

Minutes from the City Council Meeting on Tuesday March 1, 2022 at 7:03 pm in the Auditorium are as follows:

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 CITY COUNCIL
 CHICOPEE, MA
 (12)

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—Derek Dobosz, 70 Post Road, thank the Council President for acknowledging deceased members of the Sheriff's Department. Correction officers have the lowest life expectancy of any public safety workers. Leeann Vera, 118 Frontenac Street tenant of 165 Front Street, tenants feel unsupported by the city. Grant for the food bank, many people felt disrespected at the Zoning Committee meeting. Address the Mayor's press release, any help the city can provide with relocation, put much into the business and asking the city for help. Gardner Reed, 137 Lebanon Street, Springfield, tenant at 165 Front Street, little familiar with the ARPA funding, is there any funding to help relocated the people that were displaced.

C-1 Communication from Amerco Real Estate Company requesting a 120 day extension on a Special Permit application for 499 Montgomery Street.

--Motion made by Councilor McAuliffe to receive and refer to item #9. Motion passed.

MO-1 Mayors appropriation of Ninety four thousand six hundred eighty eight and 12/100 dollars (\$94,688.12) to the following named Police Department Salary Account in accordance with the agreement between the City of Chicopee Police Supervisors MASSCOP, Local. #486 effective July 1, 2020-June 30, 2021: Police Salary Account for Prior Year Salaries from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Brooks to receive and pass. Councilor Brooks stated will address the ratification of the Supervisors contract. Heard from the Police Department with the negotiation process. Will address long standing inequity. Councilor McAuliffe stated Chicopee is known as the lowest paid police department in the area. When you pay the least, it is difficult to attract and maintain a good police force. Credit to the negotiating team. May seem like a small amount but for the good of the city. Councilor Tillotson stated support this raise. Our community is not a high crime community. Lot of road jobs available to officers willing to work. Double whammy in Chicopee, good contract, great place to work. Will have a new chief soon. Motion passed through all stages by a roll call vote of 12 yes, 1 abstained. Councilor Laflamme abstained.

MO-2 Mayors appropriation of Seventy two thousand four hundred fifty five and 70/100 dollars (\$72,455.70) to the attached named Police Department Salary Accounts in accordance with the agreement between the City of Chicopee Police Supervisors MASSCOP, Local. #486 effective July 1, 2021-June 30, 2024 from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Lopez to receive and pass. Councilor Lopez stated will affect the next fiscal year. Councilor Zygarowski stated a 3 year contract, strictly for supervisors. Long awaited step in the police department, will have promotions to bring them up to par. Motion passed through all stages by a roll call vote of 12 yes, 1 abstained. Councilor Laflamme abstained.

MO-3 Mayors appropriation of Seventy thousand and 00/100 dollars (\$70,000.00) to the following named account: D.P.W. Wastewater Special Account for Nitrogen Removal Services from available funds in the Sewer Surplus Account.

--Motion made by Councilor Courchesne to receive and pass. Councilor Courchesne stated treatment service needed at the treatment plant. Motion passed through all stages by a unanimous roll call vote.

MO-4 Mayors appropriation of Twenty five thousand and 00/100 dollars (\$25,000.00) to the following named account: D.P.W. Wastewater Salary Account for D.P.W. Operations Assistant from available funds in the D.P.W. Wastewater Salary Account for Chief Pump Station Operator.

--Motion made by Councilor Zygarowski to receive and pass. Councilor Zygarowski stated the money is being appropriated because they are short staffed. Need to train. Motion passed through all stages by a unanimous roll call vote.

MO-5 Mayors appropriation of Thirty thousand and 00/100 dollars (\$30,000.00) to the following named account: D.P.W. Water Expense Account for Rental of Equipment from available funds in the Water Surplus Account.

--Motion made by Councilor Balakier to receive and pass. Councilor Balakier stated need to rent a dump truck when needed, recommended by the DPW Superintendent. Councilor Labrie stated is this going to be a six month lease? Or are we renting as needed? Councilor Balakier stated DPW Supervisor did mention they have been using other trucks from within when possible. Motion passed through all stages by a unanimous roll call vote.

MO-6 Chapter 7 Ordinance Revisions

--Motion made by Councilor Tillotson to receive, 1st reading and refer to the Ordinance Committee. Councilor Tillotson stated one position needs a new grade. The backup shows the difference in salary. Motion passed, referred.

7 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-53 (C) (6) for the purpose of creating 1 buildable lot with frontage reduced to 20 feet and 60 feet located at 0 Chicopee Street/40 Greenwich Street (Parcel ID 0443-00009).

Applicant: Andrew J. Crane, 23 Rich Street, Chicopee, MA 01020.

--Motion made by Councilor Balakier to postpone to the 3/30 Zoning Committee Meeting. Councilor Balakier stated he was advised by Counsel there was a problem with the parcel ID. Motion passed, referred. Councilor Laflamme abstained.

- 8 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-50 (A) (1) (c) for the purpose of maintaining a pre-existing signage as a pre-existing non-accessory sign (billboard) and the following waiver requests from the following Zoning Ordinances: 275-50A. (1) (g) [1] [a]; 275-50 A (1) (g) [1] [b]; 275-58 E (1) located at O 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 the Special Permit granted. Councilor Balakier stated maintaining signage. Property is to build a Hot Table on Memorial Drive. Councilor Dobosz stated thank the Zoning Committee, pre-existing sign. Motion made by Councilor Balakier to accept waivers #1, #2, & #3. Motion passed through all stages by a unanimous roll call vote. Motion to grant the Special Permit passed through all stages by a unanimous roll call vote.

- 9 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 accept and grant the 120 day extension. Motion passed by a unanimous roll call vote. Motion made by Councilor Balakier to refer back to committee on 3/30. Motion passed, referred.

- 10 A favorable Zoning Committee report: Application for a Special Permit under Chapter 275-67 for the purpose of redevelopment of the Baskin parcel located in the Mill Conversion and Commercial Overlay District. Request the following waivers from Zoning and Parking Ordinances:

- (1) Use of multifamily residential in a Residential A (Chapter 275-52 Section A) and Industrial Zone (Chapter 275-62, Section A).
- (2) Rear setback of residential building is 1 ft. requesting waiver from Res-A zoning rear setback requirement of 25 ft (Chapter 275-52 (C) (5)
- (3) Residential building height is 85 ft. which is greater than 40 ft max. building height requirement allowed in Residential A zone (Chapter 275-52 (C) (5)
- (4) Pavement setback from street lot line is less than 8 ft and crosses over land zoned for residential. Requesting waiver from parking and loading requirement (Chapter 275-40, Section C.8)
- (5) Parking lots are located in front setbacks and buffer areas. Requesting relief from parking lot placement requirement for Mill Conversion and Commercial Overlay District (Chapter 275-67, Section K.3.e.)

Located at 75 West Main Street. Applicant: Brisa Development, LLC, Hammad Graham, 2009 Flatbrush Ave., Brooklyn, NY 11234.

--Motion made by Councilor Balakier to receive and the Special Permit approved with conditions. Councilor Balakier stated application for the redevelopment of Baskin building. Councilor Balakier read all the restrictions into the record. Councilor Pniak-Costello stated appeared before the Zoning Committee, received many public comments since the meeting, people are excited about the sports complex. They are excited about this, positive feedback, 3 buildings-sports complex, 2nd building restaurant/brewery, 3rd is residential units, 8 stories high. People are surprised by that. Lot of research into parking. People questioned the traffic, parking issues. Residents want to know can the building be smaller. Voted in favor at the Zoning meeting. Asked the Planner would the 8 story building be the biggest in the city? The answer is no. Councilor Balakier stated quite a discussion. ODRC review, comprehensive report, all the major departments had input. Lot of diligence and care, Building and Engineering are being very careful about this project, will be on four plus acres of land. Amount of tax revenue will help pay salaries. Comprehensive traffic study done. Concerns on the vacant sight. Hope is to have something beneficial to the city. Councilor Tillotson stated been trying to redevelop that area for years. There is a need for housing. It will be something different. Can't find something wrong with every opportunity. Will have a real recreational area. Big thing. Usually hotels close, can't say no because it's too big. Need to be profitable, will put us on the map. City is doing due diligence on this. Didn't get one call. Councilor Zygarowski stated was at the Zoning meeting, remembers when he was a kid there was a big company with much traffic. Looked at this carefully. Going to be a beautiful place down there. Can see development happening in the falls, major project, 55 million. Councilor Lopez stated resident concerns are resident concerns whether it is one or not, isn't appropriate on the floor to call someone out. Councilor Tillotson stated don't think people should be disrespecting each other. Councilor Laffamme stated each request to speak needs to go through the president of the board. Councilor Pniak-Costello stated people have concerns, we should share those concerns with this body to make sure they are heard. Councilor Tillotson stated intent wasn't to be hurtful, no calls on the issue. Getting a little out of line, just trying to make a point. Councilor McAuliffe stated move the question. Motion made by Councilor Balakier to approve waiver #1. Motion passed through all stages by a roll call vote of 12 yes, 1 no. Councilor Pniak-Costello voting no. Motion made by Councilor Balakier to approve waiver #2. Motion passed through all stages by a roll call vote of 12 yes, 1 no. Councilor Pniak-Costello voting no. Motion made by Councilor Balakier to approve waiver #3. Motion passed through all stages by a roll call vote of 12 yes, 1 no. Councilor Pniak-Costello voting no. Motion made by Councilor Balakier to approve waiver #4. Motion passed through all stages by a roll call vote of 12 yes, 1 no. Councilor Pniak-Costello voting no. Motion made by Councilor Balakier to approve waiver #5. Motion passed through all stages by a unanimous roll call vote. Motion to receive and approve the Special Permit with conditions passed through all stages by a roll call vote of 12 yes, 1 no. Councilor Pniak-Costello voting no.

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A 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 & postpone to the 3/30 Zoning Committee Meeting. Councilor Balakier stated concerning the tenants being ordered to vacate. Counselor Garvey stated vote tonight has nothing to do with the Mayor letter that went out. Many options tonight. Important for the council to realize these permits were granted 2 years ago. Only gives the applicant ability to build residences and self-storage, does not give the right to occupy. Occupancy would only be granted after the certificate of occupancy was granted. Councilor Balakier stated had a lengthy discussion, developer told what the latest scenario is. Allowed the audience and Zoom. The building has been deemed unsafe. We're working with the Fire and Building to be in compliance with rules and regulations. There are 55 tenants and the fire system is not passing the Fire Department, Fire has said they are unsafe. Councilor Lopez stated put a motion to deny the Special Permit/motion to postpone/favorable to postpone. Residents' concerns today, ARPA funds cannot be used for residents. Spent tax dollars to apply and maintain the grants. Unacceptable for us to say there is no help. We should allocate taxpayer dollars to help the 55 businesses. That is not right, they may leave our city. Councilor McAuliffe stated will explain a few things why we are where we are. Longest meeting since he's been on the council. Because of the hybrid format there are things that can get lost in translation. Councilor Balakier has been fighting very hard for this building. City made a mistake by getting into a deal with Silverbrick it has now come back on to us. Lot of bad things have happened with Silverbrick. The reason we have to consider this is because if we deny they have a clock waiting. They are not in a situation they can go through with the development. Denial would leave this unsellable. Want someone to buy this property. Dream for property want to see something done to it. Recommend to delay, don't deny and start the two year clock. Touch base with the businesses, as soon as there is a building that is out of code it needs to be shut down. Not giving legal advice to these tenants. Only way to rectify is to start legal action. No economic director for six years, should have someone who is economically responsible for the city. A municipality cannot hand out money to a business. Bad situation, think the city has. City of Chicopee is a pro-business community, wish we could offer more. Councilor Brooks stated if we denied tonight is that it for the applicant or property. Counselor Garvey stated would have to have a substantially different plan. Would create hurdles. Councilor Brooks stated Councilor Tillotson and himself didn't grant the TIF, city never lost a deal with Silverbrick. Frustrating, was lynchpin to re-develop downtown. Infrastructure was in place. Big losers here are the 55 businesses that are in the building. Potential for serious injury. Think denial would send a message to Silverbrick. Applicant has done nothing in 3 ½ years to show he's going to do anything to get this property off the ground. Won't feel confident with this applicant developing this. Councilor Roy stated was willing to give the 30 more days, would be easier to sell if the Special Permit was in place. Are we giving the 30 days or just cut the cord? Easier to sell if you have the Special Permit. We should be able to help some of these tenants. Mayor's office and Community Development should work together. Open some doors and see if we can help. Mayor already made a decision. Nothing was completed for Fire or Building. Time to fish or cut bait now, people are frustrated and don't blame them. Hope for downtown revitalization. Councilor Pniak-Costello stated thank Councilor Brooks for his presentation. Summed up this, it is a dangerous situation. The building is dangerous. Brought up on January 26, realized public safety is compromised on this committee. Public safety is addressed tonight, not 30 days from now. Councilor Lopez has made sure the residents need to be addressed, these people are victims. Their place of business is no longer there. Will vote not to give the Special Permit tonight. Councilor Brooks stated struggle with the idea of the 30 day extension. Code enforcement issues are unachievable. Would have to make significant progress to the sale. Not just say they're moving along, 80% of the improvements would have to be done. Councilor Lopez stated concerned about the 30 days, let's give them 30 more days, see the safety issues. We have no choice but to now vacate the building, 55 businesses are out now. Will vote against. Councilor McAuliffe stated don't disagree with a single thing that's been said. We are not voting for these Special Permits, we are just delaying. It would look better to a new developer if there was a Special Permit in place. Previous owner had left this place sit for 20 years. Look at condemning the

property totally. If the delay is granted, it changes nothing with the tenants. Councilor Dobosz stated not in favor of stalling this 30 days. Thank for good explanation. Agree with Councilor Brooks this is a stall tactic. Had enough with this developer. Deny tonight. City potentially, can we sue them. The businesses, can we help them? Deny now, don't think he ever intends to develop. Councilor Courchesne stated insanity. Councilor Labrie stated been at this for 10 1/2 years, New York firm first. Sold to Silverbrick. Didn't even know there were tenants there. Hope is that the person who owns Silverbrick comes in with a buyer in 30 days. Has someone that comes in with construction plans. Councilor Lopez stated on Friday following the Zoning meeting met with his tenants. He has already expressed his is not going to fix anything. Councilor Laflamme stated one thing you have to understand with COVID/all the issues with COVID it was a tough meeting. Hoping in the future all could come in person, struggle with Zoom. Important to know Mayor, Fire, & Building took action because life safety is important. The ultimate goal with the Mayor's office is to get tenants out. Public safety. Councilor Tillotson stated the 30 days will go along with the days they have the monitor there. The tenants have 30 days to leave. They'll be there anyway. Have to provide Fire watch during the day. Motion to postpone passed by a roll call vote of 8 yes, 5 no. Councilors Brooks, Lopez, Dobosz, Courchesne, and Pniak-Costello voting no.

- 12 A 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 & postpone to the 3/30 Zoning Committee Meeting. Motion to postpone passed by a roll call vote of 8 yes, 5 no. Councilors Brooks, Lopez, Dobosz, Courchesne, and Pniak-Costello voting no.
- 13 A License Committee report: Application for a name change on a Class II and Auto Repair License from Guilbert's Auto Care to Guilbert's Auto Care, Inc. Applicant: Eric Guilbert, 409 Batchelor Street, Granby, MA 01033.
- Motion made by Councilor Brooks to receive and approved this evening. Councilor Brooks stated simple reword to LLC. Motion passed.
- 14 A License Committee report: Application for an alteration of a Class II and Auto Repair Licenses for a change in corporate officers. Business: Reliable Auto Sales & Service, LLC. Address: 74 Naomi Street.
- Motion made by Councilor Brooks to postpone to the call of the chair. Councilor Brooks stated the applicant was out of state. Motion passed, postponed.
- 15 A License Committee report: BE IT ORDERED THAT Murray Automotive, LLC, 102 Old Fuller Road, be called before the City of Chicopee License Committee and City Council to discuss the license(s) currently held by Murray Automotive, LLC including compliance with restrictions imposed upon any licenses held by Murray Automotive, LLC. The Council may modify, suspend, fine, or revoke any license held by Murray Automotive, LLC. Violations – too many cars, and cars parked too close to the road.
- Motion made by Councilor Brooks to receive and placed on file and revisited in 60 days. Councilor Brooks stated problems with this applicant. Was rough with the applicant who is still in committee, lack of

housekeeping. Councilor Dobosz stated appreciate the support with this business. Been an issue the whole time he's been on the board. Applicant doesn't understand we're serious. Hopefully he addresses the concerns. Councilor Laflamme stated listened to the meeting, Councilor Brooks did a great job explaining. Pretty strong with explaining. Motion passed.

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An application for a NEW Special Permit under Section 275-50 C (1&2) of the Municipal Zoning Ordinances for the purpose of to allow upgrade of accessory sign that includes animated/electronically activated changeable component and setback relief from 25' to +/- 0.58'. Location of Property: 27 Montgomery Street. Applicant: Pride Operating LLC c/o James Channing.

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

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An application for a NEW Auto Repair license: Kins Auto Repair II, 1098 Chicopee Street, Chicopee, MA 01013. Applicant: Joaquin Rodriguez, 41 Woodside Terrace, Springfield, MA 01108.

--Motion made by Councilor Brooks to receive and refer to the License Committee. Councilor Brooks stated will take up in committee. Motion passed, referred.

ATTEST:



Keith W. Rattell
City Clerk