

Minutes from the City Council Meeting on Tuesday February 1, 2022 at 7:22 pm in the Auditorium are as follows:

Laflamme, Frank N., President	At-Large Councilor	Present
Roy, Gerard (Jerry) A.	At-Large Councilor	Present
Tillotson, James K.	At-Large Councilor	Present
Zygarowski, Robert J.	At-Large Councilor	Present
McAuliffe, Joel D.	Ward 1 Councilor	Present
Shane D. Brooks	Ward 2 Councilor	Present
Delmarina Lopez	Ward 3 Councilor	Present
Balakier, George A.	Ward 4 Councilor	Present
Krampits, Fred T.	Ward 5 Councilor	Present
Dobosz, Derek Gregory	Ward 6 Councilor	Present
Courchesne, William C.	Ward 7 Councilor	Present
Labrie, Gary R.	Ward 8 Councilor	Present
Mary Elizabeth Pniak-Costello	Ward 9 Councilor	Present

Public Input-Julie Copoulos, East Hampton, there for the Chamber of Commerce, speaking in an effort to enhance communication between the Council and the City. Introduced the members of the executive board, the chamber will be helping to organize clean sweep 2022. Initiative to get a business matrix, master list of permits. Introduce the community leaders. TDI has money for downtown. Workforce issues/encourage investing in efficiency upgrades, tech and automation. Beverly Belevance, 41 Barby Avenue, as a Council you have a very important vote to accept the withdrawal of the Special Permit application. What the request means, if the request to withdraw is allowed, can she come back? Moratorium on Zone Change? With a moratorium she cannot apply again for two years. The Ward 1 Councilor received a large donation, very large compared to normal donations. She questioned if there are strings attached?

MO-1 Mayors appropriation of Five hundred eighty two thousand six hundred twenty and 28/100 dollars (\$582,620.28) to the attached named Police and Fire Department Salary Accounts in accordance with the agreement between the City of Chicopee and the MASSCOP Local #485 effective July 1, 2021 – June 30, 2024.

Said amount is to be taken from available funds in the Undesignated Fund Balance “Free Cash” account.

--Motion made by Councilor Brooks to receive and pass. Councilor Brooks stated finalization of agreement with the Police union will bring their contract up to date. Fix the step structure, the steps are going from 12 to 5, allow new officers a better starting pay. Hope to fill the 26 open spaces. Councilor Lopez asked if under bereavement she would like to propose more than in-laws, add domestic partner. Outdated way of looking at families. Councilor Laflamme stated we can't change the Mayor's orders. Attorney Garvey stated this is a negotiated contract. You cannot amend, cannot unilaterally make a change to a contract. Paul Winspear stated a time line we could go back to renegotiate and they could decline. Would delay significantly. The process of stopping it tonight wouldn't change the contract, they could have the ability to decline. Councilor Courchesne stated every member would have to re-vote to ratify. Councilor Zygarowski stated Police Officers have waited long enough, the Mayor does the contract. Don't deny raises now. Give them their due. Legitimate concern, words could be addressed. Councilor Zygarowski stated the Mayor has the ability to renegotiate, what it takes to get a raise. Changes were made, let's get this contract solved. Councilor Balakier stated the Police Salary account, the amount referenced for the Fire Chief too. Amounts set for Police and Fire are aggregate. Councilor Tillotson stated understand, but this would be opening a whole new can of worms. All kind of variables, if you have a marriage license you are married. All would have to be defined. In favor of this contract. Bulk of people would be in

that area quickly. New ball game-don't hold this up. Move this forward. Councilor Pniak-Costello stated thank the Police Department for their patience for pay raises, did a superb job. Happy the contract is going retroactive. Some unions don't get retroactive, good thing. Councilor Labrie stated happy to see this contract rather quickly. This is what is brought forward to us. Not privy to the bargaining points. Wouldn't behoove to send back to the drawing board. Councilor Lopez stated very much for raise. Very much in favor of the contract. We're here to open new cans of worms. Will have to effectuate change. Councilor Roy stated anxious to see the contract go forward for the Police Department. Councilor Dobosz stated proud to support this tonight. Proud of our Police force. Dangerous and thankless job. Councilor Laflamme stated prior and future council back the Police Department 100%, nothing comes forward but through the Mayor's office. Motion passed through all stages by a unanimous roll call vote.

MO-2 Mayors appropriation of Eight thousand and 00/100 dollars (\$8,000.00) to the following named account: Planning Expense Account for Special Services from available funds in the Undesignated Fund Balance "Free Cash" account.

--Motion made by Councilor Lopez to receive and pass. Councilor Lopez stated planning is asking for the money for the grant. PVPC needs money to move the grant along. Motion passed through all stages by a unanimous roll call vote.

MO-3 Mayors appropriation of Twenty seven thousand nine hundred fifty and 00/100 dollars (\$27,950.00) to the following named account: Emergency Management Special Account for Grant Spending/Disaster Relief from available funds in the Undesignated Fund Balance "Free Cash" account.

--Motion made by Councilor Courchesne to receive and pass. Councilor Courchesne stated to purchase an underwater drone & a trailer. Will be very useful. Motion passed through all stages by a unanimous roll call vote.

MO-4 Mayors appropriation of Four thousand three hundred seventy seven and 10/100 dollars (\$4,377.10) to the following named account: Mayor's Salary Account for Community & Constituent Liaison from available funds in the Undesignated Fund Balance "Free Cash" account.

--Motion made by Councilor Zygarowski to receive and pass. Councilor Zygarowski stated a new position, send to HR? Mayor explained this is a part time position, answer the phones, person will be there to help constituents. Would be able to help the staff. Large number of calls, clear what's involved, in favor. Councilor Courchesne stated in favor of anything we can do to help constituents. Councilor Balakier stated in favor, during COVID the staff was straight out. Motion passed through all stages by a unanimous roll call vote.

MO-5 Mayors appropriation of Two thousand five hundred and 00/100 dollars (\$2,500.00) to the following named account: Collector's Expense Account for Special Services from available funds in the Collector's Salary Account for Clerk.

--Motion made by Councilor Balakier to receive and pass. Councilor Balakier stated request from the Collector re: bankruptcy filings. Account has been depleted. Need for legal fees, coming from his own account for clerk. Motion passed through all stages by a unanimous roll call vote.

MO-6 Ordered that the City Council accept the attached named donations in the amount of Twenty five thousand fifteen and 00/100 dollars (\$25,015.00) to the Chicopee Public Library. Said donations are accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Tillotson to receive and pass. Councilor Tillotson stated a large amount of money, would like a letter of thanks sent to both for their support of our library. Motion passed through all stages by a unanimous roll call vote.

MO-7 Chapter 7 Ordinance Revisions

--Motion made by Councilor Labrie to receive, 1st reading and refer to the Ordinance Committee. Councilor Labrie stated wage increases as of January 1. Motion passed, referred.

- 14 Be it Ordered that the City Council accept the request to withdraw the Zone Change application submitted by Sherry Fanti for property located at 0 James Street/523 James Street.

Motion made by Councilor Balakier to accept the request to withdraw the application. Counselor Garvey clarified what happens with a Zone Change withdrawal vs a denial of the withdrawal. Councilor Balakier read the request attached to the order. Councilor Brooks stated am inclined to side with the neighbors. Ward 8 voted unanimously, the Council voted unanimously to remove downtown bike loop. Set a precedence to side with the neighbors. Several others while on this council, would not be earth shattering to deny it (withdrawal) and let it go through the process. Councilor Tillotson stated disagree because we have been inclined to accept leave to withdraw before. We don't even know what we would be denying. Past practice we would grant a first leave to withdraw. Have to go through the process. Would come before us again. To say this hasn't happened before is false. Don't have a horse in this race, could be something helpful. Don't know what we're saying no to. Councilor Lopez stated at the end of the day we are elected by the people. In this particular instance the neighbors are coming out. This time, it's important to follow the residents request. Councilor Krampits stated understand the arguments, examples aside from wasting people's time, why have a Zoning/Planning meeting for something that isn't going to exist. It is costly. Pay to send notices out to the residents. Screws up the process. Not in favor of/public is not favor of. Know it's a nuisance to the abutters. Applicant clearly had something in mind, will do whatever the ward councilor believes is in the best interest of her ward. Councilor Pniak-Costello stated if this goes to planning on February 3, there is no guarantee the residents will win. Could be a yes/could be a no. Not allowed, 12-1 Zone Change did not pass. Residents would have to come back to the February 3rd meeting then the Zoning Committee meeting, then the Council meeting. Residents are not sure what to do because there is no guarantee. If we allow tonight it becomes a dead issue. There was information given to the residents that if the withdrawal was granted tonight it would be dead. Do we let the process begin? The issue would have to be refiled. Is there a stipulation that could be put on the withdrawal? It took eight years from one withdrawal to tonight. What's in the best interest of the area? Some residents were in favor of the withdrawal. Councilor Lopez stated doesn't become an issue if we allow the withdrawal. The only way there can be a two year moratorium is if they go through the process to deny. Want to do what's best for the residents. Councilor Labrie stated wanted to clarify, the issue in ward 8 was for a denial of a gas storage permit. Councilor Pniak-Costello stated wish the resident would speak after being given the legal advice of the council. Councilor McAuliffe stated never becomes a dead issue, they can come back in two years or less if they have a substantial change in application. Will never go away as long as the property owner is there. They have the property, it is theirs. Public hearings are to consider all the options. Right now we have no idea what the plan is. Councilor Laflamme stated received calls for or against the withdrawal go over a couple things, if these folks want to come back with a substantial plan they can at any time. Let it go to Planning, and see what the plan is. We have nothing to look at/no plan. Some on both sides, sometimes it's better to have a plan to make a decision. Councilor Brooks would argue with Councilor Tillotson, not a blanket policy, made it practice. Have on occasion denied the leave to withdraw. Would allow for Councilor Balakier's committee to hear this. Councilor McAuliffe stated the allegation that was made, had donations received from several businesses. Poor practice for the city to outright reject this. If we start a new process we haven't seen what they may or may not want to do. It's always been view to allow the process to happen. In the best interest of constituents. Councilor Pniak-Costello stated the neighbors have indicated they oppose the Zone Change. This is the 3rd time this has come forward. This is a boomerang Zone Change. Don't know how many times this has happened, was on the Planning Board for 17 years, 11 as chair. Ron Belair, Jerry Roy the third time this is boomeranging back. Applicant is asking to withdraw before even having a meeting. The residents don't want this.

Value of property was resurrected. These residents were there long before the business. Councilor Zygarowski stated should get a vote clarification. Councilor Dobosz stated clear for the public, if we allow this applicant to withdraw, they can come back at any time. Planning meeting is this Thursday, go to Zoning-could be back for the 2/15 or 3/1 meeting. Residents best interest to not let the applicant withdraw. Motion to accept the withdrawal passed by a roll call vote of 9 yes, 4 no. Councilors Brooks, Lopez, Dobosz and Courchesne voting no.

- 8 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-50 (A) (1) (c) for the purpose of maintaining pre-existing signage as pre-existing non-accessory sign (billboard) located at 0 Memorial Drive (Parcel ID 0341-0004B).

Applicant: Panini Properties, MA, LLC, Attorney John Drost, 1500 Main Street, Suite 2312, Springfield, MA 01115.

--Motion made by Councilor Balakier to receive and postponed to the February 23, 2022 Zoning Committee meeting. Councilor Balakier stated couple snafu's incorrect legal address, outstanding real estate taxes. The taxes have been paid but need to get the proper notification out there. Motion passed, referred.

- 9 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-53 B (14) for the purpose of having 4 dogs (we currently have 3) – kennel license located at 146 Clarendon Avenue.

Applicant: Scott & Lisa Hayden, 146 Clarendon Avenue, Chicopee, MA 01013.

--Motion made by Councilor Balakier to receive and the Special Permit granted with restrictions. Councilor Balakier read the restrictions. Councilor Labrie stated on the Zoning Committee, no calls to any councilors. Very responsible dog owners. Plan to go back to 3 dogs if something happens to a dog. Councilor Lopez stated they were agreeable to the restrictions. Motion passed through all stages by a roll call vote of 12 yes, 1 out of chair. Councilor Brooks out of chair.

- 10 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-59 (c) (11) for the purpose of adding 3 new drive up self-storage buildings, (2) 20'x50' and (2) 10'x100' to the existing 7 outside storage units located at 499 Montgomery Street.

Applicant: UH Storage (DE) Limited, Jeff Nadeau, PO BOX 29046, Phoenix, AZ 85038.

--Motion made by Councilor Balakier to receive and postponed to the February 23, 2022 Zoning Committee meeting. Councilor Balakier stated interesting meeting, re: self-storage buildings at U-Haul. Two of the units had been built without approval. Fire Department concerns and subject to a SPRAC review. Motion passed, referred.

- 11 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-58 (C) (4&5) for the purpose of operation of a bar and restaurant on the first floor of building and a single residential unit on the second floor located at 729-733 Chicopee Street.

Applicant: BBTB, Inc., William Harbey VP and Treasurer, 7 Pheasant Lane, South Hadley, MA 01075.

--Motion made by Councilor Balakier to receive and the Special Permit granted with restrictions. Councilor Balakier stated the property is to be rehabbed. Approve and read the restrictions. Motion passed through all stages by a unanimous roll call vote.

- 12 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-9 (L) (3) for the purpose of renewal of an existing special permit under the Mill Conversion & Commercial Overlay District located at 165 Front Street.

Applicant: 4 Perkins, LLC, c/o SilverBrick, Aaron Papowitz, 1688 Meridian Avenue, Miami Beach, FL 33139.

--Motion made by Councilor Balakier to receive and postponed to the February 23, 2022 Zoning Committee meeting. Councilor Balakier stated had Zoning, still have concerns from Fire and Building. Notice provided and read into the record. Part of the continuation has till 3/1/22 to fix the issues. Councilor Pniak-Costello stated favorable report, did research on silverbrick. They had cut corners in Springfield, Mayor Kos would be scrutinizing the building here. Safety concerns, sprinkler and fire exits. Developer indicated construction may no longer be viable, concerned. Councilor Tillotson stated all are aware of what happened in Springfield. If the issues aren't taken care of we would never issue a Special Permit. Almost need a full time inspector there to make sure they aren't cutting corners. Must correct all Fire Department concerns. They were trying to put housing there for a long time. Supervision at the building so everything is done correctly. Will be joining with the no vote if they don't comply. Councilor Lopez stated during the Zoning meeting that does not mean she is the only one with concerns, favorable was just to postpone. Not at all an indication we agreed to postpone. Councilor Courchesne stated no one else is doing anything down there, just the tip of the process. They know they'll be watched very closely. Not necessarily the ones doing the work. Councilor Dobosz stated don't mind approving the extension, but thought we approved the extension already. Councilor Balakier stated the 120 day extension that was brought to December meeting. They have been spelled out specifically in detail what they have to do. Subcommittee on the 23rd, hopefully will have conditions met. The 120 days has not expired yet. Attorney Garvey spoke in order to get our rights, 120 day extension has not elapsed. Motion passed, referred. Councilor Pniak-Costello opposed.

- 13 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-9 (L) (3) for the purpose of renewal of an existing Storage special permit under the Mill Conversion & Commercial Overlay District located at 165 Front Street.

Applicant: 4 Perkins, LLC, c/o SilverBrick, Aaron Papowitz, 1688 Meridian Avenue, Miami Beach, FL 33139.

--Motion made by Councilor Balakier to receive and postponed to the February 23, 2022 Zoning Committee meeting. Councilor Balakier stated same course of continuance, need to fill requirements. Motion passed, referred. Councilor Pniak-Costello opposed.

- 15 Be it Ordered that the Education Committee meet with School Department officials to discuss issues involving finance, capital improvement plan, and update on School Department issues.

--Motion made by Councilor Pniak-Costello to receive and refer to the Education Committee. Councilor Pniak-Costello stated Education Committee to have a meeting on February 28. Subcommittee hasn't met, trying to have better communication. Council and School Committee can have better communication. Councilor Tillotson stated can't order anyone, not out of turn, using authority we don't have. Motion passed, referred.

- 16 Be it Ordained by the City Council that the Code of the City of Chicopee for the year 1991, as amended, be and is hereby further amended as follows:

Add to Chapter 260-22

Chapter 260-22 (1)

No driver shall park or stand any recreational motor vehicle and/or recreational motor vehicle attachment having a gross vehicle weight of 26,001 pounds or more or exceeding 20 feet in length for more than eight (8) hours on any day, on any part of any street, way, highway, road or parkway under the control of the City of Chicopee where parking or standing a vehicle is not otherwise prohibited, provided that this regulation shall not apply during actual service or delivery or in the case of an emergency. Motor vehicles, regardless of size, owned or operated by the City of Chicopee, the Commonwealth of Massachusetts or the United States of America are hereby exempt from these regulations. Each day in which a motor vehicle is in violation of this provision shall constitute a separate offense.

--Motion made by Councilor Courchesne to receive, 1st reading and refer to the Ordinance Committee. Councilor Courchesne stated something that was in committee, had to refile with the new year. Motion passed, referred.

- 17 BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Chapter 198 Motor Vehicles on City Property
Add to 198-2 Violations and penalties

(A) No person shall operate a recreational vehicle or off-highway/road on any City-owned or-controlled public way, sidewalk, park, playground, recreation area, public school property or any other property owned or controlled by the City.

(B) No person operating or in control of a recreational or off-highway/road vehicle shall refuse to stop such vehicle after having been requested or signaled by a law enforcement officer, No person shall refuse to give their correct name, address or registration to the law enforcement officer.

(C) No person shall operate a recreational or off-highway/road vehicle recklessly or negligently so that the lives of the public might be endangered and/or such operation, cause serious bodily injury.

(D) No person shall operate a recreational or off-highway/road vehicle recklessly or negligently so as to cause property damage public/and or private property.

(E) No person shall operate a recreational or off-highway/road vehicle without stopping and making their name, address and vehicle information known after knowingly colliding with or otherwise causing bodily injury to another.

(F) No person shall operate a recreational or off-highway/road vehicle recklessly or negligently so that the lives or safety of the public may be endangered.

(G) No person shall operate a recreational or off-highway/road vehicle recklessly or negligently as to harasses or be a nuisance to the public.

(H) No person shall operate a recreational or off-highway/road vehicle without first having registered/insured such vehicle in accordance with MGL c.90B Section 22.

--Motion made by Councilor Courchesne to receive, 1st reading and refer to the Ordinance Committee. Councilor Courchesne stated had to refile from last year, joint task force. Motion passed, referred.

- 18 Be it Ordered that the DPW add the four city islands on Charpentier Blvd. to the mowing list.

--Motion made by Councilor Courchesne to receive and sent to DPW for implementation. Councilor Courchesne stated the city does not maintain the island, don't want residents to get hurt. Motion passed.

- 19 Be it Ordered that the No Turn on Red sign at Meadow and Grattan be changed to read from 6-8 am and 3-5 pm.

--Motion made by Councilor Courchesne to receive and sent to DPW for implementation. Councilor Courchesne stated not an ordinance, just send to the DPW. Motion passed.

- 20 Be it Ordered that the Finance Committee meet to discuss and recommend to the Mayor that the position of Code Enforcement be added to the Law Department.

--Motion made by Councilor Courchesne to receive and refer to the Finance Committee. Councilor Courchesne stated fighting for this for 5-6 years, believe it would bring money into the city. Problem properties, hoping a new person in the Mayor's office will help. Councilor Dobosz stated thank Councilor Courchesne, problem properties continue to be a serious problem. Vacant properties. Used to meet as a problem properties committee, that was taken away, vacant homes/vacant businesses should be a council sub-committee. Councilor Balakier echoed the sentiments, COVID has created some issues, hope we can meet again in the spring. Councilor Tillotson stated no problem with the idea, if they don't do it we end up in court. That's where we get started. Need to look at that. Get someone who is used to the court system to straighten them out. Lot of them just get stalled. Councilor Pniak-Costello stated agree with this idea, problem properties can also become a health concern. Councilor Courchesne stated very few that go to court when you look at the total tickets that could be issued. Could be a ticketing officer. Should be able to use every department. Councilor Krampits stated going out to ticket, repeat efforts. Get one ticket, sometimes a little more encouraging will help out in the long run. Motion passed, referred.

- 21 A proposed ordinance adding to Chapter 260, Handicap Parking, 8 Beaudoin Court, Handicap Parking.

--Motion made by Councilor Balakier to receive, 1st reading and refer to the Ordinance Committee and COD. Councilor Balakier stated will take up in committee. Motion passed, referred.

- 22 A proposed ordinance adding to Chapter 260, Parking Regulations, Mount Vernon Road, From the start of the property line at 23 Mount Vernon Road to Dale Street, Parking Prohibited Here to Corner.

--Motion made by Councilor McAuliffe to receive, 1st reading and refer to the Ordinance Committee. Councilor McAuliffe stated will take up in committee. Motion passed, referred.

- 23 A proposed ordinance adding to Chapter 260, Parking Regulations, Benefit Street, Both sides, Residents Parking Only.

--Motion made by Councilor Courchesne to receive, 1st reading and refer to the Ordinance Committee. Councilor Courchesne stated, refile, will take up in committee. Motion passed, referred.

- 24 An application for a SPECIAL PERMIT under Section 275-50 (c) (1) of the Municipal Zoning Ordinance for the purpose of 60' Tall highway pole sign for Milton Rents; increase in sign face area from 120 sf to 432 sf, reduction of setback requirement from 25 ft to +/-0ft. Location of property: 60 Fuller Road. Property owner: Milton Real Properties, 100 Quarry Drive, Milford, MA 01757. Contact name: Brad Farrin, Corp. Facilities Manager.

--Motion made by Councilor Balakier to receive and refer to the Zoning, Planning, Engineer & Building Departments. Councilor Balakier stated will take up in committee. Motion passed, referred.

- 25 An application for a SPECIAL PERMIT under Section 275-9 (L) (3) of the Municipal Zoning Ordinance for the purpose of: renewal of an existing special permit for a proposed multi-family development with waiver of parking requirements from 88 to 75 spaces. Location of property: 0 Oak Street. Property owner: Culper Properties, LLC, 444 A North Main Street, #125, East Longmeadow, MA 01028. Contact name: Erik Szyluk.

--Motion made by Councilor Balakier to receive and refer to the Zoning & SPRAC Committee. Councilor Balakier stated will take up in committee. Motion passed, referred.

26 Class 2 License Renewal for 2022

Tony & Sons Auto Service & Sales Leasing & Rentals, Inc. 170 South Street

--Motion made by Councilor Brooks to receive and the license granted with restrictions. Motion passed.

27-30 Auto Repair License Renewals for 2022

Metrolube Enterprises, Inc. d/b/a Valvoline Instant Oil Change	725 Memorial Drive
Monro Muffler & Brake, Inc.	461 Memorial Drive
Tomcat Performance	680 Prospect Street
Town Fair Tire Centers, Inc.	886 Memorial Drive

--Motion made by Councilor Brooks to receive and the license granted with restrictions. Motion passed.

31 Auto Body/Repair License Renewal for 2022

Tony's Auto Service 164-170 South Street

--Motion made by Councilor Brooks to receive and the license granted with restrictions. Motion passed.



Keith W. Rattell
City Clerk