

CITY COUNCIL MEETING – FEBRUARY 15, 2023
Meeting held in-person at 50 Payson Avenue and remotely by Google Meet
6:00 p.m.

Members Present: President Homar Gomez, Vice-President Salem Derby, Owen Zaret, Daniel Rist, Thomas Peake, Brad Riley and Koni Denham were present in person. Councilor James was present remotely. Councilor David Meunier was absent.

Pledge of Allegiance.

Approval of Minutes: On motion made by Councilor Rist and seconded by Councilor Denham it was unanimously voted (by roll call) to approve the minutes of the Feb. 1, 2023 meeting.

Public Speak Time Summary: None *(at this time, see later in the meeting)*

Communications from elected officials, boards and committees: Councilor Zaret spoke about the recent shooting in Michigan and his continuing concerns about gun violence. He also announced the Conway School’s pollinator project community presentation on March 2nd.

Mayor Communications: None.

Correspondence, Announcements & President/Vice-President Communications: President Gomez spoke about the Black Heroes Panel scheduled for Feb. 17th. The event is presented by Easthampton High School as a part of Black History month.

Reports of Standing Committees:

FINANCE: Councilor Rist reported the Finance Committee will meet next on Feb. 22nd at 5:15 p.m.

On motion made by Councilor Rist and seconded by Councilor Derby it was unanimously voted (by roll call) to remove the “quarterly reports on COVID 19 grant funding and spending” from the Finance Committee’s agenda.

PUBLIC SAFETY: Councilor Zaret reported the Public Safety Committee had not met since the last council meeting. The next meeting will be held on Feb. 28th. On the agenda is the Police Department’s quarterly report.

APPOINTMENTS: No report. The Appointment Committee will meet next on February 23rd at 6 p.m.

ORDINANCE: Councilor Derby reported the Ordinance Committee will meet next on Feb. 21st to discuss the Pay Plan amendments.

On motion made by Councilor Derby and seconded by Councilor Zaret, it was unanimously voted (by roll call) to schedule public hearings for the March 15th meeting on the Pay Plan agenda items.

On motion made by Councilor Derby and seconded by Councilor Rist, it was unanimously voted (by roll call) to schedule a public hearing for the April 5th meeting on the Vacant Storefront Ordinance.

Councilor Derby said the Ordinance Committee will be discussing the Safe & Fair Access ordinance at a future meeting; that meeting date may be set next week.

PROPERTY: No report.

RULES & GOVERNMENT RELATIONS: Councilor Rist reported the Rules Committee will meet next on Feb. 23rd at 5:15 p.m.

New Business:

- a. **Mayoral appointments:** On motion made by Councilor Derby and seconded by Councilor Rist it was unanimously voted (by roll call) to refer two Mayoral appointments to the Appointments Committee.
- b. **Park Department Resolution:** The resolution being requested references appropriations already approved by the City Council.

On motion made by Councilor Derby and seconded by Councilor Zaret it was unanimously voted (by roll call) to approve the following City Council Resolution:

“LWCF Park Development Project – City Council Resolution

**A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR
THE LAND AND WATER CONSERVATION FUND GRANT PROGRAM
FOR IMPROVEMENTS TO THE NONOTUCK PARK POOL**

Whereas: The Nonotuck Park Pool is by far a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The Nonotuck Park Pool is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and

Whereas: The Nonotuck Park Pool ultimate restoration, guided in principal by the Master Plan, will greatly enhance this facility with improved infrastructure, provide shade, increase recreational opportunities, climate resiliency, universal access, etc.; and

Whereas: The main focus of the Plan is to renovate the Nonotuck Pool and surrounding area and provide swimming and activities for everyone to enjoy.

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897); and

Whereas: The Nonotuck Park Pool Restoration Project will cost a total of \$1,203,105 (One Million Two Hundred and Three Thousand One Hundred and Five Dollars) and the CPA has allocated \$190,000 (One Hundred and Ninety Thousand) PARC GRANT \$400,000 (Four Hundred Thousand) and the City has allocated \$1,203,105 in funds for the Nonotuck Park Pool Restoration Project.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Parks and Recreation Department; and
3. That this resolution shall take effect upon passage.”

c. **Supplemental Appropriations:** First reading by Councilor Rist on the following Supplemental Appropriation requests:

- \$60,000 to purchase water meters
- \$22,500 for grant match funding for MVP Emerald Pl. Slope Stabilization project
- \$78,068.34 for emergency sewer line replacement/relocation (Payson Ave./Union St.)
- \$120,000 for replacement of two trucks in the Highway Division
- \$65,000 for disposal of a backlog of street sweepings
- \$4,701.68 for payment of an invoice for salt from FY '22 (old bill)
- \$100,000 for FY '23 gas & diesel fuel costs
- \$25,000 to hire a full-time custodian for the Council on Aging & City Hall

On motion made by Councilor Rist and seconded by Councilor Derby it was unanimously voted (by roll call) to refer all of the above requests to the Finance Committee and to schedule public hearings for the March 1st council meeting.

On motion made by Councilor Zaret and seconded by Councilor Peake it was unanimously voted (by roll call) to open the public hearings.

PUBLIC HEARING – STARTING AT 6:15 p.m.

1. **Supplemental Appropriation – Stabilization Funds (continued from Feb. 1, 2023):** Second reading by Councilor Rist on the request to transfer \$3,000,000.00 from Free Cash to three Stabilization Funds.

Councilor Rist reported that Free Cash has been certified at \$5,009,212.00 which is much higher than usual because it includes pandemic funds not spent. Enterprise Retained Earnings was certified at \$2,030,359.00. The appropriation from Free Cash into the Stabilization Funds provides important financial protection and is critical in maintaining the city’s favorable bond rating.

After tonight’s votes, Councilor Rist said the totals in the three Stabilization Funds are:

General Stabilization - \$5,988,478.90
Capital Stabilization - \$4,327,566.10
Tax Rate Stabilization - \$453,122.89

On motion made by Councilor Rist and seconded by Councilor Derby it was **UNANIMOUSLY VOTED** (by roll call) to appropriate the amount of \$3,000,000.00 from Free Cash to the following:

Fund #084 General Stabilization:	\$1,200,000.00
Fund #085 Capital Stabilization:	\$1,500,000.00
Fund #088 Tax Rate Stabilization:	\$300,000.00

to fund General Stabilization to provide stability in the current environment, to fund Capital Stabilization to meet capital needs and to fund the Tax Rate Stabilization to help reduce the impact of debt exclusions on the tax rate.

2. **Supplemental Appropriation – Police Salary & Expenses:** Second reading by Councilor Rist on the request to transfer \$73,390.70 from Free Cash for police salary and expenses. Councilor Rist said the appropriation provides for contract based obligations, new hire expenses and an FY ’22 old bill.

On motion made by Councilor Rist and seconded by Councilor Riley it was **UNANIMOUSLY VOTED** (by roll call) to appropriate the amount of \$73,390.70 from Free Cash (#001.0001.3590) to the following:

Police Base Salary (#01.2100.5111):	\$48,132.24
Police Medical Expense (#01.2100.5173):	\$ 2,175.00
Police Uniform Expense (#01.2100.5191):	\$ 7,323.00
Police Education & Training (#01.2100.5314):	\$ 6,400.00
FY ’22 Medical Bill (#01.2100.5173.2022):	\$ 9,360.46

to cover the payout of DLT Popielarczyk’s retirement effective July 16, 2022, the cost of sending two recruits to the Police Academy (medical exams, mandatory clothing, equipment and tuition), uniform expense for one new hire and the cost of an FY ’22 IOD medical bill dated Sept. 14, 2021.

3. **Supplemental Appropriation – Supplement FY ’23 Legal Budget:** Second reading by Councilor Rist on the request to transfer \$20,000.00 from Free Cash for FY ’23 legal services. Councilor Rist said the legal budget covers all legal expenses (not just the city attorney). Included in the year’s costs have been several large projects involving legal review and collective bargaining, he said.

On motion made by Councilor Rist and seconded by Councilor Denham it was **UNANIMOUSLY VOTED** (by roll call) to appropriate the amount of \$20,000.00 from Free Cash (#001.0001.3590) to Legal (#001.1510.3590) to supplement the legal budget for the current fiscal year.

4. **Supplemental Appropriation – Fire Expenses:** Second reading by Councilor Rist on the request to transfer \$194,000.00 from Free Cash for various fire department expenses. Due to the higher EMS call volumes, there is an increase in revenue, but also increases in other costs including third party billing costs and ambulance supplies. It was noted that the cost of supplies has increased greatly since COVID started. Other costs include contractual obligations, outfitting new firefighters and repairs to the 2003 fire engine.

On motion made by Councilor Rist and seconded by Councilor Zaret it was **UNANIMOUSLY VOTED** (by roll call) to appropriate the amount of \$194,000.00 from Free Cash to the following:

Misc. Pro. & Tech. Services (#2310.5319):	\$25,000.00
EMS supplies (#2310.5500):	\$35,000.00
Maintenance agreements (#2310.5490):	\$13,000.00
Education (#2200.5314):	\$ 3,500.00
Sick leave buyback (#2200.5153):	\$38,000.00
Repairs to vehicles (#2200.5483):	\$35,000.00
Equipment (#2200.5595):	\$37,000.00
Building repairs (#2200.5439):	\$ 7,500.00

For the following purposes:

Misc. Pro. & Tech Services: Third party billing agency costs for EMS revenue collections

EMS supplies: Costs for supplies on ambulances

Maintenance agreements: Service contracts for EMS equipment as required by state ambulance license.

Sick leave incentive: Cost for sick leave buy-out – retirement of Dave Safron

Repairs to vehicles: Work needed on 2003 Engine 1 to bring it into safety standards and Ladder 1 controls in bucket and aerial platform

Firefighting equipment: Purchase of new gear for two new firefighters being hired and replacement of ballistic protection equipment

Building repairs: Installation of locks on doors, diesel exhaust removal system annual service and annual service Vision 21 system in fire dispatch.

On motion made by Councilor Rist and seconded by Councilor Peake it was unanimously voted (by roll call) to close the public hearings.

PUBLIC SPEAK TIME, continued: President Gomez re-opened public speak time.

Iyana Nadine, an EHS student, asked for the city to implement an ordinance requiring employees to take microaggression training.

New Business, Continued:

Supplemental Appropriations:

First reading by Councilor Rist on the following Supplemental Appropriation requests:

- \$150,000 to cover electricity costs for the Water Dept.
- \$300,000 for treatment chemicals/heating/sludge disposal cost increases at WWTP
- \$50,000 for contingency funding for Cherry St. reconstruction project
- \$20,000 to cover electricity & membership costs – EV & Bike Charging Stations
- \$50,000 for various maintenance needs at 50 Payson Ave. & Public Safety Complex
- \$30,000 for engineering construction phase services – Union St. reconstruction
- \$125,000 for various maintenance/security needs at 3 vacant schools & 75 Oliver St.

On motion made by Councilor Rist and seconded by Councilor Derby, it was unanimously voted (by roll call) to refer the above appropriations to the Finance Committee and to schedule public hearings for the March 15th council meeting.

EXECUTIVE SESSION: President Gomez stated that the purpose of the executive session is to discuss potential litigation and resolution of claims made by the South Hadley Electric Light Department (SHELD) relative to work it claims to have performed in the City. Holding public discussions relating to SHELD's potential claims against the city may have a detrimental effect on the city's litigation and negotiating position, President Gomez said.

On motion made by Councilor Derby and seconded by Councilor Denham it was unanimously voted (by roll call) that the City Council go into Executive Session to discuss the city's litigation position and potential settlement of SHELD's claims against the city.

President Gomez announced the City Council would NOT reconvene in open session at the conclusion of the Executive Session.

TIME: 6:45 p.m.

Respectfully Submitted,



Barbara L. LaBombard
Clerk to the City Council