

Holyoke legal opinion nixes City Council's \$150,000 grant to Girls Inc. of the Valley

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This property at 480 Hampden St. in Holyoke will be the new home of Girl's Inc. of the Valley. A new ruling from the city's Law Department says a \$150,000 Community Preservation Act grant for roof and brick work at the building may not have been appropriate. (Don Treeger / The Republican)

By **Dennis Hohenberger** | **Special to The Republican**

HOLYOKE – A \$150,000 Community Preservation Act grant awarded to **Girls Inc. of the Valley** may have violated state law, according to the city's Law Department.

In a legal opinion released Tuesday, assistant city solicitor Kathleen E. Degnan stated the council erred in awarding the grant to the nonprofit, as the listed repairs were considered maintenance and not part of a planned **\$5 million renovation at 480 Hampden St.**

Councilors David Bartley, Kevin Jourdain and Linda Vacon expressed concern about the award during the April 5 council meeting. The council ratified the grant with Jourdain as the lone "no" vote.

Though the building falls under a historic designation, Degnan wrote that repairs on the slate roof, masonry work and repointing of the bricks did not fall under historic preservation but under maintenance.

“This opinion given by Barry Engineers and Constructors, Inc. regarding the work to be performed, in my view, evidence that the proposed work is not a capital improvement, rehabilitation or renovation because the proposed work is the repair or replacement of decayed brick and is not a major structural alteration,” Degnan wrote.

If the scope of work included complete replacements of the brick and roof, then the capital improvement designation would apply, Degnan stated. However, she could not find case law “providing guidance on how a court would answer this question.”

Jourdain said Degnan’s opinion determined the Girls Inc. grant was not legally appropriate. Degnan’s letter was forwarded to the Finance Committee per the request of Councilor Tess Murphy-Romboletti.

Councilor Jose Maldonado Velez said the April 5 Girls Inc. vote came with a caveat that a legal opinion was forthcoming. Council President Todd McGee said the \$150,000 payout remains in limbo until the Law Department can address the matter in committee.

Ward 4 Councilor Kocayne Givner said Degnan’s letter requires further review as, in her view, most of the Community Preservation funds distributed in the commonwealth were “invalid” and “used the wrong way.”

Givner worried that denying the award based on a single legal opinion might prove troublesome. Councilor Joseph McGiverin asked if Degnan officially signed the letter? McGee answered no. “The city solicitor must endorse it,” McGiverin said. “The state needs to weigh in on this one.”