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**Members**

James Tillotson, Chair  
Fred Krampits, Vice Chair  
Derek Dobosz  
Gary Labrie  
Jerry Roy

**MINUTES**  
**February 15, 2023**

The following are the minutes of a public hearing held Wednesday, February 15, 2023 at 6:30 PM in the City Council Chambers, 4th Floor, City Hall, 274 Front Street, Chicopee, MA 01013.

**Members Present:** Tillotson, Krampits, Dobosz, Labrie

**Member Absent:** Roy

**Also Present:** Dan Garvey (Associate City Solicitor), Councilor Laflamme, Councilor Zygarowski, Councilor Pniak-Costello, Frank Boron (Local Inspector Building Department), Councilor López (Zoom), John Beaulieu (DPW Asst. Superintendent), Elizabette Batista (DPW Superintendent), Lieutenant Laflamme (Police Department). Mike Pise (Chief of Staff)

The meeting was called to order at 6:30 PM by Vice Chair, Krampits

In compliance with the open meeting laws the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

**Some of the audio is inaudible.**

**Item #1**

Chapter 7 Ordinance Revisions

Insertion of the position of Intern into the following departments: Police, Fire, Human Resources, Mayor, Library, Health, Parks & Recreation

Insertion of the position of Intern/Co-op into the following departments: Central Maintenance Garage, DPW Parks, DPW Highway, DPW Forestry, DPW Sewer, DPW Water, DPW Engineering, Police.

**Councilor Krampits** stated that this is to allow the use of interns in these departments.

**Councilor Labrie** stated that hopefully the interns will become full-time employees.

**Attorney Garvey** stated that there needs to be a mechanism for payment. He stated that the City Council approved these monies for these particular positions. We need to add them to Chapter VII which is the vehicle for payment.

Councilor Labrie motion to approve – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #2**

**ADD CHAPTER 88**

**§88-1 DISPLAY OF FLAGS ON CITY HALL PLAZA**

The purpose of this Ordinance is to establish guidelines for the display by the City of Chicopee of (1) flags of governments recognized by the Federal Government, and (2) other flags in front of City Hall on the City Hall traffic island. Nothing herein shall be construed to conflict with City of Chicopee Code, Ordinances Chapter 87.

**§88-2 Policy.**

It is the policy of the City of Chicopee that flags should be displayed in conformance with Federal and State policies, as stated in the Federal “Our Flag” publication of the Congress, House Document No. 96-144; Chapter 2, Section 6 of the Massachusetts General Laws and Chapter 2, Section 6A of the Massachusetts General Laws.

**§88-3 Order of Precedence**

Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the Commonwealth of Massachusetts flag; and third, the City of Chicopee flag.

**§88-4 Special occasions of Federal, State and local proclamation.**

- a. Flags in front of City Hall shall be displayed in accordance with the above standards. However, the Mayor may order flags to be lowered to half-staff including, but not limited to flags of the United States of America and the Commonwealth of Massachusetts in honor of the death of a City employee killed in the line of duty, or in observance of a specific event or circumstance.
- b. Pursuant to proclamation of the Mayor, or resolution of the City Council, other flags may be flown by the City in place of the City of Chicopee flag

**§88-5 Other Flags.**

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

- a. *Flags of Government Recognized by the United States.* Flags of government recognized by the United States may be displayed upon the proclamation of the Mayor or by resolution of the City council.
- b. *Flags Displayed in Conjunction With Official Events or Ceremonies as Announced by Mayoral Proclamation or City Council Resolution.* By proclamation of the Mayor or resolution of the City Council, other flags may be displayed as official City events or ceremonies.
- c. *Ownership of Other Flags.* The City shall acquire ownership of all flags that it flies in place of the City of Chicopee flag.

SECTION 2: This Ordinance shall take effect upon passage.

**Mike Pise** stated that for several years we've been trying to celebrate different cultures and celebrate different events in the city. Globally, there's a request for a proclamation or some type of formal request and then we raise the flag at the ceremony to bring the community together and have a little celebration. The Irish parade day, the Polish flag, and the Italians we started one year and they were grateful to allow us to raise their flag and they're looking forward to an annual event. Canadian pride we raised for the first-time last year. They're looking forward to having that as an annual event to celebrate their culture. Also, last year, in order to celebrate the 75th anniversary of the Air Force, we did the libraries of the Air Force flags. Puerto Rican cultural we celebrated that. So there's certain groups within the city that ask us to celebrate their culture, celebrate some activity. Of course, we want to donate life to promote organ donation. So we did a primary proclamation over information. The issue came about the city of Boston that if you want your flag raised, we will raise their flag. The city of Boston said no to probably a problem with the First Amendment establishment of religion. Satanic also said, well if you're going to raise the Christian flag you're going to raise our flag as well. The City of Boston took the position that this would be promoting religion. Since it is in front of City Hall in Boston, it looks like exclusively city promoted speech. Supreme court looked at the case. It was up to the Supreme Court. The supreme Court said, no, you can't say this is city speech because you never said no to any group that asked to have their flag raised. The mayor of Boston and the mayor of Montreal made a bet on the Stanley Cup you raised the Canadian flag for their team. So obviously, this is not city speech. This is public speech. So you have to do something to make it a city speech. So what the city of Boston did is put forward the ordinances. We're calling for you as well, to allow this to now become a city speech, not a public forum. Only groups from within the city that come forward request a proclamation from the mayor or request a resolution from the City Council will be allowed to have their flag flown in front of the City Hall. We'd like to continue this because people have become accustomed to having their flag raised. They're proud to have their cultural flag raised. We'd like to promote events like the 75th anniversary of the airport. We'd like to continue the practice but, we do not want Al-Qaeda coming in and asking to raise their flag seeing the Airforce and many of our veteran's fought against them. It would be an insult to the City of Chicopee. He stated that we have not received this request but, if we did right now, we would have to grant it because there's no ordinance saying this is not public speeches, city speech only. So that's the reason for the ordinance request. We want to have some control over whose flag we fly and make sure it's appropriate when we're doing so. We want it to be quoted only by a resident of Chicopee. You wouldn't want to have it open to outside groups. You remember

the case, where the neo-Nazis want to raise the flag and have a parade through Skokie, Illinois, which was 70% Jewish and had probably 200 survivors of the concentration camp living there. It was obviously going to be a problem. The city said no, and unfortunately, free speech if they were allowed to do so. We're trying to put a mechanism to protect the peace of the city. The MMA is backing the ordinance and if it wants to put forward the ordinance at the recent meeting asking cities and towns to consider.

**Councilor Laflamme** stated that he agrees. how long do we allow the flag to be flown. He stated certain organizations that have their function in the middle of another flag raising you have to have their flag raised. I believe within five days.

**Mike Pise** stated We don't want one group taking advantage over another like that. Through St Patrick's Day parade we've always raised the flag on March 17 and then two days later we raised the Polish flag which was up for two weeks. So in a sense it's not fair and it would be probably something that you may want to consider in your deliberations.

**Attorney Garvey** stated you could certainly draft the ordinance such that you have maybe no more than five days or at the discretion of the mayor and or a resolution of the City Council. I would assume that you could put a proclamation on it.

**Councilor Laflamme** stated the suggestion is not at the discretion of the council and we should put a deadline on it, at least to be fair to everybody.

**Councilor Tillotson** stated his suggestion would be that we ask the mayor to file that change for the next meeting. What we have here so far I have no issue with, but I agree with you, I think that there's got to be a time limit.

**Attorney Garvey** stated maybe what we could do is table this or postpone it to the next meeting. I can certainly speak to the mayor. My suggestion would be something to the effect under subsection B. Set approved flags shall be allowed to fly no more than 48 hours per calendar year or whatever the mayor proposes. He stated if you postpone it and I can speak to the mayor and come up with a timeframe, but that would be my suggestion. I'll certainly run it by the mayor.

**Councilor Zygarowski** asked how it is done now.

**Mike Pise** stated that certain people want it on a certain date, they do come in with specific dates. He stated we try to honor it if we can. We concentrate on the ceremony and giving them publicity and recognition for their group.

**Councilor López** stated that she's been involved with some of the flag raisings, and I don't necessarily think it's a good idea for us to impose a time limit like that. I do think that the moment we start putting restrictions on it, we do restrict how people can celebrate. And for example, there are months that sometimes are celebrated and there are times when something else might impede the month. But there's never been an issue where somebody is upset that we are taking down a flag to celebrate something else as well. Sometimes flags do get to fly for a couple of weeks because the situation calls for a celebration that is that long. I do think that we actually create a little bit more of a hurdle if we try to put a time restriction on it rather than just letting it be as it flows right now. No group has complained. If we start having more, then we can have that conversation later. But I think it actually creates an issue that is not an issue right now. Trying to solve an issue that's a non-issue.

**Councilor Pniak-Costello** stated that her heritage is Irish and Polish, and she is not offended.

**Councilor Labrie** stated he would like to send it back to the mayor to see if he wants to put in a time limit. You might have more groups that want to put up their flags in the future.

**Attorney Garvey** suggested postponing to allow to speak with the mayor so they may put it on the next agenda.

Councilor Labrie motion to postpone to the call of the chair – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #3**

Delete Chapter 169-13 E

And insert in place thereof

Bulky waste, such as discarded furniture, mattresses, large electronics, tires, floor coverings, large appliances, and similar items can be picked up through the City’s Curbside Bulk Pick-up Program. Disposal of construction/demolition debris, commercial bulk waste, hazardous waste and regular household trash are not eligible for pick-up and shall be the responsibility of the owner.

**Councilor Krampits** stated that the DPW website didn’t match the ordinance so he was revising this so it would match.

**Attorney Garvey** stated the purpose of this is in our current ordinance under 169-13 E it references the old system where we used to pick it up at curbside, which we do not anymore. It’s picked up by the city’s bulk pickup program. It is different from what’s in our current ordinance.

**Councilor Laflamme** suggested sending it back to the Law Department and the DPW to be worked out. They can review and come up with a plan.

Councilor Dobosz motion to postpone to the call of the chair – Council Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #4**

Chapter 200-4 Boom boxes and audio equipment

Add to B the following  
As measured at the property line of where the unreasonable noise originates

To read:

B.

Loud and unreasonable noise defined. For purposes of this section, an unreasonable loud noise is defined as a sound which is greater than 50 decibels in the hours between 11:00 p.m. and 7:00 a.m. and 70 decibels at other times **as measured at the property line of where the unreasonable noise originates** or any sound which is discernible at a distance of 100 feet, provided that such sound is not otherwise authorized by permit or license granted by the Commonwealth of Massachusetts or the City or by permission of the Chief of Police.

**Lieutenant Laflamme** stated that the following has been measured at the property line, where the unreasonable noise originates from very loud and unreasonable noise. A fine for the purposes of this section and unreasonable loud noise is defined as a sum of which is greater than 50 decibels in the hours between 11 p.m. and 7 a.m. and 70 decibels at other times as measured at the property line or where the unreasonable noise originates, or any sound which is discernible at a distance of 100 feet, provided that such sound is not otherwise authorized by permit for a licensed. License granted by the Commonwealth of Massachusetts or the City of Chicopee for permission of the Chief of Police.

Councilor Tillotson stated do you really see justice to this, or you want to make some changes.

Councilor Laflamme stated I like your ideas, and you can apply everything from the start. So I think that we should at least try that and see what happens. We have a lot of issues in all probability.

**Elizabeth Batista** stated the subject this evening is unnecessary noise in the operation of the business. which is greater.

**Councilor Laflamme** stated he has been talking to the resident about the restaurant. So I've been trying to deal with the property that we are talking about tonight. He stated he sat for 10 minutes with his window open. The owner put some screening on top of the coolers where the noise was coming from, and it was more than it was before. He stated that he would get out there to meet with the owner but, they are making progress. We are in the process of getting it in compliance.

**Public Input**

Cassandra Keable,. 191 Jacob Street stated that the refrigerator is right in line with her patio.

Frank Boron stated that he will keep working on it to be in compliance.

Councilor Dobosz motion to approve – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				

Dobosz	x				
Labrie	x				
Roy			x		

**Item #5**

Add: Chapter 169, Article VII

Enforcement and Violation

The Superintendent of Public Works, Chicopee Police Department, Chicopee Building Department, Chicopee Health Department, Chicopee Fire Department, or any of their designee(s) shall enforce the provisions of Chapter 169 and shall have the authority to issue citations for any said violation(s). Any person violating any of the provisions of this article, except where a different penalty is specially provided, shall be liable to a fine of \$50 for the first offense, \$100.00 for a second offense and \$500.00 for a third and/or subsequent offense within a twelve-month period.

**Attorney Garvey** stated the fine schedule for any violation under Chapter 169 shall be fifty dollars for the 1st offense, one hundred dollars for the 2<sup>nd</sup> and five hundred for the 3<sup>rd</sup>. What Councilor Courchesne is saying, right now the fine is twenty-five, fifty and one hundred. He wants to change it to be fifty, one hundred and for a third subsequent, five hundred. Just to put some teeth in the ordinance for illegal dumping.

**Attorney Garvey** read a letter from Councilor Courchesne. Letter attached.

**Councilor Courchesne** stated in a letter.

As I attempt to deal with a new problem property due to the lack of a code enforcement officer, I took the advice of Attorney Garvey and the DPW Superintendent to add the fine structure that was proposed.

**Councilor Labrie** stated that the five hundred is a little high but, it scares people if they have to pay the fine.

**Elizabethte Batista** stated that I'm neutral because behind the curtain, residents told me that landlords are not controlling their tenants and what they put out curbside. And we have people that regularly put out excessive amounts of trash and they don't pick up and the neighbors get upset. She felt the landlord would have concerns with the five hundred dollar fine. Apparently, the issue is across the city, unfortunately we don't always catch them. She stated that this is good and anyone that chooses to repeat the offence the 2<sup>nd</sup> time shame on them.

**Councilor Labrie** stated so if they don't pay the five hundred fine after a certain amount of time, it goes on a lean on the property.

**Attorney Garvey** answered correct.

**John Beulieu** stated that a lot of these tenants move out at night and leave their stuff on the curb. The Landlord is responsible.

**Councilor Laflamme** stated So the Landlord is responsible for the tenants. Someone sneaking out in the middle of the night you're going to penalize the Landlord.

**Elizabethte Batista** If there is a justification to why the trash was there, they can appeal it.

**Councilor Dobosz** stated that there is some confusion because I don't think the ordinance changes the liability. He stated that he wouldn't want to blame somebody or the Landlord it might not be their fault, but this ordinance doesn't change any of that it just doubles the fines.

**Councilor Tilloton** stated correct.

**Elizabette Batista** stated that DPW has a policy that we do. We sticker, we write a letter with a warning, and when nothing has been done, we start citing tickets. Increasing the fines gives it a little more meat in hopes that we have more compliance with it.

**John Beaulieu** stated if you tell me there's a couch on the tree belt, I will go and ticket that couch and knock on that door. When the resident comes, I will give the ordinance attached to that. He stated he gives them forty-eight hours. If that couch is not removed he gives them another sticker and another attempt to knock on the door. He stated that's almost four days that they have to remove a couch.

Councilor Dobosz motion to approve – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

#### Item #6

BE IT ORDERED THAT THE FOLLOWING QUESTION SHALL BE PLACED ON THE NOVEMBER 7, 2023 BALLOT FOR THE CITY OF CHICOPEE Shall the City of Chicopee vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?

**Elizabette Batista** stated if we were to damage any of the road that we were traveling on it becomes our liability. By adopting this change we don't know what we're opening ourselves up to

**Councilor Labrie** stated that some of the people that live on these roads do not know that they are not accepted roads. If this is on the ballot the general public does not have enough information about what a public or private road is.

**Councilor Laflamme** stated if we accept more streets, we get the chapter 90 monies.

He stated that a resident that bought a house is all of a sudden going to find out they are not getting plowed because it's a private street. He stated he would like to look at how many people this will affect.

**Attorney Garvey** stated this just authorizes you to appropriate money to continue to plow those streets.

**Councilor Courchesne stated in a letter.**

Without the passage of this ballot question, we are violating the law if we plow or patch private roads. As you know we cannot expend public money for private roads. The law does, however, allow us to plow and patch private roads that have public access. But only if we adopt Chapter 40 6 Section C. The procedure to do this is in Chapter 40 6 Section D, which is before you tonight. I have reached out to all parties that were concerned about this but have not received any replies. Please know that passage of this ordinance does not obligate the city to plow or patch those roads but merely allows us if we choose to do so without breaking the law.

Councilor Krampits motion to postpone to the call of the chair for further review by the Law Department – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed



Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #7**

BE IT ORDERED THAT the Ordinance Committee review the current tag sale policy.

**Councilor Tillotson** stated that the problem is that there is no record of it, and they are supposed to have only three per year. He stated the Building Inspector is the only one to enforce it. He stated that ninety percent of people have them on the weekend.

**Frank Boron** stated that he gets the phone calls on Monday morning on what happened over the weekend.

**Councilor Tillotson** stated that one man can't be the enforcer of the whole city. We don't charge anything or require a license to hold one. We allow for three a year and we have a tough time keeping track of that.

**Councilor Laflamme** stated that we can work with the Police Department and have them document the tag sales. This would be a mechanism for information. He stated that some people have them every week and there's traffic and privacy issues.

**Attorney Garvey** stated whatever you're trying to do, it's the sale of used goods on your private property.

**Frank Boron** stated an estate most of the time has the items in the house and in the garage. He stated that in most tag sales, everyone brings the items out into the driveway. The tag sales are an issue if they don't sell the product, they put it by the curb. He stated that he read in other cities and towns they require a permit, you don't have to charge a fee but at least you will have it documented. They can be done in the Clerks office and the Police Department controls them. He stated there are many more tag sales now.

**Lieutenant Laflamme** stated that if they own ten properties, they can have ten tag sales under that ordinance.

**Attorney Garvey** stated it has to be under per residential property.

**Councilor Laflamme** stated he would like to work on this with the Law and Police Departments and come up with more ideas on how to regulate it.

Councilor Labrie motion to postpone to the call of the chair – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #8**

DELETE BEAUDRY AVENUE - Heading east to Memorial Drive for a distance of 75 feet - PARKING PROHIBITED AT ANYTIME

Councilor Krampits motion to strike – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #9**

BEAUDRY AVENUE - South side – for a distance of 165 feet westerly from Memorial Drive- PARKING PROHIBITED AT ANYTIME

Councilor Krampits motion to approve – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #10**

BOURBEAU STREET - Odd side 25 feet to corner of Prospect Street - PARKING PROHIBITED HERE TO CORNER

Amended version

BOURBEAU STREET - Odd side 50 feet to corner of Prospect Street - PARKING PROHIBITED HERE TO CORNER

Councilor Labrie motion to approve with changes – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				

Labrie	x				
Roy			x		

**Item #11**

CHERRYVALE STREET DEAD END SIDE - At the intersection of New Ludlow Road - ISOLATED STOP SIGN WITH STOP BAR

Amended version to read.  
Isolated stop signs.

**John Beaulieu** stated to postpone to the call of the chair. Once we get the safety done, which includes guardrails and islands up there then we can approve this.

Councilor Labrie motion to postpone to the call of the chair – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

**Item #12**

Councilor Dobosz motion to approve the Minutes of January 10, 2023 – Councilor Tillotson 2<sup>nd</sup> the motion- motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

Councilor Dobosz motion to adjourn – Councilor Tillotson 2<sup>nd</sup> the motion – motion passed

Councilor	Yes	No	Absent	Abstained	Out of Chair
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Tillotson	x				
Krampits	x				
Dobosz	x				
Labrie	x				
Roy			x		

Meeting Adjourned 8:25 PM