenda.

44. JOURDAIN, GIVNER, RIVERA, I..- Ordered, that the Police Chief, Board of Health Director, Mayor and Law Dept meet with the City Council to discuss improving numerous quality of life issues that we have seen or citizens have expressed concerns with us. We would like to look at current strategies and see if they are effective or what we need to change including the potential need for additional resources.
45. JOURDAIN - That the DPW please repair the potholes on Old Bassett Rd.
46. MAGRATH-SMITH - Ordered, that the DPW Director and Conservation Director provide an update either in writing or in person as to the progress made in implementing the Urban Forestry Grant monies for 24-25.
47. MAGRATH-SMITH - Ordered, that City Council approve a scope of work change for a contract between Wistariahurst and the CPA Committee so remaining funds from a CPA project which came in under budget can be used to include plaster work in the Marble Lobby, the Great Hall, the Music Room, and the Silk Room.

LATE FILED ORDERS AND COMMUNICATIONS

Addendum:

Per City Council rule 2B, meeting shall end by 10 PM unless an extension is approved by a two-thirds majority of those present. If any items remain, those items will be added to the beginning of the next regular meeting.

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting.

Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law

City Clerk

REGULAR MEETING OF THE CITY COUNCIL

September 18, 2024

The meeting was called to order by President Murphy-Romboletti at 7:03 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.

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

PUBLIC COMMENT

No members of the public signed up to speak for public comment.

LAI D ON THE TABLE

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

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

UNDER DISCUSSION:

Councilor Vacon made a motion to override the Mayor's veto. Councilor Bartley seconded the motion.

Councilor Vacon offered a reminder that a long time was spent coming to a compromise on this matter, adding that the ordinance was adopted with an 11-2 vote. She added that she believed it was a matter for this body to determine.

Councilor Devine asked for clarification that this would be establish a two-thirds vote of the members present, including those on Zoom.

Councilor Vacon confirmed that was accurate.

Councilor Greaney stated that he believed it was always beneficial to the city to separate the legislative and executive branches.

Councilor Anderson-Burgos stated that he originally voted for this but would be voting against it after further consideration.

Councilor Sullivan read from the mayor's letter, which stated that a simple majority would help expedite legislation. He then stated that the Council's job was not to expedite legislation but to make sure the city had good legislation. He then suggested it was not good government for something that had 11 votes to be vetoed.

Councilor Jourdain suggested that it rang hollow that if what the mayor wanted was the rule, which would mean that it would be a majority vote if the mayor was in favor, but it would be a two-thirds vote of the mayor was opposed. He noted the Council saw through that years earlier. He then explained that the debate on the current order was whether it would be of the whole body or just of those present.

---> Vote to override the Mayor's veto was Adopted on a call of the roll of the yeas and nays--Yeas 10--Nays 3 (Anderson-Burgos, Magrath-Smith, Murphy-Romboletti)--Absent 0.

Motion was made and seconded to suspend the necessary rules to remove items 2 and 3 from the table as a package.

MAGRATH-SMITH - Ordered, that the Director of Economic Development and Planning come into the Finance Sub-Committee to discuss the use of cannabis impact fee funds and future implications for us as a city.

---> Laid on the table.

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

FROM:

8815-10400 CANNABIS STABILIZATION \$108,695.56

.-. UPDATE TO FY2025 .

TOTAL: \$108,695.56

TO:

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

TOTAL: \$108,695.56

UNDER DISCUSSION:

Councilor Devine suggested that the request was self-explanatory and should be adopted.

Councilor Vacon noted that the matter was discussed in executive session and she would not be voting for it until the matter could be discussed in public so that the public understood what the funding was for.

Councilor Anderson-Burgos stated that these were the kinds of votes that hold things up with departments, creating bigger problems. He then suggested that the city should be looking at these things when they vote.

---> Passed two readings and Denied on a call of the roll of the yeas and nays--Yeas 5 (Anderson-Burgos, Devine, Givner, Magrath-Smith, Murphy-Romboletti)--Nays 8--Absent 0.

Motion was made and seconded to reconsider the previous action.

---> Laid on the table.

Motion was made and seconded to remove item 4 from the table.

The Committee on Ordinance to whom was referred an order That Section 8.1.9 be amended to include the following language after the last sentence: Requirement to submit new technical data
If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist

Federal Emergency Management Agency, Region I

Recommended that the order be adopted.

UNDER DISCUSSION:

President Murphy-Romboletti noted that the item already had its first and second reading at the last meeting.

Councilor Vacon noted it would still require a motion that the passage be ordained.

---> The Ordinance was passed to be enrolled.

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

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays--
Yeas 12--Nays 1 (Bartley)--Absent 0.

Motion was made and seconded to remove item 5 from the table.

The Committee on Ordinance to whom was referred an order that the Zoning Ordinance, Section 7.8 WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS, be amended to include Small Wireless Facilities.

Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor I. Rivera stated that this was getting the ordinances up to date around wireless facilities. He noted that it had been in committee for a while as health concerns were discussed. He then explained that the FCC limited the range of the city's power to create ordinances around this. He added that the best step the committee could do was create a process for listing where they were locating and notifying residents when they were installed.

Councilor Magrath-Smith explained that a lot of the discussion centered around understanding that there were health concerns aired for the public record but there were no data points in the United States, but some in Europe where they looked at the risks of increased cancer tied to living within a certain range of small wireless facilities. She suggested people google what they look like in order to recognize them when they begin appearing. She then stated that there currently was not a way of knowing where they were or of telling people that they were living near them. She then explained that the federal government was trying to move them forward as a fast way of increasing networks for people, but they did not allow municipalities to prevent them from going up on the basis on health concerns. She stated that if they were going to go up anyway, there at least could be a permitting process and a way to notice abutters.

Councilor Vacon stated that they were able to put language that would require applicants to show there was a need for these, and they would not just go up on any pole someone wanted. She added that they also strengthened the language to require applicants to get insurance for any liabilities so the city and residents did not potentially incur costs.

---> 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 (Bartley, Greaney)--Absent 0.

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

The Committee on Ordinance to whom was referred an order that the position of Chief Administrative and Financial Officer be created and added to Schedule A

Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor I. Rivera stated that this one of the steps being taken toward developing a smooth flow with the city's finances.

Councilor Vacon expressed her understanding that this was still in committee where the request was sent to the Law Department at the last meeting.

Councilor I. Rivera expressed his understanding that Councilor Vacon was correct. He then recalled that they did not have legal language at the meeting.

President Murphy-Romboletti stated that it was tabled at the last Council meeting because the legal language was provided at least 48 hours in advance. She added that the Council had a discussion on it. She then conferred with the administrative assistant and confirmed that this was on the last Council agenda and was tabled because legal language wasn't provided in time.

Councilor I. Rivera clarified that he had confused it with several other items they were missing legal language for at the last Ordinance meeting.

Councilor Jourdain expressed reservations about adopting pieces of the new financial management team when they were not all on the table. He then recognized that this could serve as a foundation to a solution. He added that it was not clear who would be reported to who. He then read from the language, which stated that this person would work with and provide guidance to the city treasurer, noting that this would be in addition to the treasurer. He added that the role of the auditor was part of the discussion. He added that he would prefer to see how the public votes on making the treasurer an appointed position. He also expressed concern with the \$160,000 salary this position could receive. He also questioned what the role of the mayor would be, noting that much of the position's work was currently what the mayor was paid to do, and there were a lot of pieces that needed to be looked at as one cohesive plan. He then reiterated that while he would be voting against this, he was open to the concept.

President Murphy-Romboletti noted that an org chart was provided at the last Ordinance meeting when this was discussed.

Councilor Magrath-Smith recalled the efforts of the charter commission failed because the goal was to do all of it at once. She then suggested that trying to do everything all at once could become an impediment to progress. She further suggested getting comfortable with not knowing how all of the pieces would come together, and that it was okay to take this piece by piece. She added that it was more realistic to take on what was in front of the Council now rather than focusing on questions for steps that are not yet ready to be addressed.

Councilor I. Rivera recognized the difficulty of the mayor's position in managing the city's finances while also managing the people and all of the non-financial departments. He added that while he understood that was the job, he questioned if that was the most effective way to run government. He then suggested that alleviating these responsibilities would allow the mayor to take on other responsibilities to help the city become a more effective and efficient community and allow the mayor to be more creative in other areas. He added that while he did not prefer incremental change, he understood it was one step toward the goal. He also expressed his understanding that the Council was only voting on the name and the role, and not yet on the salary.

Councilor Vacon noted that the salary was part of the packet.

Councilor I. Rivera suggested that was something that could be addressed later on.

Councilor Vacon offered a reminder that when this was filed, the Council had already voted in early June to put the Treasurer position to the voters in November. She then noted that due to many reasons, that matter was coming back to the Council that evening. She then emphasized that this would add a significant amount of money to the mayor's office. She added that the whole concept had been sold on an argument on efficiency and effectiveness, but it only appeared to be adding to bureaucracy without a plan for efficiency and effectiveness. She then suggested waiting to see what the voters decide on making the treasurer an appointed position.

Councilor Greaney stated that he was opposed to adding another financial officer to city government, emphasizing that was the mayor's job.

Councilor Devine asked for a reminder of the vote in Ordinance.

Councilor I. Rivera stated that he believed it was 3-1.

Councilor Devine stated that she was going to vote in favor of this, believing that they needed to start somewhere. She added that the \$160,000 was likely negotiable.

Councilor Givner stated that she believed the position of CAFO was a good idea. She noted that the mayor, councilors, and the treasurer were currently elected. She then suggested that none were necessarily professionals at what they do, and usually learn on the job. She further suggested that elections are often a popularity contest, sometimes leading to people being elected that have no idea what they were doing. She then suggested that having a professional in charge of the city's finances would create accountability, oversight, and consistency.

President Murphy-Romboletti asked for an opportunity to weigh in.

Motion was made and seconded to suspend the necessary rules to allow the President to participate in debate.

President Murphy-Romboletti expressed disappointment in some of the feedback. She recalled that when the treasurer matter was discussed in Charter and Rules, there was debate over whether the treasurer would be appointed by the Council or by the mayor. She added that the appointment authority being with the City Council was a compromise she agreed to with the understanding that everyone agreed a CAFO was needed.

Councilor Jourdain stated that while that was a good point, the other side of the compromise was that there was not yet a treasurer appointed by the Council, noting that the Council would just be voting that evening to put it on the ballot again and it was uncertain how the vote would turn out. He then expressed concern about adopting this if the voters decide to vote against making the treasurer an appointed position. He then suggested also taking on the discussion of merging the treasurer and tax collector positions, noting that there was near unanimous support for that.

Councilor Vacon noted that if that consolidation happened, the question of who did the appointing would be a moot point because there would only be one appointment.

Councilor Givner stated that it didn't matter who did the appointing because they would be reporting to someone taking full responsibility for the city's finances. She added that it could take longer to fill this position and passing this would allow the city to begin searching for quality candidates.

Councilor Greaney stated that he had never been in favor of this position and believed that the current structure was appropriate for a city of 39,000 people.

Councilor Anderson-Burgos suggested that the holdup was putting the question to the voters. He emphasized that the special election was going to cost the city \$30,000. He then stated that he had never heard from a constituent asking that the right to elect a treasurer not be taken away from them. He then stated that the voters elected councilors to make the big decisions. He added that it was within the Council's power to make the decision without needing to put it to the voters. He reiterated that this would save the city \$30,000.

---> 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 Denied on a call of the roll of the yeas and nays--

Yeas 8--Nays 5 (Bartley, Greaney, Jourdain, Ocasio, Vacon)--Absent 0.

Motion was made and seconded to reconsider the previous action.

Councilor Jourdain asked if it should remain tabled or sent to committee.

Councilor I. Rivera suggested sending it back to Ordinance.

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

Motion was made and seconded to remove item 7 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 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

Recommended that the order be adopted.

UNDER DISCUSSION:

President Murphy-Romboletti noted the first reading was done at the previous meeting.

Councilor Devine stated that the ad hoc committee explained the need for this in Finance, and the committee then voted 5-0 to support it. She then stated that the vote changed for some reason when it was voted on by Council at the last meeting. She emphasized the importance of putting out the RFP to get a new contract.

Councilor Sullivan explained that the ad hoc committee has worked for 18 months on this. He added that it would be a \$150-\$200 million, 20 year contract that would impact all residents of the city. He added that it cost the city over \$1 million the last time this step was done 20 years earlier. He emphasized that this transfer was not to spend the entire \$250,000 but to have the resources available for legal counsel and engineering help to put the RFP out. He further explained that the long term plan needed to address details such as PFAS in the water system and climate change, for example.

Councilor Jourdain commended Councilor Sullivan for his hard work on this, as well as the good work of the ad hoc committee. He then stated that he reviewed the RFP paperwork and would be supporting the transfer as the best approach of those they could take.

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

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

Motion was made and seconded to remove item 8 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 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

Recommended that the order be adopted.

UNDER DISCUSSION:

Councilor Devine stated that the city did not yet have an engineer so this would allow the interim engineer to continue to be paid. She then expressed hope that a full time engineer would be hired soon.

President Murphy-Romboletti noted that the first reading was done at the last meeting.

Councilor Jourdain stated that unless it was specified, motions to consider go back to all votes on an item.

Councilor Vacon asked why they were taking funds out of forestry when there was a lot of tree work needed to address signs and lights that could not be seen. She suggested this could come out of another pot of money.

Councilor Devine expressed her belief that they did not currently have a tree climber.

Councilor Bartley stated that he would be voting against this as he no longer agreed with the drawn out and frustrating process. He added that he would not be voting for any more transfers for this. He suggested that continuing to vote yes would continue to perpetuate the issue. He added that the city needed to work to fill the position. He expressed frustration that nobody appeared to be taking ownership of this situation and there were no updates being provided.

Councilor Givner suggested this was another example of not approving funds and losing people who were in the pipeline. She also suggested that in regard to the tree climber, there were positions that were dying trader. She added that more thought needed to be put into financial decisions and people needed to be hired when the city has the chance to do so.

Councilor Anderson-Burgos emphasized the need to focus on the high turnover throughout the city, starting with the decisions made by Council. He then stated that he had spoken with people who had left the city, and had heard about the decisions the Council has made, and how hard it tends to make things for departments. He added that continuing to do this was going to keep costing the city more money.

Councilor Devine suggested that sending an email to John Twohig about tree concerns may lead to specific needs being addressed faster than filing an order.

Councilor Greaney suggested that the position of tree climber was likely a limited and archaic occupation, noting most tree work was now being done with bucket trucks. He stated he had no problem with the transfer.

Councilor Jourdain stated that while he would be voting for this, recognizing the engineering work needed to be done and he preferred to defer to department heads where they take funds from. He then expressed concern, however, that the Council allocated funds for forestry services to do tree trimming and removal. He asked if the money would be replaced or where funds would come from to hire a service. He then suggested that others needed longer perspectives, adding that this Council had been the most generous in terms of supporting greater benefits and pay raises. He added that the tax levy was almost triple what it was just 20 years earlier. He also expressed his belief that the state was not providing Holyoke its fair share compared to other communities. He then asked for proof of a vote that the Council turned down a pay raise for the City Engineer.

Councilor Magrath-Smith explained that with the work being done through the Urban Forestry grant, they considered the 2024-25 period as a catch up period, where trees that had been on the list for 8 years were just being addressed unless it was an emergency situation. She then stated that while it may seem like a lot of raises have been happening, it really was just playing catch up to where the city could compete regionally with other communities hiring the people Holyoke trains. She recalled being at a conference and hearing Holyoke described as a training ground where people could earn starter salaries before moving on to other places where they earn more and/or where there was more staffing. She added that a lot of regional tree companies were paying much more lucratively than the city was.

Councilor Vacon expressed her understanding that there was a union issue relative to the classification of the engineer position that the Law Department was working on. She then noted that she had an order on the agenda for a tree issue that she had been communicating with the DPW on for two months, and had received assurances for two months that it would be done.

---> Report of Committee passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 11--Nays 2 (Bartley, Vacon)--Absent 0.

Motion was made and seconded to suspend the necessary rules to remove items 9 through 24 from the table as a package.

DEVINE - That Route 5 from McDonalds through to Hitchcock Street be paved unless this is considered a state road. If considered a state road, that the Dept of Transportation be notified.

Councilor Devine made a motion to amend the order to have it go through to Laurel Street instead of Hitchcock Street. She noted the rest of the street had been done.

Councilor Bartley stated that he has been assured this would be resurfaced in the fall, but a recent email explained that a bid did not work out. He then expressed frustration that nobody was taking ownership for the issue, adding that the buck needed to stop with the mayor.

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

DEVINE - Ordered, that the DPW put a handicap parking space in front of 420 Dwight Street.

Councilor Devine stated that she spoke with the chair of the DPW Commission to look at this. She then explained that she sought to have a spot in front of 420 Dwight where The Plan was located with a ramp and curb cut, but it was put across the street instead.

Councilor Bartley suggested that a raised crosswalk could be put in that location.

---> Received and referred to the Ordinance Committee. Copy to Disabilities Commission.

DEVINE - Ordered, that Rule 9P be amended so that items not acted on in committee jackets become deemed tabled after 45 "business" days.

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

Motion was made and seconded to suspend the necessary rules to take up items 12 through 15 as a package.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY TWO THOUSAND TWO HUNDRED FORTY THREE AND 12/100 Dollars (\$22,243.12) as follows:

FROM:

12101-51105	SERGEANTS	\$7,135.36
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12101-51107	PATROLMEN	15,107.76
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TOTAL:	\$22,243.12
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TO:

12101-51180	INJURED ON DUTY	\$22,243.12
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TOTAL:	\$22,243.12
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---> Passed two readings and Adopted on a call of the roll of the yeas and nays--Yeas 13--Nays 0--Absent 0.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY TWO THOUSAND FIVE HUNDRED SIXTY NINE AND 45/100 Dollars (\$22,569.45) as follows:

FROM:

12101-51105	SERGEANTS	\$7,135.36
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12101-51107	PATROLMEN	15,434.08
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TOTAL:	\$22,569.45
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TO:
12101-51180 INJURED ON DUTY \$22,569.45
TOTAL: \$22,569.45

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THREE THOUSAND SIX HUNDRED SIXTY THREE AND 90/100 Dollars (\$3,663.90) as follows:

FROM:
12201-51103 CAPTAIN \$3,663.90
TOTAL: \$3,663.90
TO:
12201-51180 INJURED ON DUTY - FIRE (PP #4) \$3,663.90
TOTAL: \$3,663.90

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THREE THOUSAND SIX HUNDRED SIXTY THREE AND 90/100 Dollars (\$3,663.90) as follows:

FROM:
12201-51103 CAPTAIN \$3,663.90
TOTAL: \$3,663.90
TO:
12201-51180 INJURED ON DUTY - FIRE (PP #5) \$3,663.90
TOTAL: \$3,663.90

UNDER DISCUSSION:

President Murphy-Romboletti stated that item 12 was for 9 officers, 13 was for 8 officers, and items 14 and 15 were each for 1 firefighter.

Councilor I. Rivera stated that he had been asked by constituents why these come up all the time. He suggested more transparency be provided so people understand.

Councilor Vacon stated that these come before Council so that transfers between personnel lines were known to the public. She added that these specific ones get passed right away because they were not controversial but were just for tracking.

Councilor Jourdain suggested that this issue should be discussed periodically so that people understand how many millions were spent on work related injury issues.

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TEN THOUSAND AND 00/100 Dollars (\$10,000) as follows:

FROM:
11521-51104 PERSONNEL - HEAD ADMIN CLERK \$10,000
TOTAL: \$10,000
TO:
11521-51250 PERSONNEL-SEASONAL/TEMP \$10,000
TOTAL: \$10,000

UNDER DISCUSSION:

Councilor Devine asked that the item be passed that night. She then explained that Personnel Director,

Kelly Curran, attended a Finance Committee meeting on a request for \$40,000 and was asked to come back with a lower request.

Councilor Jourdain expressed his support for the order, thanking Ms. Curran for coming back with this request.

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIFTEEN THOUSAND SIX HUNDRED AND 00/100 Dollars (\$15,600) as follows:

FROM:

11212-53009 MAYOR CONTRACTED SERVICES \$15,600

TOTAL: \$15,600

TO:

15411-51106 COUNCIL ON AGING PT CUSTODIAN \$15,600

TOTAL: \$15,600

UNDER DISCUSSION:

Councilor Devine stated that the director of the Senior Center, Navae Rodriguez, explained to her that this was for a part time position. She further explained that only one person was currently handling the cleaning of the Senior Center.

Councilor Vacon asked why this was coming out of the mayor's office.

Councilor Devine stated that she was unsure why.

Councilor Jourdain asked if this was to add another half time position.

Councilor Devine stated that it was to add a part time position.

Councilor Jourdain asked if they had always only had one or did the department lose somebody.

Councilor Devine stated that she was unsure, but understood they currently only had one custodian for the whole building.

Councilor Greaney stated that he was in support of the position and believed it was needed.

Councilor I. Rivera stated that he was in favor of it, but was concerned where they would get the money in future years.

Councilor Devine expressed her trust that Ms. Rodriguez would include this in her budget for the next year.

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

Motion was made and seconded to suspend the necessary rules to take up items 18 through 23 as a package.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, THIRTY THREE THOUSAND AND 00/100 Dollars (\$33,000) as follows:

FROM:

14101-51101 PAY-ENGINEER \$19,000

14101-51105 PAY-SR CIVIL ENGINEER 14,000

TOTAL: \$33,000

TO:

14102-53010 PROFESSIONAL ENGINEERING SERVICES \$33,000

TOTAL: \$33,000

UNDER DISCUSSION:

Councilor Devine stated that this was for the professional engineering services to pay the interim engineer.

Councilor Vacon stated that she would prefer to see this go to Finance.

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

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, FIVE THOUSAND SIXTY NINE AND 13/100 Dollars (\$5,069.13) as follows:

FROM:

11351-51106	AUDIT-PROF ACCOUNTANT HPD	\$5,069.13
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TOTAL:	\$5,069.13
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TO:

11522-53009	PERSONNEL-PROF SERVICES	\$5,069.13
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TOTAL:	\$5,069.13
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---> 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 "HPD EQUIPMENT DONATION: THERMO SCIENTIFIC TRUNARC HANDHELD NARCOTICS ANALYZER, FAIR MARKET VALUE \$40,871.91".

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.

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

DEVINE - Ordered, that in accordance with M.G.L. Chapter 44 Sec. 53A, the City Council hereby accepts the provisions of the "MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY EMPG GRANT, \$5,000, NO MATCH" grant and authorizes the establishment of a Fund or other method appropriate for the accounting of the receipts and expenditures of all resources associated with the administration of said grant.

Sec 2-509 - Grant Reporting

Any city department, of which has received grant funding by approval of the city council pursuant to Massachusetts General Laws, or any other authorizing criteria, shall within a reasonable period of time, but no later than 60 days from the conclusion of said grant, generate a detailed report which outlines the planned outcomes with the documented actual results. Said report shall be submitted to the city clerk for addition to the city council's next agenda.

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

DEVINE - 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:

12101-51107	PATROLMEN	\$200,000
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12101-51105	SERGEANT	50,000
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TOTAL:	\$250,000
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FROM:

12101-51300	OVERTIME	\$250,000
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TOTAL:	\$250,000
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---> Received and referred to the Finance Committee.

DEVINE - Ordered, that there be and is hereby appropriated by transfer in the fiscal year 2025, TWENTY TWO THOUSAND THREE HUNDRED SEVENTY EIGHT AND 00/100 Dollars (\$22,378) as follows:

FROM:
12101-51103 POLICE CAPTAINS \$22,378
TOTAL: \$22,378
TO:
12101-51117 DISPATCHERS \$17,404
12101-51110 PRINCIPAL CLERKS 4,974
TOTAL: \$22,378

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

BARTLEY- The city forester trim tree proximate to 2147 Northampton St. Constituent request. (The last time her requests were ignored - for years - and the elm tree split in two and crashed onto Route 5.)

Councilor Greaney asked if this was a danger to the citizens.

Councilor Bartley stated that this was a request from conscientious homeowners who tried to keep things immaculate.

---> Received and Adopted. Copy to City Forester, DPW.

COMMUNICATIONS

(1:25:30)

Mayor Joshua Garcia, reappointment for Mr. Jorge Colon of 101 St. Kolbe Dr. to serve a five year term on the Holyoke Redevelopment Authority.

---> Received and appointment confirmed.

Motion was made and seconded to suspend the necessary rules to take up items 26 through 31 as a package.

From City Clerk Brenna Murphy Leary and Admin. Assistant Jeffery Anderson-Burgos, meeting minutes from September 4, 2024

---> Received and Adopted.

From Stephen Superba, NHPR article on sexual harassment scandal

---> Received and referred to the Public Service Committee. Copy to Law Department.

From Stephen Superba, letter accompanying Boston Globe article on Cambridge harassment claim

---> Received and referred to the Public Service Committee. Copy to Law Department.

From Stephen Superba, August 12, 2024 Boston Globe article on Cambridge harassment claim

---> Received and referred to the Public Service Committee. Copy to Law Department.

From Stephen Superba, Email to Mayor Garcia regarding NHPR article on sexual harassment scandal

Councilor Vacon stated that as there was a process being discussed relative to developing procedure for whistleblowing issues, she believed these should go to Public Service. She added that there was also a redacted FOIA public records request report that did not get on the agenda but was public information.

---> Received and referred to the Public Service Committee. Copy to Law Department.

From Stephen Superba, August 12, 2024 Boston Globe article on Cambridge harassment claim

President Murphy-Romboletti stated that item 31 was a duplicate.
---> Received.

PRESIDENT'S REPORT

(1:28:45)

President Murphy-Romboletti thanked Councilor Bartley for organizing participation at the Big E for their Salute to Holyoke Day.

She also thanked everyone who attended the Puerto Rican Parade in Springfield.

She then offered a reminder that there would be a special meeting on Wednesday, October 2nd, to fill the Ward 1 and Ward 4 vacancies on the School Committee. She instructed interested residents of those wards to submit letters and resumes to the Personnel Department. She emphasized it was not required but encouraged.

She then stated that listening sessions for the Comprehensive Plan would take place on Wednesday, September 25th, Saturday, October 26th, and Thursday, November 21st. She added that the public was encouraged to attend, and the information would be found on the city's website.

Councilor Greaney asked for a moment of silence in honor of Jim Albert, a longtime Holyoke police officer.

A moment of silence was observed for Jim Albert.

President Murphy-Romboletti noted that Mr. Albert had been her soccer coach.

Councilor Devine stated that Barbara Bernard Way was dedicated earlier that day at the Senior Center entrance on Pine Street.

REPORTS OF COMMITTEES

(1:31:35)

The Committee on Ordinance to whom was referred an order that the city council review noise ordinance and require a decibel meter reading before a ticket can be submitted or for music to be asked to be turned down. It is my understanding that the department has the necessary devices to measure readings and we want to be sure that they are being utilized in case citations are challenged in court.

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 interim chief could only find one decibel meter. He added that the 7 decibel level was reached just by talking. He then stated that they concluded that they needed to purchase more, there needed to be training, and they needed to be calibrated. He also suggested that they needed to do more research to find out what a respectable level was. He then stated that he would file another order to address the next steps.

Councilor Jourdain commended Councilor I. Rivera for examining the issue. He then emphasized that quality of life issues like this were important to residents, noting that someone's weekend could be ruined by a neighbor deciding to blast their music. He added that police needed to show up and be able to enforce these issues, especially for repeat occurrences. He also stated that these kinds of small items were what residents were looking to have their leaders address.

Councilor Greaney stated that fireworks continued to be an issue residents complained about.
---> Report of Committee received and recommendation Adopted.

(1:36:30)

The Committee on Finance to whom was referred an order 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.

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

Committee Members:

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

UNDER DISCUSSION:

Councilor Devine stated that Maria Pagan and the Library's Finance Director, Alexandra Aguirre, provided the information the committee was asking for.

---> 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 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

have considered the same and Recommended that the order be returned to the Auditor.

Committee Members:

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

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

The Committee on Finance to whom was referred an order The City Engineer redesign and the DPW replace the traffic island proximate to 2 Brown Ave & 274 South St. for the purposes of creating public parking spaces. This is the area that was left after the roadwork to alter Brown Ave. was completed and it's in need of alterations; the plan to increase parking is supported by the effected residents.

have considered the same and Recommended that the order has been complied with and be referred to the Mayor and Interim City Engineer.

Committee Members:

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

UNDER DISCUSSION:

Councilor Devine deferred to Councilor Bartley to explain.

Councilor Bartley noted that this was a little pocket park at the intersection. He then suggested that the engineer should visit the site and help implement changes. He then recalled that this came to be when former Councilor Norris was seeking to slow traffic coming off of Brown Avenue. He then stated that the lack of parking was impacting residents there.

Councilor I. Rivera asked if this was an island.

Councilor Devine explained that this was where Brown Avenue approached the traffic light at South Street. He noted it was maintained by CMS Landscaping.

Councilor Bartley stated that they did a good job, but parking was needed.

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

(1:41:35)

The Committee on Public Safety to whom was referred an order With community support, Sylvia Ln residents have expressed health and safety concerns regarding the encampment behind McNulty Park and their cul de sac. There are several houseless people living in this area. There is an abundance of

trash and other concerning happenings. Although not as noticeable when trees have full foliage, the fall and winter expose the serious quality of life issues visible for both the housed and unhoused. This must be addressed.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:

Councilor J. Rivera stated that Board of Health Director, Timothy Rivers, attended for this. She then explained that this was a quality of life issue that their department and others were working to address.

Councilor Givner stated that she filed the order due to complaints from the neighborhood. She explained that trash and an unkempt park could be seen from different locations. She then stated that she has called about this a few times, and while it seemed like a lot was being done, it was hard to force people to do things even while efforts were made to refer people to services. She then expressed hope that people would be convinced that hanging out at the park was not the best thing.

Councilor I. Rivera recalled that they initially had to confirm it was city property and not state property, and now were working on determining how to proceed.

Councilor Givner noted there were also encampments near the Amtrak tracks, which was state property, and would require a different process.

Councilor Magrath-Smith noted one of the side discussions was about trash, and that a trash can that was attached to the McNulty Park sign had been removed because people were using it for residential trash. She then stated that bags of trash had been left there since that was removed. She then suggested that it did not appear to be the best solution unless people decided to stop putting their bags there. She then stated that it was problematic for people to either throw trash down the hill or there would need to be a place to put it. She then emphasized that there was a difficult balance between wanting to treat people with dignity and supporting them with services while also addressing the quality of life issue of trash being strewn around the city.

Councilor Jourdain recognized there was a challenging balance with these quality of life issues that society had not yet been able to solve. He then emphasized the need to make sure the pendulum didn't swing too far in any direction. He then stated that he did not accept the position of the Police Department that it was protected speech for people to panhandle in the medians. He then stated that while standing on the sidewalk was protected speech, the same as anyone holding a political sign, people should not be walking from car to car asking for money. He expressed frustration that the Police Department was not enforcing the law and needed to be trained on what was and was not allowed. He then explained that in regard to allowing homelessness on city property, the Supreme Court recently ruled that cities had authority to not allow it. He then suggested there needed to be leadership and policy developed to address how to handle this. He added that it should be humane in how to handle it.

Councilor Anderson-Burgos agreed that it was an issue everywhere. He recalled speaking with former Chief Febo in 2018 and being told that the panhandlers were all protected. He then expressed frustration over the implication that the mayor was telling them to do it, emphasizing that this had been happening well before the current mayor was in office.

Councilor Jourdain stated that was a fair point. He then clarified that he was referring to mayors, plural. He then suggested that if the guidance wasn't coming from the mayor's office, the police chief and the Law Department needed to work together to figure it out. He then stated that Chief Febo was wrong that it was all legal. He then stated that the pendulum appeared to have swung too far in one direction.
---> Report of Committee received and recommendation Adopted.

The Committee on Public Safety to whom was referred an order that the Board of Health and Police dept come to the Public Safety Committee to discuss various issues in the community related to homelessness and how we can work towards better solutions.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:

Councilor J. Rivera stated Mr. Rivers, as well as a nurse with the Board of Health, Nicole Arnold, spoke on this. She then stated that Ms. Arnold provided information and documents that addressed the issue. She then recalled seeing social media posts blaming the mayor for encampments near Holyoke High School, and she reached out to Chief Cruz about it. She added that he explained they do drive by there, and have people move. She then stated that they learned CHD was handing out tents to homeless people and they were setting them up around the city, but that they were no longer doing this.

Councilor Sullivan agreed that the pendulum had swung too far in one direction. He then stated that the city had shown more than its fair share of compassion, and a line had been crossed to enablement, becoming detrimental to the health and safety of those people as well as to the rest of the community. He then suggested that addressing the encampments had become a game of whack-a-mole. He noted that one encampment had led to the city losing \$30,000 because it was set up against new aluminum buttresses in a flood wall, causing them to melt.

Councilor I. Rivera recalled that the Board of Health described what they were doing to address these issues, but it would be helpful to file another order to have the Police Department come in to discuss how they were handling it. He agreed that Holyoke was compassionate and needed to find a better balance.

Councilor Givner suggested that a whole meeting be devoted to discussing quality of life issues and try to understand who was responsible for what issues.

Councilor Greaney stated that if something was illegal, it needed to be addressed.

Councilor Ocasio recalled that she was walking through South Holyoke over the weekend and observed a lot of homeless people with carriages full of bottles and all kinds of other stuff. She then stated that she tried to address a man blocking the sidewalk at a bus stop and he got bent out of shape. She then stated that while she did not want to do it, she called the police. She noted that they had just driven by and saw her talking to him and kept going, and then had to come back. She then suggested that some of the people were out there by choice, and something needed to be done to stop them from creating little villages. She further suggested that the mayor needed to put something together to address it. She added that those who get grants to help the homeless population needed to be a part of doing the footwork to address it.

Councilor Sullivan suggested that the problem lied with the court system. He then suggested that cities needed to come together to start pressuring the courts, psychologists, and others who allowed this to continue. He then stated that along with the compassion and the offering of services, there also needed to be another side to addressing it.

Councilor Givner emphasized that these people could have all of the help in the world through various programs, but there was no housing and no shelters with enough space for them. She added that while the holding the judicial system accountable was good, communities needed to build more housing.

---> 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 three orders with the same focus were all taken up together. She then explained that Mr. Rivets provided local regulations pertaining to inquiry information, active permits in the city, and information on which were in compliance, and which were in violation.

Councilor Bartley stated that the issue would be brought up again through the other orders both he and Councilor I. Rivera filed. He then stated that he would be circulating information through the administrative assistant on this. He also noted that an arbitrary decision was made by the Board of Health where licenses were eliminated if stores closed, impacting other businesses.

Councilor I. Rivera noted that Councilor Bartley discovered if everyone closed, there was no new process to get a new license, which could theoretically lead to no licenses in the city. He added that he also filed an order to discuss the economic impacts to the city.

Councilor Jourdain observed that it appeared Holyoke was supporting recreational marijuana while not supporting recreational tobacco.

Councilor I. Rivera stated that while he agreed, it seemed more about inhaling smoke within a building. He added that new laws more be coming forward around social consumption, but they were in conflict with other laws around smoking inside a building.

Councilor Greaney emphasized that there were also medical costs to consider.
---> Report of Committee received and recommendation Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 39 through 42 as a package.

The Committee on Public Safety to whom was referred an order that Capt. Moriarty provide an updated list of safety options or procedures put in place to deal with security/safety at City Hall, sub committee meetings, and full council meetings.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

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

The Committee on Public Safety to whom was referred an order that surveillance cameras be installed in the corridors of City Hall and the Annex.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

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

The Committee on Public Safety to whom was referred an order that an emergency button be installed in the City Council chamber.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:

Councilor J. Rivera stated that items 39, 40, and 41 were from 2017 and were taken up in an executive session.

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

The Committee on Public Safety to whom was referred an order that SUEZ and the Holyoke Housing Authority meet with the public safety committee to discuss how to fix the flooding issues that residents from Beaudoin Village have been experiencing for years.

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

Committee Members:

Jenny Rivera
Israel Rivera
Patricia Devine

UNDER DISCUSSION:

Councilor J. Rivera stated that Councilor Anderson-Burgos confirmed that this order was complied with.

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

(2:16:20)

President Murphy-Romboletti stated that items 43 and 44 were received in committee but had to be put onto this agenda before the committee met.

Councilor Magrath-Smith stated that she planned to take 43 and 44 as a package along with 45, 46, and Late File 72.

Motion was made and seconded to suspend the necessary rules to take up items 43 through 46, and Late File 72 as a package.

The Committee on Charter and Rules to whom was referred an order From State Rep. Patricia Duffy, communication regarding Appointed Treasurer position

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

Committee Members:

Meg Magrath-Smith

Linda L. Vacon
Tessa Murphy-Romboletti

---> Report of Committee received and recommendation Adopted

The Committee on Charter and Rules to whom was referred an order From City Clerk Brenna Murphy Leary, letter regarding appointment of City Treasurer

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

Committee Members:

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

---> Report of Committee received and recommendation Adopted

The Committee on Charter and Rules to whom was referred an order 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.

have considered the same and Recommended that the order be adopted, amending from "the charter change" to the following: "the Charter change should be done via special election with a date to be determined in the month of January by the City Clerk."

Committee Members:

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

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays-- Yeas 12--Nays 1 (Anderson-Burgos)--Absent 0.

The Committee on Charter and Rules to whom was referred an order that the City Council adopt the provisions of MGL Chapter 43C for the purpose of changing the position of Treasurer from elected to appointed.

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

Committee Members:

Meg Magrath-Smith

Linda L. Vacon
Tessa Murphy-Romboletti

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

MURPHY-ROMBOLETTI - Ordered: that the revised Home Rule petition seeking authorization for setting January 28, 2025 as the date for a special municipal election on changing the city charter to provide for an appointed treasurer hereby is approved.

UNDER DISCUSSION:

Councilor Magrath-Smith stated that while the body initially voted to have the voters take this up at the November election, letters from the State Rep as well as from the City Clerk requested that the Council reconsider its action, largely having to do with the complexity of needing to have two check in and check out tables, as well as the two envelopes needing to be sent for the mail-in ballots, which also came with the concern that votes would be null and void if they sent them back in the wrong envelopes. She added that the timing was messy because of the Council's summer recess, the committee only just discussing it, making the November option no longer possible because the state legislature could no longer move on it. She explained that item 46 would allow the Council to make the decision through MGL Chapter 3C, while Late File 72 would allow the Council to stick with allowing the voters to decide. She explained that the late file came in because item 45 made clear the Council had to vote on a specific date.

Councilor Vacon noted that item 45 amended the language to clarify it would be a special election and would keep the vote of the Council to give the decision to the voters.

Councilor Jourdain stated that two options were presented by the State Rep, one to amend the previous petition and one to submit a new petition, and it appeared this would amend the previous petition.

President Murphy-Romboletti stated that the late file was submitted as it would technically be a new petition.

Councilor Jourdain asked if it was being called a new petition.

President Murphy-Romboletti stated that after the meeting, the Law Department and Rep Duffy advised that it should be the same thing but with the correct date of January 28th.

Councilor Magrath-Smith added that it also had to state it was a special election.

Councilor Vacon asked if the legislature advised that this vote could accommodate it if new language was needed.

President Murphy-Romboletti stated that was correct.

Councilor Anderson-Burgos stated that he would be voting no on this, not out of wanting to take power away from the people, but out of feeling that this body could make the decision for the people, turn this around quickly, and not have to spend \$30,000 on the election.

Councilor Vacon noted that under the current law, the body could not do that but would have to adopt a state law to do that.

Councilor Jourdain offered a historical perspective that if the voters do decide to support this, they will be reversing a vote taken by voters in November of 1936.

---> Report of Committee received and recommendation Adopted on a call of the roll of the yeas and nays--Yeas 12--Nays 1 (Anderson-Burgos)--Absent 0.

President Murphy-Romboletti stated that items 47 and 48 were tabled in committee.

The Committee on Charter and Rules to whom was referred an order From Lisa A. Ball, City Solicitor, legal opinion regarding whether a City Council seat is vacated if a ward councilor is elected in one ward and then moves to a different ward during their term in office.

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 stated that this had been an older item and had been discussed and received in Council.

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

The Committee on Charter and Rules to whom was referred an order That the City Solicitor Lisa Ball review section 2-156 & 162 of the charter covering legal opinions and provide a written legal opinion explaining, when is the department allowed to refuse to provide legal opinions?

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 stated that this had been an older item and sent to the committee erroneously as a copy when it was referred to ordinances and not the charter.

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

President Murphy-Romboletti stated that item 51 remained tabled in committee.

The Committee on Charter and Rules to whom was referred an order 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.

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 making a couple small changes to have the rules reflect what practice had been. She noted that if Monday was a legal holiday, that also required the deadline to move up for open meeting law purposes. She added that the Clerk may also request the deadline to move if their office have something such as an election to manage and needed extra time.

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

ORDERS AND TRANSFERS

(2:32:15)

President Murphy-Romboletti requested that items to be referred to committee not be discussed.

MAGRATH-SMITH - Ordered that the DPW Director and Parks and Rec Director come into Council to give a report on addressing the issue of the Pulaski Park wall deteriorating, the trees and shrubbery behind the wall not being removed due to issues with Mass DOT and various railroad companies, and what progress is being made in returning Pulaski Park to the "view park" it was designed to be.

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

Murphy-Romboletti- Ordered that the city council amend its rules to identify which committees certain licenses should be sent to, in an effort to ensure consistency and clarity.

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

Murphy-Romboletti- Order that the City Council present proclamations to the following Hall of Fame Inductees:

Michael Athas
Nathan Hernandez
Krzysztof Legowski
Kate McKenna
Maxwell Perez
Selena Yates

President Murphy-Romboletti stated that the event would be held on October 26th.

---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up Late File 71 out of order.

MURPHY-ROMBOLETTI - Ordered that the City Council present a proclamation to Joe McGiverin in honor of his retirement after over 44 years of service to the city and community.

Motion was made and seconded to take final action.

Councilor Devine stated that Joe McGiverin Way sign unveiling would be held on Saturday, October 5th, at 3:30 PM.

---> Received and Adopted.

Motion was made and seconded to suspend the necessary rules to take up items 56 and 57 as a package.

Murphy-Romboletti- Ordered, that That the Polling Places for each of the voting precincts in the City of Holyoke for the State Election to be held Tuesday, Nov.5, 2024 be and the same are hereby designated as follows:

ORDENA, que los lugares para cada recinto en la Ciudad de Holyoke para la Eleccion Estatal que se llevaran a cabo el Martes, 3 de Noviembre 2020, sea y al igual, por este medio designado lo siguiente:

WARD ONE BARRIO UNO

PRECINCT A – Rosary Towers Recreation Room 21 Bowers St..

RECINTO A—Rosary Towers Recreation Room 21 de la Calle Bowers

PRECINCT B—City Hall (Basement) 536 Dwight St.

RECINTO B—City Hall (Basement) 536 de la Calle Dwight

WARD TWO BARRIO DOS

PRECINCT A—Morgan School Gym, South Bridge St. Entrance only

RECINTO A—Gimnasio de la Escuela Morgan, en la Calle So. Bridge solamente

PRECINCT B – Falcetti Towers, 475 Maple St.

RECINTO B – Falcetti Towers, 475 de la Calle Maple

WARD THREE BARRIO TRES

PRECINCT A&B – Metcalf School Gym, 2019 Northampton St..

RECINTO A&B – Gimnasio de la Escuela Metcalf, 2019 de la Calle Northampton]

WARD FOUR BARRIOS CUATRO

PRECINCT A& B – St. Paul's Church Parish Center, Appleton St.

RECINTO A&B – St. Paul's Church Parish Center, en la Calle Appleton

WARD FIVE BARRIOS CINCO

PRECINCT A – Lt. Elmer J. McMahon School Gym, Kane Rd.

RECINTO A—Gimnasio de la Escuela McMahon, en la Calle Kane

PRECINCT B – Maurice A. Donahue School Gym, Whiting Farms Rd.

RECINTO B—Gimnasio de la Escuela Donahue, en la Calle Whiting Farms

WARD SIX BARRIO SEIS

PRECINCT A&B –Sullivan School, 400 Jarvis Ave.

RECINTO A&B – Escuela Sullivan, 400 de la calle Jarvis

WARD SEVEN BARRIO SIETE

PRECINCT A&B - E. N. White School Gym, 1 Jefferson St.

PRECINTO A&B– Gimnasio de la Escuela E. N. White, 1 de la Calle Jefferson

---> Received and Adopted.

Murphy-Romboletti- Ordered, that the State Election in the City of Holyoke for the choice of State Officers be and the same is hereby called to be held on Tuesday, November 5, 2024, in the several polling places designated by the City Council.

The polls will be opened at 7:00AM, and remain open continuously thereafter until 8:00PM, when the polls will be closed, and all the voters will in the several precincts in which they are entitled to vote, between said hours, give in their votes for:

ELECTORS OF PRESIDENT AND VICE PRESIDENT

ELECTORES DE PRESIDENTE y VICE PRESIDENTE

SENATOR IN CONGRESS

SENADOR EN CONGRESO

REPRESENTATIVE IN CONGRESS

REPRESENTANTE EN EL CONGRESO

COUNCILOR EIGHTH DISTRICT

CONCEJAL

SENATOR IN GENERAL COURT SECOND HAMPDEN & HAMPSHIRE DISTRICT

SENADOR DE LA LEGISLATURA ESTATAL

REPRESENTATIVE IN GENERAL COURT FIFTH HAMPDEN DISTRICT

REPRESENTANTE DE LA LEGISLATURA ESTATAL

REGISTER OF PROBATE

The questions on the November ballot will appear as follows:

- Question 1: State Auditor's Authority to Audit the Legislature
- Question 2: Elimination of MCAS as High School Graduation Requirement
- Question 3: Unionization for Transportation Network Drivers
- Question 4: Limited Legalization and Regulation of Certain Natural Psychedelic Substances
- Question 5: Minimum Wage for Tipped Workers.

---> Received and Adopted.

Ocasio- order that the DPW replace back the rubber speed hump they took out because it was winter Never went back and replace with a permit one on Berkshire and Main St.

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

Ocasio- order that the Park And Recs put up sign going up the street, so that no kids get hurt playing etc.(SpeedLimit sign,Slow down, Kids playing. I don't know if I wrote to the correct department. Feel free and correct if not .This area is very dangerous almost got hit standing in the guys property.

President Murphy-Romboletti asked if there was a specific street this was referring to.

Councilor Ocasio stated that it was Berkshire and Main.

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

Vacon, Jourdain- ORDER: that Holyoke accept the local option excise tax on retail marijuana for adult use of 3% as allowed by State Law.

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

Vacon- ORDER: DPW please trim tree branched that are obstructing the traffic light at Apremont & Rt. 202. This is a safety hazard.

Councilor Vacon stated that she had requested this informally and was now formalizing the request.

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

Anderson-Burgos- Ordered that the DPW install a Handicap sign at for Hector Torres of 184 Sargeant St.
---> Received and referred to the Ordinance Committee. Copy to Disabilities Commission.

DEVINE, OCASIO - ORDERED: Request that the interim Engineer look at the corner of South Summer and Cabot as to whether a traffic light or red flashing light should be placed on Cabot Street. It is extremely difficult for people to cross the street to and from the Grocery Store with oncoming traffic both ways in addition to traffic turning onto Cabot from South Summer.
---> Received and Adopted. Copy to Interim Engineer, DPW.

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

To the City Council:

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

Joshua A Garcia, Mayor

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

Givner- With community support, order that the City of Holyoke create an ordinance of accountability by business owners in the form of public trash bin sponsorships. The idea would be to partner with chains, bodegas, grocery, and convenient stores in an effort to mitigate trash issues in our city.-Ordinance / Copy to Board of Health / Copy to DPW

---> Received and referred to the Ordinance Committee. Copy to Board of Health, DPW.

Givner- With community support and in service of our museum goers, order that Wistariahurst museum patron parking signs be added from handicap spaces on Beech to Cabot st, creating no less than 3 designated museum parking spaces in addition to existing handicap spaces.-Ordinance / DPW

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

Givner- As a service to property owners, order that the City of Holyoke create an ordinance of fully transparent timelines and dated building department policies and procedures for Holyoke property owners. In order to hold property owners accountable there must be clear systems that can be followed and enforced.-Ordinance / Building Department

---> Received and referred to the Ordinance Committee. Copy to Building Department.

Givner- With community support and in service of our museum goers, order to move handicap space from the corner of Beech and Cabot to abutt the paved driveway of Wistariahurst. -Ordinance / DPW

---> Received and referred to the Ordinance Committee. Copy to DPW, Disabilities Commission.

LATE FILED ORDERS AND COMMUNICATIONS

(2:39:25)

From Assistant Superintendent of Fire Alarms Jake Thibeault, letter regarding repairs on South Street
---> Received and referred to the Public Safety Committee.

Rivera I.- Order that HPD explore costs and new funding avenues so the department can invest in body cams. With the climate that police have to work in today, it is only fair they and the people they aim to serve are protected.

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

Adjourned at 9:43 PM

A handwritten signature in cursive script that reads "Brenna Murphy Leary". The signature is written in dark ink and is positioned below the "Adjourned at 9:43 PM" text.

MEMORANDUM OF AGREEMENT
BY AND BETWEEN
THE CITY OF HOLYOKE
AND N.A.G.E. R1-180, CLERICAL UNION

The City of Holyoke (hereinafter referred to as "City") and N.A.G.E. R1-180, Clerical Union (hereinafter referred to as "Union"), hereby agree to the following terms, conditions, and understandings:

1. The Licensing Administrative Assistant position is covered by the Union's collective bargaining agreement.
2. The City has requested that said position be reclassified to the new position title of "Licensing Agent."
3. The Licensing Agent shall be responsible for the responsibilities contained in the attached job description marked "A".
4. Due to said changes, the position shall be placed at Grade 640. The salary scale for Grade 640 shall be as follows:

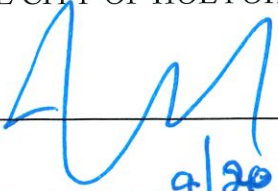
**GRADE 640-LICENSING
AGENT**

	CURRE NT HOURL Y		INCREASE	NEW HOURLY
STEP 1	\$22.51	\$5,000.00	\$2.74	\$25.25
STEP 2	\$22.86	\$5,000.00	\$2.74	\$25.60
STEP 3	\$23.21	\$5,000.00	\$2.74	\$25.95
STEP 4	\$23.57	\$5,000.00	\$2.74	\$26.31
STEP 5	\$23.94	\$5,000.00	\$2.74	\$26.68

5. The current occupant of the Licensing Administrative Assistant position shall be placed in the Licensing Agent position at Step 5.
6. The changes contained herein shall be effective upon execution by both parties.
7. This Agreement is not precedent setting for any same or similar circumstance in the future.

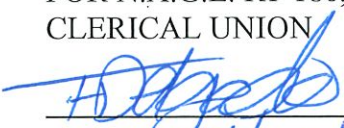
8. There are no other agreements, either verbal or written, between the parties regarding the subject matter of this Agreement.

FOR THE CITY OF HOLYOKE



Dated: 9/20/2024

FOR N.A.G.E. R1-180,
CLERICAL UNION



Dated: 9/19/24



JOB POSTING – [DATES]

Job Title: Licensing Agent

Department: OPED

Reports to: Director of OPED

Job Summary:

Performs skilled administrative clerical work in support of the Office of Planning and Economic Development (OPED), with a focus supporting the activity of the Holyoke Licensing Board.

Supervisory Responsibilities: *None.*

Duties/Responsibilities:

- Reports to the Economic Development or their designee
- Provides customer service by answering questions both in person, by telephone, and email; provides information requested in order to allow the public as well as other offices to obtain the information needed as quickly as possible, or to refer them to the proper person so they may obtain the needed information; updates department website as necessary.
- Performs clerical assistance for staff; prepares and types forms, letters, memoranda, correspondence, reports, various types of documents; proofreads typed material for grammatical accuracy, proper format, and completeness.
- Interviews persons seeking information or submitting applications for city licenses including but not limited to annual liquor license, automotive use, open air vendor license, common vehicular licenses .
- Attends and manages License Board Meetings; schedules meetings and hearings; composes and posts agendas and notices; prepares all informational packets for members; drafts and distributes meeting minutes; drafts decisions, letters, and other correspondence; posts information on the website as necessary. Public meetings are primarily held during evening hours.
- Adheres to filing dates and statutory requirements with local and State regulations; Errors could seriously cause delay of service.
- Maintains records and files; investigates records, files or other information resources to obtain necessary information.
- Collects payments for licenses
- Works closely with the State ABCC
- Attends required and optional training to improve job performance.
- Works with the Mayors Flex squad initiative
- Works with other departments as licenses are reviewed
- Maintains and updates information on the city website for office pages.
- Administers special projects as assigned and provides project support for staff as needed.
- Performs similar or related work as required, directed or as situation dictates.
- Attend Monthly night meetings of the License Board

Required Skills/Abilities:

Thorough knowledge of office procedures, practices, office equipment and terminology. Knowledge of applicable Massachusetts General Laws. Knowledge of business English, spelling, and math. Working knowledge of departmental operations as they relate to other city departments and offices. Ability to work cooperatively with other departments. Ability to provide good customer service. Ability to communicate with license applicants and license holders to review regulations and laws related to said license.

Education, Certification, Licensure and Experience:

Associate degree or advanced technical education; two to three years of progressively responsible office experience; or any equivalent combination of education and experience. Bilingual preferred (Spanish/ English).

Fair Labor Standards Act (FLSA) status: Non-Exempt (hourly)

Employment status & Hours: Regular Full-time employment, 35 hours per week, Monday-Friday, 8:30 a.m. to 4:30 p.m. Night meetings with License Board at least once per month.

Salary/Pay rate: \$ 25.25 (minimum) up to \$ 26.68 (maximum) per hour (NAGE Grade 640)

Employee Benefits: Health, Dental, Life Insurance, Optional Vision and Flexible Spending Account (FSA)

How to Apply: Please send resume and cover letter to Personnel@holyoake.org

September 28, 2023

**INVESTIGATION OF COMPLAINTS AGAINST MANUEL REYES
BROUGHT BY [REDACTED] AND [REDACTED]
FINDINGS OF FACT AND CONCLUSIONS**

I. SCOPE OF INVESTIGATION

Holyoke Police Officer [REDACTED] reports that her supervisor, Captain Manuel Reyes,¹ engaged in inappropriate behavior from her initial employment with the City on December 3, 2018, until she filed her complaint on March 20, 2023. (Exhibit 1) During this investigation, Holyoke Police Officer [REDACTED] reported that Capt. Reyes also engaged in inappropriate behavior. (Exhibit 2) Lastly, a [REDACTED] reported that Capt. Reyes improperly accessed CJIS information regarding his criminal background and used the information to harass and intimidate him into maintaining no contact with Capt. Reyes's wife, a former girlfriend of [REDACTED] (Exhibit 3) The City of Holyoke retained this investigator to determine whether Capt. Reyes violated any of the Holyoke Police Department ("HPD") Rules and Regulations and/or the City's Harassment Policies with respect to these three complaints.² (Exhibits 4 -8)

II. SUMMARY OF THE ALLEGATIONS AND DEFENSES

[REDACTED] alleges a series of non-consensual sexual acts perpetrated by Capt. Reyes, her supervisor. This included touching, dancing, kissing, and fondling her breasts. She contends that

¹ Prior to his promotion to Captain in 2022, Capt. Reyes was a lieutenant with the HPD. I refer to him as Capt. Reyes, his current title, throughout this report for clarity.

² Pursuant to 555 CMR 1.01(2)(e) investigations should be completed within 90 days. Due to the complexity of the complaints and the number of allegations, this investigation was briefly delayed. POST was notified and agreed to an extension until October 15, 2023.

she was reluctant to report these incidents because she feared losing her job. Capt. Reyes, on the other hand, contends that he and [REDACTED] had a brief, consensual relationship that has since ended. He contends that the timing of her complaint coincides with an ultimatum imposed by the Chief that she finishes her training at the Police Academy or face termination. He denies taking any adverse employment action against [REDACTED] has filed a complaint against the City at the MCAD (Exhibit 10) and has obtained a Harassment Prevention Order against Capt. Reyes (Exhibit 14). [REDACTED] and Capt. Reyes both testified under oath at the Harassment Prevention Order hearing. (Exhibit 22) Documentary evidence was introduced at the hearing, including a purported email exchange between the two that was not previously produced (the "March 7, 2020 email"). (Exhibits 28 and 29)

[REDACTED] also alleges sexual harassment against Capt. Reyes, but she denies any physical conduct. She contends that Capt. Reyes made inappropriate remarks to her, including that (1) they might as well go ahead and sleep together since a Facebook post alleged that they were already a couple; and (2) that he would be happy to "finish making the baby" while she was [REDACTED] She asserts that he also attempted to show her some of his apartments available for rent. Capt. Reyes denies making these statements and contends that he did not post the Facebook allegation concerning their alleged relationship.

[REDACTED] claims Capt. Reyes inappropriately accessed the state's criminal records database and used the information to malign his reputation. A prior internal investigation has sustained [REDACTED] complaint. (Exhibit 45) Capt. Reyes does not deny accessing the database but alleges that he did not share the information with anyone.

III. EVIDENCE CONSIDERED³

A. WITNESSES INTERVIEWED⁴

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

B. DOCUMENTS RELIED UPON

Exhibit 1 Disciplinary Notice for complaint by [REDACTED]
Exhibit 2 Disciplinary Notice for complaint by [REDACTED]
Exhibit 3 Citizen complaint by [REDACTED]
Exhibit 4 Sexual Harassment Policy of HPD revised 2020

³ All witnesses and evidence were accessible for this investigation, and all witness interviews were recorded except for that of [REDACTED] 555 CMR 1:01(3)(d)

⁴ Some witnesses were interviewed on multiple occasions.

⁵ [REDACTED] was represented by [REDACTED]. Capt. Reyes was represented by Joel Buenaventura; [REDACTED]

⁶ [REDACTED] was unavailable for an interview due to being on medical leave but agreed to speak briefly with this investigator. (Exhibit 52)

- Exhibit 5 Sexual Harassment Policy City of Holyoke 2015
- Exhibit 6 Sexual Harassment Policy City of Holyoke 2023
- Exhibit 7 HPD Rules and Regulations
- Exhibit 8 HPD Professional Standards
- Exhibit 9 March 20, 2023 Statement of [REDACTED]
- Exhibit 10 May 5, 2023 MCAD Charge of Discrimination filed by [REDACTED]
- Exhibit 11 March 27, 2023 Statement of [REDACTED]
- Exhibit 12 March 25, 2023 Statement of [REDACTED]
- Exhibit 13 Undated text between Capt. Reyes and [REDACTED] – “this Lt. hasn’t offered this level of service to any other”
- Exhibit 14 Harassment Prevention Order
- Exhibit 15 February 4, 2020 text between [REDACTED]
- Exhibit 16 March 27, 2023 Harassment Complaint Form
- Exhibit 17 July 30, 2021 screenshot with an Instagram notification
- Exhibit 18 May 5, 2023 Declaration of [REDACTED]
- Exhibit 19 May 9, 2023 Declaration of [REDACTED]
- Exhibit 20 Exhibits presented at the HPO hearing (March 7, 2020 email, several benign text messages, and photos of [REDACTED] at home)
- Exhibit 21 April 11, 2023 email from Lisa Ball (final exhibit at HPO hearing)
- Exhibit 22 HPO Transcript
- Exhibit 23 July 16, 2020 – November 17, 2020 texts between Capt. Reyes and [REDACTED]
[REDACTED]
- Exhibit 24 June 4, 2021 – March 14, 2023 texts between Capt. Reyes and [REDACTED]
- Exhibit 25 November 19, 2020 – June 1, 2021 texts between Capt. Reyes and [REDACTED]
[REDACTED]

Personnel/Confidential

- Exhibit 26 Photographs of [REDACTED]
- Exhibit 27 [REDACTED] Movies, TV, and Bio
- Exhibit 28 March 7, 2020 email from Capt. Reyes to [REDACTED]
- Exhibit 29 [REDACTED] response email dated March 7, 2020
- Exhibit 30 July 30, 2023 statement of Capt. Reyes
- Exhibit 31 Capt. Reyes's entitled "Documented Inconsistencies"
- Exhibit 32 March 14th phone log
- Exhibit 33 Poem written by Capt. Reyes given to [REDACTED]
- Exhibit 34 HPD Policy Violations and Disciplinary Action
- Exhibit 35 March 19, 2023 Facebook message from [REDACTED] to Capt. Reyes
- Exhibit 36 Undated letter from Capt. Reyes
- Exhibit 37 Undated Final Statement from Capt. Reyes to this investigator
- Exhibit 38 Recorded interview of [REDACTED] dated August 17, 2023
- Exhibit 39 August 17, 2023 summary of [REDACTED] interview
- Exhibit 40 Recorded interview of [REDACTED]
- Exhibit 41 March 15, 2021 email from Capt. Reyes to Chief Pratt entitled "Facebook Post Misinformation"
- Exhibit 42 Text message between [REDACTED] and [REDACTED]
- Exhibit 43 Text messages from [REDACTED] phone
- Exhibit 44 CJIS Search Request Form
- Exhibit 45 Lt. Sotolotto's report on CJIS complaint
- Exhibit 46 May 6, 2012 missed call from Capt. Reyes to [REDACTED]
- Exhibit 47 803 CMR 7.0 (use of CJIS)
- Exhibit 48 May 6, 2023 text between Capt. Reyes and [REDACTED]

Personnel/Confidential

- Exhibit 49 May 6, 2023 text between [REDACTED] and Mr. Flores
- Exhibit 50 Texts between Capt. Reyes and [REDACTED]
- Exhibit 51 Emails between Capt. Reyes and [REDACTED]
- Exhibit 52 August 30, 2023 email from [REDACTED]
- Exhibit 53 Material from [REDACTED] personnel file (sent by Capt. Reyes's counsel)

IV. FINDINGS AND CONCLUSIONS

Having considered all the evidence and drawing the appropriate inferences therefrom, based on a preponderance of the evidence, I make the following findings of fact and conclusions:

First, I concur with Lt. Sotolotto's investigation that sustained [REDACTED] complaint that Capt. Reyes misused the Criminal Justice Information System (CJIS) to conduct a query of [REDACTED] arrest record. Lt. Sotolotto submitted a request for CJIS information. It revealed that Capt. Reyes made a query using [REDACTED] information on March 11, 2023, and March 14, 2023. He also conducted an R8 search on the same day. R8 is the CJIS search to determine whether a person has a vehicle registered in Massachusetts. (Exhibits 44 and 45) Capt. Reyes admits to making these searches. I also find that Capt. Reyes told his wife what he learned about [REDACTED] criminal history.

I also agree with Lt. Sotolotto that Capt. Reyes's text message to [REDACTED] (Exhibit 48) does not constitute a threat. The text message mentions a possible trip to Florida, which [REDACTED] found concerning. However, Capt. Reyes mentions the potential family trip as an indication that he might be getting back together with his wife. (Exhibit 48) Furthermore, Capt. Reyes is believed to have property in Florida.

Capt. Reyes's CJIS search violated 803 CMR 7.09, which prohibits access⁷ of the CJIS "for any purpose other than an authorized criminal justice purpose." (Exhibit 47) The evidence here does not support an authorized use. Capt. Reyes accessed CJIS because he learned his wife had begun communicating with [REDACTED] and disapproved of the relationship. Accordingly, in addition to violating 803 CMR 7.09, Capt. Reyes also violated HPD Rule 7 (conduct unbecoming), Rule 8 (moral conduct), Rule 9 (compliance with the law), and Rule 58 (confidentiality of official business). (Exhibit 7)

Second, I find that Capt. Reyes violated the City's Sexual Harassment Policy and the Department's Sexual Harassment Policy. (Exhibits 5 and 6) The City's Sexual Harassment Policy identifies certain conduct that violates City policy, even when the conduct may not meet the definition of sexual harassment set forth by state and federal law. The City's policy expressly prohibits offensive or sexual behavior "that may go beyond what is prohibited by law." (Exhibits 5 and 6, p. 2) Prohibited workplace conduct includes: sexual advances, whether or not they involve physical touching, oral or written references to sexual conduct, kissing, and repeatedly asking a person for a date or to socialize outside of work after being informed that such conduct is unwelcome. (Id.) Accordingly, Capt. Reyes violated this policy.

Capt. Reyes acknowledges that he danced with [REDACTED] and kissed her in his office multiple times. (Exhibit 30, pp. 4-5; Reyes's interview). He also felt under her shirt inside his office.⁸ (Reyes's interview). Additionally, I credit [REDACTED] statement that Capt. Reyes would talk about [REDACTED] body. According to [REDACTED] and other officers, it was not

⁷ 803 CMR 7.08 precludes both access to and dissemination of CJIS material. Thus, accessing the database for an improper purpose is a violation, even if the data itself is not disseminated.

⁸ Multiple witnesses commented on Capt. Reyes's practice of closing his office door when speaking with female subordinates. Capt. Cruz suggested on multiple occasions that he not do so.

uncommon for Capt. Reyes to discuss different women.⁹ [REDACTED] also reports that Capt. Reyes made a comment about [REDACTED] breasts. (Exhibit 12; [REDACTED] interview) I also credit [REDACTED] who reports that Capt. Reyes would “look [REDACTED] up and down while he was present in the [REDACTED] office” and, on at least one occasion, “make a sound like ‘mmmmmm...’ while leering at her.” (Exhibit 18; [REDACTED] interview) The poem that Capt. Reyes authored and delivered to [REDACTED] at the shooting range (Exhibit 33) constitutes “written references to sexual conduct.” These examples, taken separately or together, are violations of the City’s sexual harassment policy. They also constitute violations of HPD Rule 7 (conduct unbecoming). These claims are all sustained.

Whether Capt. Reyes’s conduct violated the HPD definition of sexual harassment is less clear. Under this policy, sexual harassment requires that the sexual conduct be (1) made as an explicit or implicit condition of employment or (2) severe or pervasive enough to create a hostile work environment. (Exhibit 4) On this issue, the parties tell very different stories. [REDACTED] alleges that Capt. Reyes’s conduct was not welcome and never consensual. Capt. Reyes contends that after some period of “flirting” in the office and via Snapchat, the two developed a brief, consensual relationship that included kissing and some petting. He contends that he was always careful not to pressure her and never took nor implied any negative employment action after the affair ended in the Spring of 2020.

Capt. Reyes contends that two pieces of evidence suggest the parties did have—at least for some time—a consensual relationship. The first is the purported March 7, 2020 email exchange that was first presented during the Harassment Prevention Order hearing. (Exhibits 22 and 29) Capt. Reyes contends that the email exchange is genuine and reveals their relationship

⁹ [REDACTED] reported that Capt. Reyes told him of earlier sexual escapades. [REDACTED] reported that Capt. Reyes discussed his extramarital relations.

was more reciprocal than [REDACTED] proffers. In the email exchange, Capt. Reyes reminisces about an instance when [REDACTED] initiated a kiss (in his office) [REDACTED] does not deny his description of the event; instead, she replies that she walked into his office “with confidence” and “wanted to control the situation.” (Exhibit 29, para. 10) He describes a similar kissing encounter that followed shortly thereafter, and she remarks, “I liked what happened last time” (referring to the previous kissing incident). (Exhibit 29, para. 11) At one point in the email, she refers to him as “sweet, charming, and handsome.” (Exhibit 29, para. 14) Furthermore, Capt. Reyes avers that [REDACTED] reluctance to acknowledge (or categorically refute)¹⁰ the email is troubling. Although she confirms ownership of the email address at the top of her purported response [REDACTED] she neither concedes authorship nor asserts that it is a fake. (Exhibit 22, pp. 13-16) The most reasonable conclusion, and the finding I make, is that her response email is genuine¹¹ and that [REDACTED] has forgotten it or is embarrassed by it.

But the emails are not as exculpatory as Capt. Reyes argues. His email admits that his behavior may have seemed obsessive and that he “may have misread the situation.” He also acknowledges that [REDACTED] said, “what happened could not happen again,” and she pushed him away. He is frustrated that she appears to be avoiding him. [REDACTED] mentions that she was “very uncomfortable,” “never thought [she] was flirting,” and “wasn’t ready.” (Exhibit 29) Read in its entirety, the March 7, 2020 email exchange reveals that [REDACTED] was uncomfortable and reluctant to reject her [REDACTED] advances.

¹⁰ [REDACTED] is directly asked whether she is denying the authenticity of the email and responds by saying only that she does not recognize it. (Exhibit 22, p. 14)

¹¹ Exhibit 51, screenshots of Capt. Reyes’s email account, also supports this conclusion. It reveals the email was received by Capt. Reyes’s email account on March 7, 2020. Neither the emails nor the devices were submitted to forensic testing.

Capt. Reyes points to another bit of disputed evidence. Capt. Reyes contends that they communicated on Snapchat, a social media platform that deletes messages automatically. He reports that [REDACTED] proposed the use of Snapchat (because she did not want her boyfriend to discover their communications) and, if available, those communications would reveal a consensual relationship. He claims the photographs produced at the hearing (Exhibit 26) came from Snapchat. [REDACTED] asserts that there was no communication via Snapchat; she avers that the photographs he possesses were readily available on her social media sites. She contends that the personal emails and pictures Capt. Reyes allegedly sent of (1) the pinup girl (with the message “this reminds me of you”) and (2) him posing in his underwear¹² are on her old cell phone. She mentioned this to Lt. DiNapoli (Exhibit 12) and Capt. Reyes himself mentions, “I know you got a new phone.” (Exhibit 29)

Although the location of the missing documents remains unresolved,¹³ and [REDACTED] credibility was damaged at the hearing by not acknowledging the March 7, 2020 emails, there is sufficient evidence that Capt. Reyes violated both the HPD sexual harassment policy and the City sexual harassment policy by creating a hostile work environment. He admits that [REDACTED] was uncomfortable during their initial dance in his office, yet he pursued her. In an email dated February 4, 2020, after the initial dance incident, [REDACTED] complains to a friend, “Reyes called me up to his office...and I had no choice. He has so much power and I hate it.” She goes on to describe that “[h]e was a little touchy and kept telling me how much he liked me but I told him. It’s [sic] not happening. You’re my boss and your [sic] married.” (Exhibit 15). After the dancing incident (but before March 7, 2020), Capt. Reyes took [REDACTED] to the Holyoke Revolver Club

¹² Capt. Reyes does not deny sending the picture of the pinup girl, although he claims it was not pornographic. He does not remember sending a photograph of him posing in his underwear.

¹³ It is likely that whatever documents shared via Snapchat will never become available.

for shooting practice. According to the Chief, the City pays the membership fee for its officers to use the practice range. While at the range, Capt. Reyes presented [REDACTED] with a poem he wrote. He was unsure whether the poem, which he admits contains sexual content, was appropriate. The language of the poem justifies his apprehension. Written in the first person, the poem compares the act of shooting to sexual intercourse. The seventh paragraph begins as such: "I will have you slowly pull the trigger and feel the pleasurable sensation as the slide moves back and then moves forward and a round is pushed deeply into the barrel followed by an explosion of euphoric sensation." The poem continues in this manner. (Exhibit 33)

There is additional evidence of a hostile work environment. In July 2021, [REDACTED] questioned Capt. Reyes following her on Instagram. (Exhibit 17) [REDACTED] rejected his advances when he offered to serve as her personal fitness coach. (Exhibit 13) [REDACTED] stated (under oath) that Capt. Reyes would visit the [REDACTED] when "[t]here seemed to be no business reason for Captain Reyes to inquire about [REDACTED] with anywhere near the frequency that he did." On those occasions, Capt. Reyes "did not try to hide the fact that he was leering and would look her up and down while he was present in the office with her." On one occasion, [REDACTED] heard him make suggestive sounds while leering at [REDACTED] (Exhibit 18) [REDACTED] opined that she found [REDACTED] complaint credible, and she does not believe Capt. Reyes's claim that [REDACTED] was the aggressor in the relationship. To her, this is not consistent with their respective personalities. [REDACTED] believes [REDACTED] because similar things allegedly occurred to her.¹⁴ (Exhibits 2 and 38) In fact, only one witness, [REDACTED]

¹⁴ Among the similarities is [REDACTED] assertion that Capt. Reyes repeatedly told her he would make the decision about her continued employment. (Exhibit 2) Also, they both allege that Capt. Reyes told them that their psychological tests were deficient.

██████████ sides with Capt. Reyes, although she admits to feuding with ██████████ about an unrelated matter.

The evidence also sustains ██████████ complaint. She claims that Capt. Reyes made a small number of sexually suggestive comments, including that (1) they might as well go ahead and sleep together since a Facebook post alleged that they were already a couple; and (2) that he would be happy to “finish making the baby” while she was pregnant.

Capt. Reyes denies making the first statement, but not categorically. He acknowledges telling ██████████ (in a conversation about the Facebook post) that she is very attractive, and if someone thought they were having an affair, then that person might believe it. This statement is inappropriate between a superior officer and a subordinate. Capt. Reyes made another uncategorical denial about his involvement with ██████████. He initially denied telling her that her psychological test was inconclusive. After additional questioning, however, he acknowledged that he “may have” told ██████████ about his conversation with the reviewing doctor, who opined that her limited English skills affected her results. Taken together, I find that Capt. Reyes’s denials are not persuasive, especially when compared to ██████████ largely consistent renditions of the allegations.

██████████ credibility is also bolstered by the similarities between the accounts of the two complainants and the testimony of the coworkers. ██████████ both allege that Capt. Reyes (1) repeatedly mentioned that he had the authority to terminate their employment; (2) tried to isolate them at his properties; (3) mentioned deficiencies with their psychological testing; and (4) commented on their attractiveness. Also, their allegations are generally consistent with Capt. Reyes’s reputation as a “player” (a term used by one of his coworkers). Multiple witnesses reported that Capt. Reyes would meet with female subordinates

in his office with the door closed [REDACTED] reported that Capt. Reyes bragged about his sexual conquests. [REDACTED] stated that Capt. Reyes commented on [REDACTED] breasts. [REDACTED] said that Capt. Reyes would “look [REDACTED] up and down while he was present in the [REDACTED] office” and on at least one occasion “make a sound like ‘mmmmmm...’” while leering at her.” (Exhibit 18)

Accordingly, I find that Capt. Reyes made both enumerated statements, as alleged by [REDACTED] and therefore, violated the City and Department’s Sexual Harassment Policy, which expressly prohibits sexual advances, whether or not they involve physical touching, and references to sexual conduct. (Exhibits 5 and 6, p. 2) I find that Ofc. Reyes’s conduct vis-a-vis [REDACTED] also created a hostile work environment in violation of both the City’s and HPD’s sexual harassment policy. (Exhibits 4-6) [REDACTED] credibly reported that Capt. Reyes’s conduct made her uncomfortable: she was reluctant to drive alone with him; she left his office abruptly after he made the comment about helping make the baby; and she questioned his motive in calling her at home when she was not working. Although Capt. Reyes never touched [REDACTED] [REDACTED] his conduct was pervasive enough to create a hostile work environment.

There are two other allegations worth considering. The first is whether Capt. Reyes violated Department policy by showing [REDACTED] the psychological testing report. [REDACTED] asserts that the report contained the names and results of other officers (in addition to her own score). Capt. Reyes denies that he showed or discussed with her the results of other officers, but he acknowledges that she may have seen the results of other officers on the document that he showed her. This failure to keep other officers’ psychological test results private violates the HPD’s confidentiality rule, which requires that “[o]fficers shall treat the official business of the Department as confidential” and that such information “shall disseminated only to those for

Personnel/Confidential

whom it was intended....” (Exhibit 7, Rule 58) Secondly, [REDACTED] reports that she and [REDACTED] received information that Capt. Reyes intended to invoke revenge against certain officers when he returned to work. If true, these allegations would violate the anti-retaliation provisions of both the City’s and the HPD’s sexual harassment order and constitute conduct unbecoming. However, the names of those who heard these alleged threats from Capt. Reyes were not made known to this investigator. Accordingly, the allegations cannot be sustained on this record.

In summary, the evidence supports, and I find, that Capt. Reyes’s CJIS search violated 803 CMR 7.09, which prohibits access of the CJIS “for any purpose other than an authorized criminal justice purpose.” (Exhibit 47). I also find that he shared this information with his wife to interfere with her dating relationship with [REDACTED]. By violating 803 CMR 7.09 and sharing this information with his wife, Capt. Reyes also violated HPD Rule 7 (conduct unbecoming), Rule 8 (moral conduct), Rule 9 (compliance with the law), and Rule 58 (confidentiality of official business). (Exhibit 7) Thus, this portion of [REDACTED] complaint is sustained. I do not find, however, that Capt. Reyes’s text to [REDACTED] (indicating that he and his family might visit Florida) constituted a threat. (Exhibit 48) Read in context, Capt. Reyes was merely trying to convey that he and his wife were attempting to reconcile. Thus, [REDACTED] complaint concerning any threat made by Capt. Reyes is not sustained.

The evidence supports, and I find, that Capt. Reyes violated the sexual harassment policies of both the City and the HPD in his treatment of [REDACTED] and [REDACTED]. The City’s Sexual Harassment Policy expressly prohibits offensive or sexual behavior “that may go beyond what is prohibited by law.” It includes: sexual advances, whether or not they involve physical touching, oral or written references to sexual conduct, kissing, and repeatedly asking a person for

a date or to socialize outside of work after being informed that such conduct is unwelcome.

(Exhibits 5 and 6, p. 2) Capt. Reyes acknowledges that he danced with [REDACTED] and kissed her in his office multiple times. (Exhibit 30, pp. 4-5; Reyes's interview). He also felt under her shirt inside his office. (Reyes's interview) [REDACTED] reports that Capt. Reyes would talk about [REDACTED] body. [REDACTED] contends that Capt. Reyes would "look [REDACTED] up and down while he was present in the [REDACTED] office" and on at least one occasion "make a sound like 'mmmmmm...' while leering at her." (Exhibit 18) Further, Capt. Reyes admits that he sent [REDACTED] a suggestive picture of a pin-up girl and the explicit poem attached as Exhibit 33. These examples violate the City's sexual harassment policy. They also constitute violations of HPD Rule 7 (conduct unbecoming). Thus, these claims are sustained.

Whether Capt. Reyes's conduct violated the HPD definition of sexual harassment requires a finding that the sexual conduct is (1) made as an explicit or implicit condition of employment or (2) severe or pervasive enough to create a hostile work environment. (Exhibit 4) While the evidence on this issue is less clear, the preponderance of the evidence favors the complainants. Capt. Reyes's contention that his relationship with [REDACTED] was consensual (supported largely by his reliance on the March 7, 2020 email exchange) is not entirely persuasive. He acknowledges that [REDACTED] was uncomfortable dancing in his office and that his poem (Exhibit 33) might be too explicit. There are multiple indications in contemporaneous language from [REDACTED] that she did not want a relationship with Capt. Reyes.

Similarly, Capt. Reyes's denials of the offensive statements attributed to him by [REDACTED] [REDACTED] are not compelling. He admits to a diluted statement concerning their purported Facebook affair and that he "may have" discussed her psychological report with her after his initial denial. [REDACTED] complaint is also supported by the similarity of the complainants'

experience. Lastly, two other captains, a lieutenant, and a civilian employee reported that the alleged conduct is consistent with Capt. Reyes's character. Accordingly, I sustain both sexual harassment complaints.

Lastly, I sustain the finding that Capt. Reyes violated the HPD's confidentiality rule by showing [REDACTED] albeit incidentally, the psychological results of other officers. I do not sustain the allegation that Capt. Reyes violated the retaliation provisions of the pertinent sexual harassment policies because of a lack of evidence.

If I may provide you with any additional information, please feel free to contact me.

Very truly yours,

Regina M. Ryan

Regina M. Ryan

CITY OF HOLYOKE GRANT COMPLETION FORM

City of Holyoke Ordinance:

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 next agenda. Once city council has concluded its discussion of the report, it shall be posted on the city website for a minimum of two weeks for the general public.

1. Grant Information

Fund #0689, FY24 Firefighter Safety Equipment Grant, Dept of Fire Services

2. Grant Period

February 2, 2024 – June 30, 2024

3. Grant Purpose

Purchasing of firefighter equipment enhancing safety of firefighters

4. Total Budget

17,245.53

5. Actual Expenses

11,997.00 Thermal Imaging Camera

Total expenses \$11,997.00

6. Ending Fund Balance

0.00 reimbursable grant

7. Grant Outcome

Firefighter safety equipment was purchased and put into service for life safety purposes within firefighting incidents

8. Additional Comments (optional)

Use this space for any additional grant related comments



Grant Manager

Signature: _____

YEAR-TO-DATE BUDGET REPORT

FOR 2024 12

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
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2200 FIRE

000 UNCLASSIFIED

0689 54000 SUPPLIES

0	0	0	0	11,997.00	.00	-11,997.00	100.0%*
TOTAL UNCLASSIFIED	0	0	0	11,997.00	.00	-11,997.00	100.0%
TOTAL FIRE	0	0	0	11,997.00	.00	-11,997.00	100.0%
TOTAL FY24 FIREFIGHTER SAFETY EQUIP	0	0	0	11,997.00	.00	-11,997.00	100.0%
TOTAL EXPENSES	0	0	0	11,997.00	.00	-11,997.00	

LIQUIDATION DETAIL BROWSE

PO Line	Org	Object	Liquidated Qty	Liquidated Amt	Inv Amount
1	0689	54000	0.00	11997.00	11997.00

Document: 274893 Invoice: 194791-00 Purchase Order: 20243091
Fiscal Year: 2024

** END OF REPORT - Generated by Dale Glenn **

PeoplesBank
REMITTANCE ADVICE DETAIL REPORT
City of Holyoke

Beginning Segment for Payment Order/Remittance Advice

Transaction Handling Code:	Payment Accompanies Remittance Advice
Monetary Amount:	\$11,997.00
Credit/Debit Flag Code:	Credit
Payment Method Code:	Automated Clearing House (ACH)
Payment Format Code:	Corporate Trade Exchange (CTX)
(DFI) Identification Number Qualifier:	ABA Transit Routing Number Including Check Digits (9 digits)
Originating DFI Identification Number:	221172186
Account Number Qualifier:	Demand Deposit
Account Number:	8899992034
Originating Company Identifier:	A046002284
Originating Company Supplemental Code:	221172186
(DFI) Identification Number Qualifier:	ABA Transit Routing Number Including Check Digits (9 digits)
Receiving DFI Identification Number:	211871772
Account Number Qualifier:	Demand Deposit
Account Number:	1056111908
Date:	8/29/2024

Entity

Assigned Number:	1
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Remittance Advice Accounts Receivable Open Item Reference

Transaction Reference Number:	2024 FF EQUIPMENT GRANT
Payment Action Code:	Pay Item
Amount Paid:	\$11,997.00
Voucher:	2024 FF EQUIPMENT GRANT
Description:	PRC DFS08232400000000017991P.O. Box 1025 State Road
Voucher:	2024 FF EQUIPMENT GRANT
Description:	DEPARTMENT OF FIRE SERVICES 978-567-3130
Voucher:	2024 FF EQUIPMENT GRANT
Description:	DEPT FIRE SERVICES 2024 FF EQUIPMENT GRANT

TRANSACTION SET TRAILER

Number of Included Segments:	000008
Transaction Set Control Number:	000000001

FUNCTIONAL GROUP TRAILER

Number of Transaction Sets Included:	1
Group Control Number:	240828389

INTEREXCHANGE CONTROL TRAILER

Number of Included Functional Groups:	1
Interchange Control Number:	000001389

City of Holyoke
Accounts Payable - City
536 Dwight Street
Holyoke, Massachusetts 01040

Peoples Bank
Holyoke, Massachusetts
63-7177/2116

Vendor Number
22494

Check Number
326251

Check Date
06/28/2024

NOT VALID AFTER 60 DAYS

*** Eleven Thousand Nine Hundred And Ninety-Seven Dollars And Zero Cents ***

\$11,997.00

Printed Capture: 011300905< 7/04312000010 7/3/2024

22494
Pay To The Order Of INDUSTRIAL PROTECTION SERVICES
33 NORTHWESTERN DRIVE
SALEM, NH 03079


Authorized Signature MP

⑈00326251⑈ ⑆211871772⑆1056668652⑈

 The security features listed below are well as those not listed exceed industry guidelines. Security Features: Results of the test: - Watermark: Pass - Hologram: Pass - Microprint: Pass - Color: Pass - Size: Pass - Shape: Pass - Texture: Pass - Smell: Pass - Sound: Pass - Tactile: Pass - Visual: Pass - Other: Pass FEDERAL RESERVE BOARD OF GOVERNORS REG.	Cambridge Trust Company	ENDORSE HERE for deposit only IPS Operating Chk-6884 100426881 DO NOT WRITE, SIGN OR STAMP BELOW THIS LINE RESERVED FOR FUTURE USE BY THE INSTITUTION

Amount: \$-11,997.00

Statement Description: Check 326251

Check Number: 326251

Posted Date: 7/5/2024

Type: Debit

Status: Posted

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Holyoke Purchasing Department
536 Dwight Street #15
Holyoke, MA 01040
Phone: (413) 322-5650
Fax: (413) 322-5651

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase
Order #

20243091

Delivery must be made to the ship to location specified.
Additional work and charges must be approved by the
Purchasing Department.

TAX ID#: 046-001-393

V
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INDUSTRIAL PROTECTION SERVICES
33 NORTHWESTERN DRIVE
SALEM, NH 03079
Phone: 603-453-0838

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HOLYOKE FIRE DEPARTMENT
600 HIGH STREET
HOLYOKE, MA 01040

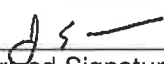
Vendor Phone Number		Vendor Fax Number	Requisition Number	Delivery Reference			
603-453-0838			20243165				
Date Ordered	Vendor Number	Vendor Email			Department/Location		
06/13/2024	22494	zbigda@ipp-ips.com			FIRE DEPARTMENT		
Item#	Description/PartNo			QTY	UOM	Unit Price	Extended Price
1	INVOICE #194791-00 FQ-PANX CAMERA			1.0	EACH	\$11,997.00	\$11,997.00
***** GL SUMMARY *****							
0689 - 54000				\$11,997.00			

The City of Holyoke's Purchase Order Terms and Conditions can be viewed at:
www.holyoke.org/departments/purchasing

Any performance by vendor pursuant to this Purchase Order constitutes vendor's acknowledgement that vendor has read and agreed to the referenced Standard Terms & Conditions.

Contracts (if required) must be fully executed prior to the commencement of services and the purchase of goods/supplies associated with this Purchase Order.

Some work require prevailing wages. Contact the requesting department for more information.

By: 
Authorized Signature

PO Total

\$11,997.00

Bill To
HOLYOKE FIRE DEPARTMENT
600 HIGH STREET

HOLYOKE, MA
01040

Requisition 20243165-00 FY 2024

Acct No:
0689-000-2200-000-54000
Review:
Buyer:
Status: Approved

Page 1

Vendor
INDUSTRIAL PROTECTION SERVICES
33 NORTHWESTERN DRIVE

SALEM, NH 03079

Tel#603-453-0838

Ship To
HOLYOKE FIRE DEPARTMENT
600 HIGH STREET

HOLYOKE, MA 01040

Date Ordered	Vendor Number	Date Required	Ship Via	Terms	Department
05/21/24	022494				FIRE DEPARTMENT

LN Description / Account	Qty	Unit Price	Net Price
001 INVOICE #194791-00 FQ-PANX CAMERA	1.00 EACH	11997.00000	11997.00

1 0689-000-2200-000-54000 11997.00

[Requisition Link](#)

Requisition Total 11997.00

***** General Ledger Summary Section *****

Account	Amount	Remaining Budget
0689-000-2200-000-54000	11997.00	-11997.00

***** Approval/Conversion Info *****

Activity	Date	Clerk	Comment
Approved	05/21/24	Dale Glenn	

Authorized By: _____ Date: _____
Signature



Industrial Protection Services, LLC

33 Northwestern Drive ■ Salem, NH 03079
Tel: (800) 636-4740 ■ www.ipp-ips.com

INVOICE

INVOICE NO.

194791-00

INV. DATE PAGE #

05/10/24

1

Bill To:

Holyoke Fire Dept
City of Holyoke Purch Dept
536 Dwight St. - Room 15
Holyoke, MA 01040

Ship To:

Holyoke Fire Dept
Chief John Kadlewicz
600 High St
Holyoke, MA 01040

CUST #	CUSTOMER P.O.	TERMS	SHIP VIA	SALES REP
90377	Chief John Kadlewicz	Net 30	UPS Ground	ZB

LN	ITEM # / DESCRIPTION	ORD	B/O	SHIP	UM	PRICE	AMOUNT
1	FQ-PANX Camera, AttackPro+, NFPA Fast Frame ** DIRECT ORDER **	3	0	3	ea	3999.00	11997.00
						Total Invoice	11997.00 11997.00
RECD OK TO PAY CPT Pay							
check # 326251							
Invoice Total \$							11997.00

Last Page

Beginning July 1, 2023, those that choose to continue making payments via Credit Card with an amount of \$2,500 or greater will incur a 3% Credit Card Surcharge Fee

Board of Fire Commission Meeting Minutes		Date: August 19, 2024 Time: 5:00 p.m. Location: Fire Department Headquarters	
Meeting called by:	Chairman Mettey	Note taker: D. Glenn	
Type of meeting:	Regular Monthly	Timekeeper: D. Glenn	Approved
Facilitator:	Chief Kadlewicz		
Attendees:	Jeffrey Trask, George Mettey		
Absent::	Nelson Lopez		
Staff in Attendance:	Chief John Kadlewicz and Dale Glenn		
Also: William Alicea, Michael Rohan			
A. Opening of Meeting		Chairman Trask	Time: 5:00 p.m.
Discussion: #1 on the agenda Commissioner Trask opened the meeting of the Board of Fire Commissioners with a verbal roll call of those present along with the pledge of allegiance and a prayer. #2 agenda item – Minutes: The Board of Fire Commissioners reviewed the minutes from July 22, 2024 #3 on the agenda – Fire Chief's Report: - Injured on Duty/Light Duty/Administrative Duty/Administrative Leave - Overtime Expenditures #4 Old Business – none for this meeting #5 New Business - Grievance #240506 - Temporary Fire Captain #6 Executive Session - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares – ULP by FF - Communication from City Solicitor – City's Social Media Policy			
Motions: Commissioner Trask entertained a motion to accept the minutes from July 22, 2024, Commissioner Mettey made the motion and was 2nd by Commissioner Trask; motion carried Commissioner Trask entertained a motion to accept the Fire Chief's report, Commissioner Mettey made the motion and was 2nd by Commissioner Trask; motion carried. Commissioner Trask entertained a motion to move out of order on the agenda, Commissioner Mettey made the motion and was 2nd by Commissioner Trask; motion carried. Commissioner Trask entertained a motion to move into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares – ULP by FF; Commissioner Mettey made the motion and was 2nd by Commissioner Trask, motion carried. Moved into Executive Session at 5:05pm			

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SEP 17 2024

Holyoke City Clerk's
Holyoke, MA

B. <i>Executive Session</i>	Chairman: Trask	Time: 5:15pm
Attending Jeffrey Trask, George Mettey Also: City Solicitor Lisa Ball Facilitator: Chief Kadlewicz Note taker: D. Glenn		
Discussion: 1. Discussion: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares – ULP by FF. City Attorney Lisa Ball is here to speak to the Board of Fire Commissioners regarding the filing of the unfair labor practice by the Firefighters Union Local 1693. The appointing authority for the Fire Department is the Board of Fire Commissioners and by City Ordinance this is not to change regarding the disciplinary actions taken based upon any policy instituted by the City. Up to and including a new social media policy. 2. Communication from City Solicitor – City’s Social Media Policy – City Attorney Lisa Ball spoke to the Board of Fire Commissioners regarding this new policy. 8 Unions participated in the creation of this policy. 1 policy will govern the entire city for all employees. The City Solicitor’s Office is trying to keep the policy as simple as possible but many folks wanted to have concerns addressed. The main portion is to have more definitions addressed to make them usable for those in authority to be able to handle particular situations. Fire Chief Kadlewicz had some questions regarding hate speech having a more indepth definition for clarificaion to aid in using the policy effectively. Attorney Ball was appreciative of the input and asked the Fire Chief to email her his questions so she has time to read them and potentially make changes.		
Motions: Commissioner Trask entertained a motion to move back into Open Session, Commissioner Mettey made the motion and was 2nd by Commissioner Trask, motion carried. Moved back into Open Session at 5:28pm		

D <i>Open Meeting</i>	Chairman Trask	Time: 5:28pm
	Attending: Jeffrey Trask, George Mettey	
	Also William Alicea	
	Facilitator: Chief Kadlewicz	Note taker: D. Glenn
	Discussion: New Business 1. Grievance #240506 – Paid time off policy in accordance with city and US Department of Labor FMLA policy. There is an attachment from the Union Local 1693 which states the violation is from the firefighter CBA but not limited to Article 18 Paragraph 18.02(b) All rights, privileges or working conditions existing prior to this Agreement not specifically covered by the Agreement shall remain in full force and effect. The Union is seeking to revert back to the ability to use personal sick time while on FMLA for family members. Chief Kadlewicz stated the procedures were changed by the Personnel Department is only following direction set forth. The Board of Fire Commissioners is asking if they have the power to make the change and revert the policy back but the Board feels they need to do some research before reaching a decision. Fire Chief Kadlewicz stated the ruling was already provided by Attorney Russell Dupre. The CBA would need to be negotiated for this change. The board does not have the authority to make this change and will deny Grievance #240506 based on the fact they do not have the power to make a decision due to their lack of authority. 2. Temporary Fire Captain -- Fire Chief Kadlewicz informed the Board the need to fill a temporary fire captain position.	
	Motions: Commissioner Trask entertained a motion to deny Grievance #240506 based on the fact they do not have the power to make a decision on this grievance due to their lack of authority; Commissioner Mettey made the motion and was 2nd by Commissioner Trask, motion carried. Commissioner Trask entertained a motion to begin the process to promotion a temporary fire captain at the next meeting to be held in September, Commissioner Mettey made the motion and was 2nd by Commissioner Trask, motion carried. Commissioner Trask entertained a motion to adjourned; Commissioner Mettey made the motion and was 2nd by Commissioner Trask, motion carried. Meeting adjourned at 5:50pm	

Monday, September 16, 2024

Injured On Duty

1 Fire Captain

2 Firefighters

FMLA

1 Firefighters - intermittent

Overtime Budget	\$407,638.00
Transfer In	\$
Revised Budget	\$407,638.00
Currently expended	\$134,939.45
Available balance	\$272,698.55
 Average Expended per Pay Period	 \$26,987.89 (Bi-Weekly)
 Last Pay period	 \$31,556.66

from: mujimoto@aol.com <mujimoto@aol.com>

to: David Bartley <bartleyforward3@gmail.com>, Israel Rivera <israelrivera4holyoke@gmail.com>, Kocayne Givner <kocayne4holyoke@gmail.com>, "lindavac@aol.com" <lindavac@aol.com>, "j.andersonburgos@gmail.com" <j.andersonburgos@gmail.com>, Kevin Jourdain <kevin.jourdain@verizon.net>, Tessa Murphy-Romboletti <tessaforholyoke@gmail.com>, "cocasio50@yahoo.com" <cocasio50@yahoo.com>, "jennyriveraward1citycouncil@gmail.com" <jennyriveraward1citycouncil@gmail.com>, Meg Magrath-Smith <megmagrath@gmail.com>, "pdevine523@comcast.net" <pdevine523@comcast.net>, Mike Sullivan mike.sully53@yahoo.com

cc: Helene Florio <info@holyoketaxpayersassociation.org>, Mayor's Office <mayorsoffice@holyoke.org>, Brenna McGee <mcgeeb@holyoke.org>, Jeffery Anderson-Burgos <anderson-burgosj@holyoke.org>

date: Aug 4, 2024, 10:47 AM

Stephen R. Superba

17 Glen Street

Holyoke, MA 01040

(413) 532 0246

Greetings Councilor,

Attached please find the document entitled Investigation of Complaint Against Manuel Reyes....., a report composed by Atty. Regina M. Ryan of Discrimination and Harassment Solutions LLC (DHS) dated 9/28/2023 at the behest of, and in contract with, the City of Holyoke. As this document has relevance regarding recent Council business, I respectfully request you read it. As you review this document with a critical eye, you will discover that a comprehensive investigation of the two sexual harassment complaints has not been conducted; instead, only a review of the existing data compiled in the original complaints, with access to a limited number of witnesses is its composition. I make this assertion based on a number of observations: 1) In Atty. Ryan's own words in the Scope of Investigation section of the report, "The City of Holyoke retained this investigator to determine whether Capt. Reyes violated any of the Holyoke Police Department ("HPD") Rules and Regulations and/or the City's Harassment Policies with respect to these complaints." (to date the City has not responded to a Public Records Request for the contract between DHS and the City, so a determination can be made as to exactly what the parameters of the contract were); 2) there is no reference to a formal departmental investigation conducted in the two sexual harassment complaints (in contrast to Lt. Sotolotto's formal investigation and report of the third element of this case which was the dissemination of protected information proscribed by the Criminal Offenders Record Information Act); and finally and most notably, 3) nobody has been held to account for this egregious situation that persisted for years to the point we have a violated and injured victim, with the repercussions to be borne by the taxpaying citizens of Holyoke in the form of a civil settlement.

In emphasis of my observation in #3 above, I would like to offer thoughts that call into question the untenable proposition that there are no responsible parties beyond the perpetrator, and make a case as to the question why this comprehensive investigation was not conducted: 1) Page 12, last paragraph of the DHS report: the entire paragraph establishes that Reyes' behavior appears well known, and depicts it as predatory in nature. 2) Page 7, last paragraph of the DHS report: this entire paragraph again depicts Reyes as a predator (a note of emphasis is that Capt. Cruz, now interim police chief, recognized a problem with Reyes' behavior and "suggested on multiple occasions" that he cease stated behaviors. As a note, "suggesting" is not standard practice of a commanding officer in a police department or any other military hierarchal organization). 3) Lt. DiNapoli was made aware of the proscribed behavior of Capt. Reyes by one of the victims at some juncture of the situation's history (redactions in the report prevent developing a strict timeline), but this notification appears to be some time before this complaint came to fruition on 3/20/2023. My conclusion in considering these three examples in conjunction with my thirty year police career is as follows. I find it entirely incredible that the information about Reyes' behavior never made its way to the police chief. Ranking and command level officers, who are ultimately individually and severally liable, are not going to sit on this type of information; they are more than eager and willing, not to mention obligated, to pass the responsibility to the appropriate person in the organization. With emphasis: I don't believe for one second this information was kept from the police chief. A comprehensive investigation would've established, or disputed, this assertion. The question here in my mind is why this investigation was not conducted.

I would also like to make the observation that the present report by DHS reads like an addendum to the Police Risk Analysis Report (PRAR), a report offered by Municipal Resources Incorporated (MRI) and released on 3/06/2023. Whereas the PRAR established the context that the HPD is poorly managed, this present DHS report reflects, it actually looks like a case study of, the potential deleterious outcomes as the consequences for a mismanaged organization. The PRAR labeled the HPD as representing "a substantial risk to the City." This declaration accurately describes this present sexual harassment situation with its ultimate civil liability. I would again, respectfully, request that you also read the PRAR report as part of this inquiry. Again, the PRAR sets the stage, and the DHS report is the final (hopefully, if we reform the police department) act. As an aside, on 3/06/2023 the PRAR was released. The same night, the City Council made a request of Mayor Garcia to hold a special meeting in regards to initiating the process of implementing some of the PRAR's reforms and recommendations. The stated intention at the time was so that this process would proceed in plain view and with transparency to be scrutinized by the citizens. On 5/02/2023, Mayor Garcia, in a public forum, at the annual Holyoke Taxpayers Association luncheon, stated that he "has no intention of participating in a special meeting with the Council," and that as chief executive officer of the City he has total jurisdiction over the management of the police department, and he would proceed with the recommendations of the report at his discretion. The recommendations of the PRAR have been ignored to date.

In closing, I cite two examples above of deferential treatment by Mayor Garcia towards the police department and/or the police chief. One was to thwart the recommendations of the PRAR and keep the department from embarking upon a labor intensive implementation program. The second is to shield the police chief from accountability in this sexual harassment situation. A third example of this deferential treatment is in the hopper and will prove me clairvoyant. The City will choose the next police chief from within the ranks of HPD. This is the desire of the HPD so that they remain a closed system, without anyone from the outside rankling the status quo, and limiting information dispensed to the public. The only instance that information is provided to the citizenry now, as is the present case in the situation described in the DHS report, is when the laws prescribe it be made public, thanks to our Public Records and our Open Meeting Laws. Then, and only then, when a scandal occurs that may impact taxpayer monies will there be any information dispensed to the public; and then this information is dispensed partially and grudgingly; present situation as an example. Closing note, all scandals involving HPD, including this sexual harassment incident, has occurred when the police chief was an internal candidate.

Thank you for considering my perspective. I put this much effort in because I love Holyoke. I am in a unique position on this subject in that my perspective is based on a 30 year police career in conjunction with my 36 year residency in Holyoke. During which time I have been an interested and educated connoisseur of the activities of the HPD. Thank you for taking the time to read this.

Respectfully Submitted,

Stephen R. Superba

17- Total



City of Holyoke

Speed Hump Petition

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SEP 23 2024

Holyoke City Clerk's
Holyoke, MA

We the undersigned, petition the Holyoke City Council for speed humps

on Hampshire Street

(street requested)

Name	Address
<i>Antonio Vega</i>	68 Hampshire St.
<i>G.P.</i>	68 Hampshire St.
<i>Elijah Mendez</i>	72 Hampshire St.
<i>Terraine D. Hernandez</i>	72 Hampshire St.
<i>Cam Varga</i>	60 Hampshire St.
<i>JOSE VEGA</i>	174 High St.
<i>Angel Ferrer</i>	300 Walnut St.
<i>Joanna Ferrer</i>	300 Walnut St.
<i>Carmen Andujar</i>	297 Chestnut St.
<i>Berline Vargas</i>	297 Chestnut St.
<i>Freddy Rodriguez</i>	295 Chestnut St.
<i>Brenda Montalvo</i>	291 Chestnut St.
<i>Marcos Gutierrez</i>	290 Chestnut St.
<i>Ashelly Negrin</i>	292 Chestnut St.
<i>Amays Canales</i>	64 Hampshire St.
<i>Xavier Martinez</i>	64 Hampshire St.
<i>Alexus Perez</i>	68 Hampshire St.

Isabelle Ramon
Malia Cruz
Eduardo Monarcon
Jimmie Oliver

284 Elm St Holyoke ✓

288 Elm St Holyoke MA 01040 ✓

297 Chestnut St MA 01040 ✓

305 Walnut

Use additional pages as needed

No speed hump 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. When there are multiple property owners, the signature of one shall be sufficient to count that property towards the required two-third.

* Notes Important

There is a Big Concern of speeding Among the Residents of Hampshire St.

We Live Right Next to Lawrence school Therefore the kids Safety do to irresponsible Drivers is of concern Because People speeding, Not Respecting the Rightaway and Eating the stop sign.

There Have Been Multiple Car Accidents On my My Street (Hampshire) Cause By People Recklessly Driving Throught my street.

Including One Where an Elderly Couple lost Their lives Tragically, Due to a Driver ignoring the Stop Sign.

We Been Dealing with this Issue of Reckless Drivers and Because of It Not feeling safe to Cross for Years!!

Please WE ALL DO Respect DO Something and Help us Keep Children and People Safe.

NEW: ☐
RENEWAL: ☒
\$50 FEE: ☒
TAX COLLECTOR LETTER: ☒
TREASURE'S LETTER: ☒

DATE: 9/17/24



HOLYOKE CITY COUNCIL
JUNK DEALER, JUNK COLLECTOR,
SECOND HAND LICENSE APPLICATION

Please Check One:

- ☐ Junk Dealer's License
☒ Second Hand License
☐ Junk Collector's License

ADDRESS: HOLYOKE MALL, 50 HOLYOKE STREET, HOLYOKE MA 01040

APPLICANT'S NAME: PETER A HANNOUSH

APPLICANT'S ADDRESS: 1769 RIVERDALE STREET, WEST SPRINGFIELD MA 01089

439-2850
APPLICANT'S TELEPHONE: 413-439-2841 EMAIL: PETER@HANNOUSH.COM

SS# 019-50-8755

=====

Said license runs from May 1st to April 30th of each year; regardless of application date

Sec. 66-32. - Record of purchases.

Every person dealing in junk, old metals, rags, papers, bottles or secondhand articles or keeping a shop for the purchase, sale or barter of the same shall keep a book in which he shall record in plain English language, at the time of every purchase by him of any of the aforesaid articles, a description of the article purchased, the name, age and residence of the person from whom, and the day and hour when he so purchased it. No entry made in such book shall be erased, obliterated or defaced and the form of such book shall be prepared by the chief of police. Such book shall at all times be open to the inspection of the mayor and city council or any person by them authorized to make such examination.

Sec. 66-35. - Purchases from minors or apprentices; dealers to purchase only from licensed collectors.

No dealer in or keeper of a shop for the purchase or barter of junk, old metal or secondhand articles, and no collector of the aforesaid articles, shall, directly or indirectly, purchase or receive by way of barter or exchange any of the articles aforesaid from a minor or apprentice, knowing or having reason to believe him to be such. No such dealer or keeper of a shop shall, directly or indirectly, purchase or receive as aforesaid any of such articles from a person not a duly licensed collector of junk, except, however, that he may make such purchase directly from mills or manufacturers.

Sec. 66-61. - Dealers or shopkeepers.

No person shall be a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in the city, unless he is duly licensed therefor by the city council and shall exhibit his license when requested to do so.

Sec. 66-36. - Articles purchased not to be sold for 30 days.

No article purchased or received by a dealer or keeper of a shop for the purchase, sale or barter of junk, old metal or secondhand articles shall be sold until at least 30 days from the date of its purchase or receipt has elapsed

RECEIVED

SEP 20 2024

Peter Hannoush
APPLICANT'S SIGNATURE
president

Holyoke City Clerk's
536 DWIGHT STREET, ROOM 2 • HOLYOKE, MASSACHUSETTS 01040-5086
Holyoke, MA
PHONE: (413) 322-5520 • FAX: (413) 322-5521 • E-MAIL: clerks@holyoake.org
Birthplace of Volleyball



Laura B. Wilson
Tax Collector

Kory Casey
Treasurer

City of Holyoke

Form A -- Tax Compliance Form

DATE: 9/17/24

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
☒	Personal Property
<u>N/A</u>	Excise
<u>N/A</u>	Payment Plan

Comments:

Applicant: Hannoush Jewelers Inc (Holyoke Mall)
Address: 50 Holyoke St.
Property Owner: Holyoke Mall - Pyramid

Respectfully,

Tax Collector
413.322.5530

City Treasurer
413.322.5560

536 Dwight St Rm. 13. • HOLYOKE, MASSACHUSETTS 01040
PHONE: (413) 322-5530 • FAX: (413) 322-5531

Birthplace of Volleyball

**Request for City Council Approval to expand the
Scope of Work of FY23 CPA Award to Wistariahurst Museum:**

Original Award: \$95,000

Remaining balance: \$49,150

Original Project Description: In FY23, the Holyoke CPA awarded Wistariahurst Museum \$95,000 for an in-depth engineering survey of the Main House, and the restoration of a chimney and the water damaged wallpaper on the second floor.

Proposed change: Expand the scope of work to include ceiling restoration in the Marble Lobby, the Great Hall, the Music room and wall restoration in the Silk Room. The estimated cost for the work is \$27,500.

Background: Wistariahurst budgeted for an Engineering study at a cost estimate of \$64,000 which was in line with prior studies. The total cost for the study by Tighe and Bond was \$7,900. This difference is due in large part to Tighe and Bond's use of information and data from prior studies to reduce time/ costs.

*Unanimously approved by the Holyoke CPA Committee on Aug.14th, 2024.