



Members

James Tillotson, Chair
Fred Krampits, Vice Chair
Frank Laflamme
Timothy McLellan
Jerry Roy

MINUTES
June 13, 2017

The following are the minutes of a public hearing held Tuesday, June 13, 2017 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present: Tillotson, Krampits, Laflamme, Roy, McLellan (arrived 6:48)

Also Present: Dan Garvey (Asst. City Solicitor), Carl Dietz (Building Commissioner), Council Walczak, Councilor Courchesne, Lee Pouliot (Planning Director), Carolyn Porter (Superintendent Parks) Holly Davis (Lt. Police Department)

The meeting was called to order at 6:30 PM.

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

ITEM #1

Chapter 186 Drones Regulation of Unmanned Aircraft System (Drones)
§186-1. Purpose

The City of Chicopee recognizes that unmanned aircraft and unmanned aircraft systems, commonly referred to as drones, are increasingly being flown by citizens for a variety of both recreational and business purposes. United States airspace is the busiest in the world with up to 87,000 flights per day including commercial airliners, flight haulers, air taxis and private and military aircraft. Further, the City of Chicopee is the home of the Westover Air Reserve Base which conducts flights critical for the protection of all United States citizens. Consequently, the City of Chicopee hereby adopts this ordinance to protect the privacy and property interests of the residents of the City of Chicopee as well as to comply with all federal and state laws including the safe operation of the Westover Air Reserve Base.

§186-2. Definitions

1. **Aircraft** shall be defined as any object designed or used to navigate or fly in the air.
2. **Drone** shall be defined as any un-manned aircraft, amateur rocket, model aircraft (Section 336 of Public Law 112-95), rotorcraft (702 CMR §2.01), or similar device or aircraft.
3. **Visual Line of Sight** shall be defined as an operator having constant and personal visual contact with the aircraft and/or drone at all times. This visual contact shall be natural and personal to the operator and shall not allow the operator to use visual enhancements, screens or other devices to maintain constant visual contact with the aircraft and/or drone.

§186-3. Scope

This ordinance shall apply to all drones and aircraft, as defined herein, to the extent allowed pursuant to state and federal law. This ordinance shall be limited to those drones/aircraft that weigh less than fifty-five (55) pounds and which are flown by a private citizen below four hundred (400) feet.

§186-4. ~~Regulations~~

1. All aircraft and drones shall comply with all regulations as established by the Federal Aviation Administration.
2. A drone and/or aircraft shall only take off and land on private property owned by the operator or where written permission is granted by the landowner. Said written permission shall include the name and signature of the land owner, the address of the property and the permissible dates and hours of operations and shall be in the possession of the drone operator during operation of the drone.
3. All operators who use an aircraft and/or drone for non-business or non-commercial purposes shall also comply with the following regulations:
 - a. Register with the Federal Aviation Administration and maintain proper documentation of the same.
 - b. As required by Federal law, fly below four hundred (400) feet at all times.
 - c. Maintain at all times a visual line of sight of the aircraft and/or drone as defined above.
 - d. No operator shall operate an aircraft and/or drone over a crowd or person(s) not directly participating in its operation.
 - e. No operator shall operate an aircraft and/or drone prior to sunrise or subsequent to sunset.
 - f. No aircraft and/or drone shall be weaponized.
 - g. No aircraft or drone shall photograph or videotape any person without the prior written permission of that person. All operators shall maintain this written permission while operating the aircraft and/or drone and for a period of seven (7) years thereafter.
 - h. No aircraft or drone shall operate over private property without the prior written permission from the landowner which shall be in the possession of the operator during operation.
 - i. No aircraft or drone shall operate over any property owned or controlled by the City of Chicopee unless prior written authorization is secured by the operator.
 - j. No drone shall be flown within five miles of a civilian or military airport without first contacting the control tower before flying.

§186-5. ~~Violations and Penalties~~

Any person who violates any provision of this ordinance shall be subject to the following fines schedule:

- | | |
|----------------------------------|-----------------|
| 1. First offense: | Written warning |
| 2. Second offense: | \$100.00 fine |
| 3. Third offense: | \$250.00 fine |
| 4. Fourth or subsequent offense: | \$300.00 fine |

The City of Chicopee Police Department or their designee shall enforce this ordinance.

Councilor Roy asked if the Police Department will have a separate set of rules if they decide to get a drone.

Councilor Tillotson answered yes they will be governed by the FAF. There are different regulations for Commercial use also.

Attorney Garvey stated that the regulations that we are going to adopt under 186-43 says all operators that use aircraft and or drones for non-business and non-commercial purposes, so the city would be considered a business or commercial purpose; whereas someone has a commercial license this ordinance wouldn't apply but it applies to everyone else. He stated there are a lot of requirements that if you have a commercial license in the City of Chicopee you are required to notify the tower.

Councilor Tillotson stated the Colonel was very concerned, he put it in writing and made it very official. Councilor Tillotson read a comment from the Colonel at Westover Air Base;

No drones shall be flown within five miles of the civilian of military airport without first contacting the control tower before flying.

Never fly near another aircraft.

Councilor Tillotson stated that these are all recommendations from the Federal Aviation Association.

Councilor Tillotson stated even if you're flying for a hobby or recreation, you have to obey the five mile rule and contact the control tower.

Councilor Roy motion to approve with corrections - Councilor Laflamme 2nd the motion - motion passed

Committee vote 4 - 0 favorable

Revised Drone Ordinance

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:

By adding Chapter 186 – Regulation of Unmanned Aircraft Systems (Drones)

§186-1. Purpose

The City of Chicopee recognizes that unmanned aircraft and unmanned aircraft systems, commonly referred to as drones, are increasingly being flown by citizens for a variety of both recreational and business purposes. United States airspace is the busiest in the world with up to 87,000 flights per day including commercial airliners, flight haulers, air taxis and private and military aircraft. Further, the City of Chicopee is the home of the Westover Air Force Base which conducts flights critical for the protection of all United States citizens. Consequently, the City of Chicopee hereby adopts this ordinance to protect the privacy and property interests of the residents of the City of Chicopee as well as to comply with all federal and state laws including the safe operation of the Westover Air Force Base.

§186-2. Definitions

4. Aircraft shall be defined as any object designed or used to navigate or fly in the air.

5. Drone shall be defined as any un-manned aircraft, amateur rocket, model aircraft (Section 336 of Public Law 112-95), rotorcraft (702 CMR §2.01), or similar device or aircraft.
6. Visual Line of Sight shall be defined as an operator having constant and personal visual contact with the aircraft and/or drone at all times. This visual contact shall be natural and personal to the operator and shall not allow the operator to use visual enhancements, screens or other devices to maintain constant visual contact with the aircraft and/or drone.

§186-3. Scope

This ordinance shall apply to all drones and aircraft, as defined herein, to the extent allowed pursuant to state and federal law. This ordinance shall be limited to those drones/aircraft that weigh less than fifty-five (55) pounds and which are flown by a private citizen below four hundred (400) feet.

§186-4. Regulations

4. All aircraft and drones shall comply with all regulations as established by the Federal Aviation Administration.
5. A drone and/or aircraft shall only take off and land on private property owned by the operator or where written permission is granted by the landowner. Said written permission shall include the name and signature of the land owner, the address of the property and the permissible dates and hours of operations.
6. All operators who use an aircraft and/or drone for non-business or commercial purposes shall also comply with the following regulations:
 - k. Register with the Federal Aviation Administration and maintain proper documentation of the same.
 - l. As required by Federal law, fly below four hundred (400) feet at all times.
 - m. Maintain at all times a visual line of sight of the aircraft and/or drone as defined above.
 - n. No operator shall operate an aircraft and/or drone over a person(s) not directly participating in its operation.
 - o. No operator shall operate an aircraft and/or drone prior to sunrise or subsequent to sunset.
 - p. No aircraft and/or drone shall be weaponized.
 - q. No aircraft or drone shall photograph or videotape any person without the prior written permission of that person. All operators shall maintain this written permission for a period of seven (7) years.

- r. No aircraft or drone shall operate over private property without the prior written permission from the landowner.
- s. No aircraft or drone shall operate over any property owned or controlled by the City of Chicopee unless prior written authorization is secured by the operator.
- t. No drone shall be flown within five miles of a civilian or military airport without first contracting the control tower before flying.
- u. No operator shall operate an aircraft and/or drone in close proximity or near another aircraft.
- v. No operator shall operate an aircraft and/or drone in bad weather.

§186-5. Violations and Penalties

Any person who violates any provision of this ordinance shall be subject to the following fines schedule:

- 5. First offense: Written warning
- 6. Second offense: \$100.00 fine
- 7. Third offense: \$250.00 fine
- 8. Fourth or subsequent offense: \$300.00 fine

The City of Chicopee Police Department or their designee shall enforce this ordinance.

ITEM #2

Delete Chapter 275-66A
275-66 A Burnett Road

- A. No further business, commercial or industrial development shall occur on Burnet Road from the Ludlow/Chicopee line to the intersection of New Lombard Road and Burnett Road and any appurtenant street for a period of one year commencing on January 1, 2017, and terminating on December 31, 2017, except by special permit.

Councilor Krampits motion to approve - Councilor Roy 2nd the motion - motion passed.

Committee vote 4 - 0 favorable

ITEM #3

Chapter 275-71 Renewable Energy
275-71 Renewable Energy

General Definitions

Adverse Visual Impact: When an undertaking alters directly or indirectly the viewshed from a property in a manner that would diminish that property's perceived value.

Special Permit Granting Authority: A body of local government designated by the municipality to grant special permits. In the City of Chicopee the city council holds such authority.

Site Plan Review Authority: Refers to the body of local government designated by the municipality to review site plans. For the City of Chicopee the Site Plan Review Advisory Committee (SPRAC) serves as the Site Plan Review Authority.

Zoning Enforcement Authority: The board charged with enforcing the zoning bylaws. For the City of Chicopee the Building Commissioner serves as the Zoning Enforcement Authority.

Definitions (Photovoltaic Systems)

Greenfield – An area of agricultural or forest land, or some other undeveloped site.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium-or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium-or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Definitions (Wind Systems)

Building Integrated Wind Energy System: A building-mounted wind energy conversion system that has a manufacturer's rating of 10 kW or less and projects no more than fifteen (15) feet above the highest point on the roof and shall not be considered a small wind energy system in terms of area and setback requirements. This definition also covers, for the purposes of this zoning provision, other wind energy systems primarily used for land-based applications which may be permanently mounted and operated on a building.

Utility-Scale Wind Energy Facility: A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Energy Facility: All of the equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, developer-owned electrical equipment, storage, collection and supply equipment, service and access roads, and one or more wind turbines.

Wind Turbine: A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

A. Purpose

The purpose of this ordinance is to;

1. Promote the use of renewable energy systems, including the creation of new large-scale ground-mounted solar photovoltaic installations and wind energy facilities.
2. Provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources and residential viewsheds.
3. Ensure adequate financial assurance for the eventual decommissioning of such facilities.

B. Applicability

1. All renewable energy installations shall be installed in compliance with the requirements of Chicopee City Code Chapter 275 - 71; state and federal law, and the standards and procedures established by Chicopee Electric Light (CEL) or Western Massachusetts Electric Company (WMECO). This requirement pertains to physical modifications that alter the type, configuration or size of installations pre-existing this ordinance and those installations permitted in accordance with this ordinance. This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment.
2. Nothing in this chapter should be construed to prevent the installation of accessory roof mounted solar photovoltaic installations.

C. Process

The following identifies those uses that are allowable and those that may be allowed only by special permit. The City Council is the special permit granting authority in accordance with Chicopee City Code, § 275-9. The construction and operation of all solar photovoltaic installations and wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation or wind energy facility shall be constructed in accordance with the State Building Code.

D. Utility Notification

1. For installations that do not require a special permit: Prior to issuance of building and/or electrical permit, the installation owner or operator must enter into an interconnection agreement with the utility company that operates the electrical grid for which the installation connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements.

2. For installations requiring a special permit: No special permit applications shall be accepted unless installation owners provide written proof that they have notified the utility company that operates the electrical grid for which the installation connection is proposed.

E. Solar

1. Production for On-Site Use

The following conditions shall apply to all installations designed to convert solar energy into a power source for residential, commercial, business and industrial uses where the primary purpose of the system is to generate power for those uses. These uses are permitted in any zoning district within the city.

a. **Visual Impact:** All solar conversion installations shall be designed and located to minimize adverse visual impacts, defined as *an undertaking that alters directly or indirectly the viewshed from a property in a manner that would diminish that property's perceived value*. Adverse visual impacts can be mitigated through a variety of actions in design, construction and maintenance. The removal of the natural or existing vegetation is the single most noticeable visual impact of a project and shall be held to a minimum to achieve community acceptance. Clearing only what vegetation is **necessary for the** construction can eliminate or reduce the need to mitigate. However, proper sight distances, clear zones and horizontal clearance requirements must be considered. All abutting property shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation and fencing (not to exceed six feet).

b. **Pole Mounted Installations:** If solar conversion installations are mounted on a pole or other apparatus separate from a principal or accessory structure, said apparatus must comply with accessory structure regulations within their respective zoning districts and be set back from adjoining property lot lines at a ratio of **1** apparatus height to **0.5** of setback or a minimum of the underlying setback requirement.

c. **Rooftop Installations:** Rooftop solar conversion installations that are not flush mounted must not exceed the overall building height limits of the underlying district. Height is measured to the highest protruding point of the solar energy system at its fullest extension, not to exceed 5' above the roof line.

d. **Utility Notification:** Written proof that CEL or WMECO is in discussions with the applicant regarding an interconnection agreement must be submitted with all permit applications. No building or electrical permits will be issued until the installation owner or operator enters into an interconnection agreement with the utility company that operates the electrical grid for which the installation connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements. Reasonable efforts, as determined by the City Council with guidance from the Planning Department, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.

2. Production for Off-Site Use

The construction of a solar energy system intended for off-site generation as set forth in Chicopee City Code Chapter 275-6 and shall comply with all requirements set forth herein.

275-66: Burnett Road

Regulations promulgated in Chapter 275-66, which regulate new development on Burnett Road and appurtenant streets, shall not apply to solar energy projects proposed for the Burnett Road area of the City.

- a. **Screening:** Structures must be shielded from view and/or located to avoid adverse visual impacts as deemed necessary by and in the opinion of the Site Plan Review Advisory Committee.
 - i. Landscaping:
 - (a) Plantings intended to provide screening shall be evergreen, installed at a minimum of 6' in height measured from the top of the root ball to the tip of the plant and spaced to create a visual barrier.
 - (b) Deciduous buffers: deciduous or mixed deciduous and evergreen buffers shall be a minimum of 40' wide and are counted as part of the setback.
 - ii. Natural features: Natural features and features designed to appear as natural features may be employed as visual barriers. Existing vegetation must be at least 40' in width and adequately dense to provide sufficient screening.
 - iii. Fencing: Fences shall be installed at a minimum of 6' and shall be solid in appearance.
- b. **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - i. Minimum of 50'.
 - ii. Every abutting property shall be visually screened from the project through any one or combination of the following landscaping, existing vegetation and fencing (not to exceed 8'). Fencing in excess of 8' requires a variance from the Chicopee Zoning Board of Appeals.
- c. **Lighting:** Lighting of parts of the solar energy system shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on abutting properties and be directed downward with full cutoff fixtures to reduce light pollution. The City suggests the use of LED systems whenever possible to conserve electricity.
- d. **Signage:** Signs on the solar energy system shall comply with the dimensional and setback requirements of the underlying zoning regulations. Signage in districts with no signage requirements are limited to 2 signs, 3 square feet in size, maximum of 5' in height, and located in such a manner that there is an unobstructed view of the street from an access drive. Signage required for safety, emergency or by code is excluded from the signage requirements in this section.
- e. **Appurtenant Structures:** All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations as adopted by the Planning Board concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be

shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts

- f. **Parking:** Reasonable on-site parking is required for vehicles that will service solar energy systems. Please refer to (Parking and Loading) Chapter 275 - 40 (N)(2)(V)
- g. **Consultants:** Upon submission of an application for a renewable energy installation requiring Site Plan Review Advisory Committee Review, the Permit Granting Authority will be authorized to hire outside consultants, pursuant to MGL c.44, §53G. As necessary, the applicant may be required to pay the consultant's fees.
- h. **Emergency Services:** The applicant shall provide a copy of the project summary, electrical schematic, and site plan to local emergency service providers, as designated by the Site Plan Review Advisory Committee. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar energy system shall be clearly marked. The applicant or system owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The owner or operator shall be required to provide a secure, tamper proof storage box for keys or other access tools at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility. The owner or operator shall designate a representative who is available 24 hours a day, 7 days a week, to respond to emergency situations. This individual shall be required to respond to an emergency situation within 45 minutes of notification.
- i. **Security:** The solar energy system shall be designed to prevent unauthorized access. Access to electrical equipment shall be locked where possible.
- j. **Operation & Maintenance Plan:** The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the solar energy system. Site access shall be maintained to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services and Site Plan Review Advisory Committee.
- k. **Land Clearing, Soil Erosion and Habitat Impacts:** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation and per best management practices of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations and bylaws and defined by Mass General Law Chapter 131, Section 140; 310 CMR Wetlands Protection; and Chicopee Stormwater Ordinance: City Code Chapter 231. The clearing of greenfields/ undeveloped landscapes and the development of such facilities is highly discouraged.
- l. **Financial Surety:** Proponents of renewable energy projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal or failure to maintain in the event the city must maintain or dismantle, remove and properly dispose of the facility and remediate the landscape in an amount and form determined to be reasonable by the Site Plan Review Advisory Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal and disposal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal and disposal costs due to inflation
- m. **Abandonment and Removal**
 - i. **Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the installation shall be considered abandoned when it fails to operate for more than one year. If the owner or operator of the installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the city may enter the property and physically remove the installation.
 - ii. **Removal Requirements:** Any installation which has reached the end of its useful life or has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the City of Chicopee by

certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous wastes in accordance with local, state and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Advisory Committee may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

F. Wind

1. Residential & Business Production – Individual Use

The following conditions shall apply to all structures and devices designed to convert wind energy into a usable power source for residential, commercial, business and industrial uses where the primary purpose of the system is to provide power for those uses.

- a. Pole mounted wind conversion systems are prohibited.
- b. Building integrated wind conversion systems are permitted in all zoning districts. For the purpose of this chapter, building integrated systems refer only to systems encased within a principle or accessory building.

2. Production for Commercial Sale

The following conditions shall apply to all structures and devices designed to convert wind energy into a usable power source for commercial sale.

- a. Pole mounted wind conversion systems are prohibited.
- b. Building integrated wind conversion systems are permitted. All such systems shall have a protective shroud to contain projectiles in the event of system malfunction.
- c. No wind energy conversion system shall be erected, used or otherwise employed if said device interrupts or disturbs radio or television signal reception.
- d. As per Chicopee Noise Ordinance: City Code Chapter 200, no wind energy conversion system shall be erected, used or otherwise employed if said device causes an unreasonably loud, disturbing or unnecessary noise.
- e. Monitoring and Maintenance: The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, emergency braking (stopping) and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility.
- f. e. Abandonment or Decommissioning: Removal Requirements. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. Decommissioning shall consist of: (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site. (b) Disposal of all solid and hazardous wastes in accordance with local, state, and federal waste disposal regulations. (c) Stabilization or re-vegetation of the site as necessary to minimize erosion.
- g. Financial Surety - Applicants for commercial-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and disposal or failure to maintain in the event the city must maintain or remove the facility and remediate the landscape in an amount and form determined to be reasonable by the Site Plan Review Advisory Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal and disposal prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

G. Wood

The Board of Health signed the following regulation on the 22nd day of March, 2007. Pursuant to Massachusetts General Laws, Chapter 111 §31 and 31C, it shall be unlawful to use, install and/or maintain outdoor wood burning devices within the City of Chicopee including, but not limited to, all outdoor wood burning stoves, boilers and furnaces. For the purposes of this regulation, outdoor wood burning stoves, furnaces and boilers shall mean wood fired devices that are located outdoors and separate from the indoor building, structure or appliance to be heated, which heats water or air and then

transports the same by pipe(s) to an indoor building, structure or appliance for the purpose of providing heat and/or hot water.

If any provision of this Regulation or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Regulation shall not be affected thereby and each other provision shall be valid and be enforceable to the fullest extent permitted by law.

Revised Renewable Energy

275-71 Renewable Energy

General Definitions

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Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium-or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium-or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

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Wind Energy Facility: All of the equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, developer-owned electrical equipment, storage, collection and supply equipment, service and access roads, and one or more wind turbines.

Wind Turbine: A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

A. Purpose

The purpose of this ordinance is to;

4. Promote the use of renewable energy systems, including the creation of new large-scale ground-mounted solar photovoltaic installations and wind energy facilities.
5. Provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources and residential viewsheds.
6. Ensure adequate financial assurance for the eventual decommissioning of such facilities.

B. Applicability

3. All renewable energy installations shall be installed in compliance with the requirements of Chicopee City Code Chapter 275 – 71; state and federal law, and the standards and procedures established by Chicopee Electric Light (CEL) or Western Massachusetts Electric Company (WMECO). This requirement pertains to physical modifications that alter the type, configuration or size of installations pre-existing this ordinance and those installations permitted in accordance with this ordinance. This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment.
4. Nothing in this chapter should be construed to prevent the installation of accessory roof mounted solar photovoltaic installations.

C. Process

The following identifies those uses that are allowable and those that may be allowed only by special permit. The City Council is the special permit granting authority in accordance with Chicopee City Code, § [275-9](#). The construction and operation of all solar photovoltaic installations and wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation or wind energy facility shall be constructed in accordance with the State Building Code.

D. Utility Notification

1. For installations that do not require a special permit: Prior to issuance of building and/or electrical permit, the installation owner or operator must enter into an interconnection agreement with the utility company that operates the electrical grid for which the installation connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements.

2. For installations requiring a special permit: No special permit applications shall be accepted unless installation owners provide written proof that they have notified the utility company that operates the electrical grid for which the installation connection is proposed.

E. Solar

1. Production for On-Site Use

The following conditions shall apply to all installations designed to convert solar energy into a power source for residential, commercial, business and industrial uses where the primary purpose of the system is to generate power for those uses. These uses are permitted in any zoning district within the city.

a. **Visual Impact:** All solar conversion installations shall be designed and located to minimize adverse visual impacts, defined as *an undertaking that alters directly or indirectly the viewshed from a property in a manner that would diminish that property's perceived value*. Adverse visual impacts can be mitigated through a variety of actions in design, construction and maintenance. The removal of the natural or existing vegetation is the single most noticeable visual impact of a project and shall be held to a minimum to achieve community acceptance. Clearing only what vegetation is necessary for the construction can eliminate or reduce the need to mitigate. However, proper sight distances, clear zones and horizontal clearance requirements must be considered. All abutting property shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation (located on the same parcel as the installation) and fencing (not to exceed six feet).

b. **Pole Mounted Installations:** If solar conversion installations are mounted on a pole or other apparatus separate from a principal or accessory structure, said apparatus must comply with accessory structure regulations within their respective zoning districts and be set back from adjoining property lot lines at a ratio of 1' apparatus height to 0.5' of setback or a minimum of the underlying setback requirement,.

c. **Rooftop Installations:** Rooftop solar conversion installations that are not flush mounted must not exceed the overall building height limits of the underlying district. Height is measured to the highest protruding point of the solar energy system at its fullest extension, not to exceed 5' above the roof line.

d. **Wall-Mounted Installations:** If solar conversion installations are mounted on building walls/facades, said installations must comply with minimum setback requirements as detailed within the property's respective zoning district.

d. **Utility Notification:** Written proof that CEL or Eversource is in discussions with the applicant regarding an interconnection agreement must be submitted with all permit applications. No building or electrical permits will be issued until the installation owner or operator enters into an interconnection agreement with the utility company that operates the electrical grid for which the installation connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements. Reasonable efforts, as determined by the City Council with guidance from the Planning Department, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.

2. Production for Off-Site Use

The construction of a solar energy system intended for off-site generation as set forth in Chicopee City Code Chapter 275-6 and shall comply with all requirements set forth herein.

275-66: Burnett Road

Regulations promulgated in Chapter 275-66, which regulate new development on Burnett Road and appurtenant streets, shall not apply to solar energy projects proposed for the Burnett Road area of the City.

- n. **Screening:** Structures must be shielded from view and/or located to avoid adverse visual impacts as deemed necessary by and in the opinion of the Site Plan Review Advisory Committee.
 - i. Landscaping:
 - (a) Plantings intended to provide screening shall be evergreen, installed at a minimum of 6' in height measured from the top of the root ball to the tip of the plant and spaced to create a visual barrier.
 - (b) Deciduous buffers: deciduous or mixed deciduous and evergreen buffers shall be a minimum of 40' wide and are counted as part of the setback.
 - ii. Natural features: Natural features and features designed to appear as natural features may be employed as visual barriers. Existing vegetation (located on the same parcel as the installation) must be at least 40' in width and adequately dense to provide sufficient screening.
 - iii. Fencing: Fences shall be installed at a minimum of 6' and shall be solid in appearance.
- o. **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - i. Minimum of 50'.
 - ii. Every abutting property shall be visually screened from the project through any one or combination of the following landscaping, existing vegetation and fencing (not to exceed 8'). Fencing in excess of 8' requires a variance from the Chicopee Zoning Board of Appeals.
- p. **Lighting:** Lighting of parts of the solar energy system shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on abutting properties and be directed downward with full cutoff fixtures to reduce light pollution. The City suggests the use of LED systems whenever possible to conserve electricity.
- q. **Signage:** Signs on the solar energy system shall comply with the dimensional and setback requirements of the underlying zoning regulations. Signage in districts with no signage requirements are limited to 2 signs, 3 square feet in size, maximum of 5' in height, and located in such a manner that there is an unobstructed view of the street from an access drive. Signage required for safety, emergency or by code is excluded from the signage requirements in this section.
- r. **Appurtenant Structures:** All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations as adopted by the Planning Board concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts
- s. **Parking:** Reasonable on-site parking is required for vehicles that will service solar energy systems. Please refer to (Parking and Loading) Chapter 275 – 40 (N)(2)(V)

- t. **Consultants:** Upon submission of an application for a renewable energy installation requiring Site Plan Review Advisory Committee Review, the Permit Granting Authority will be authorized to hire outside consultants, pursuant to MGL c.44, §53G. As necessary, the applicant may be required to pay the consultant's fees.
- u. **Emergency Services:** The applicant shall provide a copy of the project summary, electrical schematic, and site plan to local emergency service providers, as designated by the Site Plan Review Advisory Committee. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar energy system shall be clearly marked. The applicant or system owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The owner or operator shall be required to provide a secure, tamper proof storage box for keys or other access tools at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility. The owner or operator shall designate a representative who is available 24 hours a day, 7 days a week, to respond to emergency situations. This individual shall be required to respond to an emergency situation within 45 minutes of notification.
- v. **Security:** The solar energy system shall be designed to prevent unauthorized access. Access to electrical equipment shall be locked where possible.
- w. **Operation & Maintenance Plan:** The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the solar energy system. Site access shall be maintained to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services and Site Plan Review Advisory Committee.
- x. **Land Clearing, Soil Erosion and Habitat Impacts:** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation and per best management practices of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations and bylaws and defined by Mass General Law Chapter 131, Section 140; 310 CMR Wetlands Protection; and Chicopee Stormwater Ordinance: City Code Chapter 231. The clearing of greenfields/ undeveloped landscapes and the development of such facilities is highly discouraged.
- y. **Financial Surety:** Proponents of renewable energy projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal or failure to maintain in the event the city must maintain or dismantle, remove and properly dispose of the facility and remediate the landscape in an amount and form determined to be reasonable by the Site Plan Review Advisory Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal and disposal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal and disposal costs due to inflation
- z. **Abandonment and Removal**
 - i. **Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the installation shall be considered abandoned when it fails to operate for more than one year. If the owner or operator of the installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the city may enter the property and physically remove the installation.

ii. Removal Requirements: Any installation which has reached the end of its useful life or has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the City of Chicopee by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (d) Physical removal of all structures, equipment, security barriers and transmission lines from the site.
- (e) Disposal of all solid and hazardous wastes in accordance with local, state and federal waste disposal regulations.
- (f) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Advisory Committee may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation, at its sole discretion.

F. Wind

3. Residential & Business Production – Individual Use

The following conditions shall apply to all structures and devices designed to convert wind energy into a usable power source for residential, commercial, business and industrial uses where the primary purpose of the system is to provide power for those uses.

- a. Pole mounted wind conversion systems are prohibited.
- b. Building integrated wind conversion systems are permitted in all zoning districts. For the purpose of this chapter, building integrated systems refer only to systems encased within a principle or accessory building.

4. Production for Commercial Sale

The following conditions shall apply to all structures and devices designed to convert wind energy into a usable power source for commercial sale.

- a. Pole mounted wind conversion systems are prohibited.
- b. Building integrated wind conversion systems are permitted. All such systems shall have a protective shroud to contain projectiles in the event of system malfunction.
- c. No wind energy conversion system shall be erected, used or otherwise employed if said device interrupts or disturbs radio or television signal reception.
- d. As per Chicopee Noise Ordinance: City Code Chapter 200-2, no wind energy conversion system shall be erected, used or otherwise employed if said device results in the creation of any unreasonably loud, disturbing and unnecessary noise of such character, intensity and duration, as to be detrimental to the life or health of any individual or contrary to the public welfare.
- e. Monitoring and Maintenance: The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, emergency braking (stopping) and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility.
- f. Abandonment or Decommissioning: Removal Requirements. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. Decommissioning shall consist of: (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site. (b) Disposal of all solid and hazardous wastes in accordance with local, state, and federal waste disposal regulations. (c) Stabilization or re-vegetation of the site as necessary to minimize erosion.
- g. Financial Surety - Applicants for commercial-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and disposal or failure

to maintain in the event the city must maintain or remove the facility and remediate the landscape in an amount and form determined to be reasonable by the Site Plan Review Advisory Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal and disposal prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

G. Wood

The Board of Health signed the following regulation on the 22nd day of March, 2007. Pursuant to Massachusetts General Laws, Chapter 111 §31 and 31C, it shall be unlawful to use, install and/or maintain outdoor wood burning devices within the City of Chicopee including, but not limited to, all outdoor wood burning stoves, boilers and furnaces. For the purposes of this regulation, outdoor wood burning stoves, furnaces and boilers shall mean wood fired devices that are located outdoors and separate from the indoor building, structure or appliance to be heated, which heats water or air and then transports the same by pipe(s) to an indoor building, structure or appliance for the purpose of providing heat and/or hot water.

If any provision of this Regulation or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Regulation shall not be affected thereby and each other provision shall be valid and be enforceable to the fullest extent permitted by law.

Carl Dietz stated the language right now is for every foot of height that you're a half a foot set back from the property line.

Lee Pouliot stated we have the ability to hold these developers or residents who are putting these up to honor setback requirements within whatever they're zoned. He stated I don't think we have the legal ability to say within a certain site or context, it's altogether not an option.

Councilor Laflamme stated that a lot of homes with vinyl siding are melting with the skylights and solar energy system.

Lee Pouliot stated that solar panels do not reflect, there is a reflection off of the boarder which is typically aluminum.

Lee Pouliot agreed with Carl Dietz to add in some language honoring the same setback.

Carl Dietz stated existing vegetation, we've had a lot of problem with screening that is not under the control of the person who's constructed the building that is required to screen. When CEL comes through and they've cleared their right of way and the neighbors have a clear view of the factory, we have to get people to go back and do the right thing. He stated to just add "under the control of the generator".

Carl Dietz stated that the Site Plan Review Advisory Committee may allow things to stay onsite during the abandonment, then it couldn't be appealed.

Carl Dietz stated that can we define a decibel level of noise for the wind energy system.

Lee Pouliot stated that he could not find anything in Chapter 200 regarding decibels. He stated that the State did not attach any regulations or stipulations regarding wind.

Councilor Krampits stated that there is a decibel in the noise ordinance.

Carl Dietz stated that you can use the noise ordinance to interpret this if need be.

Attorney Garvey stated that it distinguishes between 11:00 PM and 7:00 AM fifty decibels and all other times it's seventy decibels.

Councilor McLellan stated that if you don't have any place to store the energy from the winds it's spinning for nothing and there's no reason to operate it.

Attorney Garvey read chapter 200-2 noise ordinance.

Councilor Roy motion to approve with corrections – Councilor Krampits 2nd the motion – motion passed

Committee vote 5 – 0 favorable

ITEM #4

Chapter 7 Ordinance Revisions – Parks Department (OPEE Positions, Recreation Positions, Aquatics, Sports League Officials)

CHAPTER 7

Group 1

A. Mayor	\$85,000.00
B. President of the City Council	13,000.00
C. City Councilors (12)	12,000.00 (each)
D. Vice Chairman of School Committee	6,500.00
E. School Committee Members	6,000.00 (each)
F. Assessors (3)	60,000.00
G. Treasurer	75,000.00
H. Collector	65,000.00
I. City Clerk	65,000.00
J. <u>Law Department</u>	
a. City Solicitor	\$42,432.00
b. Assistant City Solicitor	42,432.00
c. Chief of Litigation	45,316.04
d. Associate City Solicitor (3)	42,432.00 (each)
e. Council – Legal Counsel	42,432.00

Group 1 employees as defined above shall also be entitled to receive longevity as defined by the Administrative Employees Collective Bargaining Unit/Agreement, Health-Dental-Eye Insurance and Retirement.

Group 2

K. <u>Office of the City Council</u>		
a. Administrative Assistant	\$43,391.25	Grade 6
b. Clerk	29,104.11	Grade 3
L. <u>Office of the Mayor</u>		
a. Chief of Staff	\$50,004.99	Grade 8
b. Staff Assistant	41,765.22	Grade 5
c. Special Projects Manager	41,765.22	Grade 5
d. Grant Specialist	10,000.00	
M. <u>Auditing Department</u>		
a. Senior Accountant	\$59,438.70	Grade 8
N. <u>Office of the Treasurer</u>		
a. Assistant Treasurer	\$59,804.10	Grade 8
O. <u>Law Department</u>		
a. Paralegal	\$46,698.12	Grade 6
P. <u>Human Resources</u>		
a. Generalist (1)	\$38,787.21	Grade 5
b. Benefits Coordinator	43,391.25	Grade 6
c. Assistant Human Resource Director	49,310.73	Grade 7
Q. <u>Office of the City Clerk</u>		
a. Compliance Officer	\$20,232.72	Grade 4
R. <u>Planning Department</u>		
a. Development Manager	\$50,370.39	Grade 8

S. **Council on Aging**

a. P.T. Office Receptionist

\$ 2,160.80

Group 2 employees as defined above shall also be entitled to receive those benefits as defined by the Administrative Employees Collective bargaining Unit/Agreement and will follow the non-union personnel wage scale effective July 1, 2016.

~~Group 3~~

T. **Auditing Department**

a. Assistant Auditor - Stipend

\$ 4,000.00

U. **Office of the Treasurer**

a. Assistant Treasurer - Stipend

\$ 4,000.00

V. **Office of the Registrar**

a. Board of Registrar's (3)

\$ 1,000.00 each

W. **Liquor License Commission**

a. Chairman

\$ 700.00

b. Commissioners (4)

600.00 each

X. **Planning Department**

a. Environmental Stipend

\$10,000.00

Y. **Council on Aging**

a.. Sub. Transportation Coordinator

\$ 3,149.18

Group 3 employees as defined above shall NOT be entitled to any additional benefits.

The following positions shall be established by the City of Chicopee along with the following hourly rate of pay as detailed below:

~~Group 4~~

Z. **Library Department**

a. Part Time Page

\$ 11.00 per hour

b. Circulation Clerk (On-call)

11.00 per hour

AA. **Engineering Department**

a. Seasonal Jr. Engineer

\$ 11.00 per hour

BB. **Highway Department**

a. Temporary Laborer

\$ 11.00 per hour

CC. **Sanitation Department**

a. Temporary Laborer

\$ 11.00 per hour

DD. **Parks Department**

a. Temporary Laborer

\$ 11.00 per hour

EE. **Flood Control Department**

a. Temporary Laborer

\$ 11.00 per hour

FF. **Golf Department**

- a. Seasonal Golf Assistants \$ 11.00 per hour
- b. Pro-Shop Assistant 12.00 per hour
- c. Cashiers 12.00 per hour

GG. Water Department

- a. Seasonal Employees \$ 11.00 per hour

HH. Waste Water Treatment Plant

- a. Temporary Laborer \$ 11.00 per hour
- b. Intern 12.42 per hour

II. Parks & Recreation Department

- a. Ranger \$ 11.00 per hour
- b. Special Care Taker 11.00 per hour
- c. Lifeguard 11.00 per hour
- d. Head Lifeguard 14.00 per hour
- e. Leader of Recreation/Art 14.00 per hour
- f. Assistant Recreation Leaders 12.00 per hour
- g. Youth Basketball Scorekeeper 1/game (Age 9-10) 11.00 per hour
- h. Youth Basketball Scorekeeper 1/game (Age 11-12) 12.00 per hour
- i. Youth Basketball Scorekeeper 1/game (Age 13-14) 13.00 per hour
- j. Youth Basketball Referee 2/game (Age 9-10) 12.00 per hour
- k. Youth Basketball Referee 2/game (Age 11-12) 15.00 per hour
- l. Youth Basketball Referee 2/game (Age 13-14) 18.00 per hour
- m. Youth Soccer Referee 2/game (Age 9-10) 11.00 per hour
- n. Youth Soccer Referee 2/game (Age 11-12) 12.00 per hour
- o. Youth Soccer Referee 2/game (Age 13-14) 13.00 per hour
- p. Youth Baseball Umpire 1/game (Age 8-10) or 3rd-4th grade 22.00 per hour
- q. Youth Baseball Umpire 1/game (Age 11-12) or 5th-6th grade 25.00 per hour
- r. Youth Baseball Umpire 1/game (Age 13-14) or 7th-8th grade 30.00 per hour
- s. Youth Softball Umpire 1/game (Age 8-10) or 3rd-4th grade 18.00 per hour
- t. Youth Softball Umpire 1/game (Age 11-12) or 5th-6th grade 25.00 per hour
- u. Youth Softball Umpire 1/game (Age 13-14) or 7th-8th grade 28.00 per hour
- v. Camp Director 16.25 per hour
- w. Assistant Director 15.00 per hour
- x. Specialist 14.00 per hour
- y. Senior Counselors 13.00 per hour
- z.
- aa. Junior Counselors 12.00 per hour
- bb. Aquatics Director 15.00 per hour
- cc. Lifeguard Instructor 13.50 per hour

JJ. Police Department

- a. Special Patrolmen 11.00 per hour
- b. Special Sergeant 11.00 per hour
- c. Special Lieutenant 12.00 per hour
- d. Special Captain 13.00 per hour

KK. MIS Department

- a. Intern \$ 12.00 per hour

LL. Law Department

- a. Legal Intern (2) \$ 15.00 per hour

MM. Planning Department

- a. Intern (2) \$ 17.50 per hour

OO. Human Resources

- a. Temporary Clerk \$ 11.00 per hour

Group 4 employees as defined above shall NOT be entitled to any additional benefits.

~~Group 5~~

- A. Police Chief
- B. Fire Chief

The regular, full-time Fire Chief and the regular, full-time Police Chief of the City of Chicopee shall receive an annual compensation which shall not be less than (2) times the highest annual rate of compensation of a regular, full time firefighter, or a regular, full time police officer or patrolman, as the case may be.

In addition, parity shall be maintained relative to compensation rates paid to the Police Chief and the Fire Department Chief for the City of Chicopee.

The highest annual rate of regular, full time firefighter, or a regular full time police officer or patrolman, is to be construed and interpreted as the "base rate" and shall not include any other additional forms of compensation and, if given this definition, the rates of the Fire Chief and the Police Chief would mathematically come out to different levels of compensation, then the lower rate shall be adjusted to the higher rate in order to maintain parity between the two Department Heads.

Group 5 employees as defined above shall also be entitled to receive those benefits as defined by the Patrolmen and Firefighter Collective bargaining Unit/Agreement.

Said ordinance changes to be effective upon passage.

Carolyn Porter stated that the Umpires rate is relative to what everyone else is paying. She stated that they get paid per game. **Councilor Walczak** stated he has some concerns. The Assistant Recreation leaders received a dollar raise last year because of the minimum wage, why are we giving them another dollar. Our positions don't start until the end of June so they can take another job.

Carolyn Porter stated that everyone received that raise if you worked at McDonalds, Dunkin Donuts etc. and we are competing with all of those positions. Our jobs only run for six weeks so we have to be a little bit more competitive. We're looking for people who have an ability to relate to kids, have some level of responsibility so we are looking for somebody who's a step above that.

Councilor Walczak asked if you have a shortage of people applying for these jobs.

Carolyn Porter stated yes for the kind of people that we want for these positions.

Councilor Walczak stated that the City is not obligated to follow the State minimum wage.

Councilor Walczak stated that the only group I would recommend that you upgrade would be the Life Guards and Aquatic Directors.

Councilor McLellan stated since we all have so many questions about applicants do you think you can rework this and submit it to us another time.

Councilor Tillotson stated that we need to do something tonight; the kids are going to start work next week.

Councilor Walczak stated that we have DPW workers and teachers that haven't had a raise in a long time.

Carolyn Porter stated that they are very short seasonal positions. It's not up to me to come down here and ask for the DPW or Golf raises. She stated that there are raises deserved in other departments and I can't control that.

Councilor Laflamme stated that if this was a fulltime job I would agree with Councilor Walczak. All departments are just as important as yours.

Carolyn Porter agreed

Councilor Krampits motion to approve - Councilor Roy 2nd the motion - motion passed

Committee vote 4 - 0 favorable

ITEM #5

Delete Chapter 132 Sections 2-11

And insert in place thereof Chapter 132 Code Enforcement, Municipal Fines, and Appeals

CHAPTER 132 CODE ENFORCEMENT, MUNICIPAL FINES, AND APPEALS

§132-2 PURPOSE

The purpose of this section is to provide a schedule and procedure within City government for the payment and appeal of municipal fines and the disposition of violations of any ordinance, rule, or regulation of any municipal officer, board or department the violation of which is subject to a specific penalty. Chapter 40U authorizes the City to adopt this ordinance. The provisions of Chapters 109, 144, 160, 169, 172, 188, 200, 206, 223, 239, 243, 256, 262, and 269 of the City Code and any violations of Section 21D of Chapter 40 of the Massachusetts General Laws enforceable by the City with a specific fine shall be enforced through the process and fine schedule set out below unless the City chooses to seek any other available remedy from the Housing Court or any Court of similar jurisdiction of the Commonwealth should such a remedy be determined more appropriate under the circumstances.

§132-3 DEFINITIONS

“City” shall mean any employee or department authorized to make violation determinations and issue tickets.

“Municipal Hearing Officer” shall mean a person appointed by the appointing authority of a municipality to conduct Hearing of alleged code violations pursuant to this chapter of the City code.

“Unpaid charge” shall mean an unpaid fine incurred as a result of a violation of a rule, regulation, order, or ordinance regulating the housing, sanitary, or municipal snow and ice removal requirement.

“Enforcing person” shall mean police officers, inspectors, department heads or any employees charged with reviewing violations of any City ordinance or relevant state statute and issuing tickets for those violations.

§132-4 MUNICIPAL HEARING OFFICER

The Mayor will appoint the City’s Hearing Officer every January 2 to hear all appeals of citations issued under this ordinance. The Hearing Officer will hear appeals of citations issued under this chapter.

§132-5 ENFORCING PERSONS, ISSUING TICKETS, NOTICE TO THE OFFENDER AND THE HEARING OFFICER, AND ADMINISTRATION OF TICKETS

- A. Any employee or inspector who is tasked by their department with identifying violations of the Chapters listed in Section 132-1 or Section 21D of Chapter 40 of the Massachusetts General Laws and enforcing those violations will be identified as the enforcing person for the purposes of this chapter. Every enforcing person who takes notice of a violation of a rule, regulation, order, or ordinance regulating the housing, sanitary or snow and ice removal requirement shall provide the offender with a notice forthwith, which shall be in tag or ticket form, to appear before the Hearing Officer or the Hearing Officer’s designee during regular office hours, not later than 21 days after the date of such violation. All tickets or tags shall be prepared in triplicate.
- B. The tag or ticket shall be affixed securely to the building or, for a building with an onsite professionally-managed property office, delivered to the office during normal business hours and shall contain, but shall not be limited to: the date, time and place of the violation, the specific violation charged, the name and identification or badge number of the officer or enforcing person and his department, a schedule of payment for established fines and instructions for return of the tag.
- C. The City shall utilize an electronic form and system of issuing citations that assimilates and interfaces with the existing software used by the City to provide for the uniform and efficient processing of all documentation from the issuance of electronic tickets, the adjudicatory process, and ultimate disposition of the fines imposed by the electronic ticketing process. The City shall be responsible for working with the hearing officer to manage the public docket generated by the documentation of violations, the record keeping process of adjudication, and the imposition of fines and liens with the cooperation of the Collector’s Office if needed or as required by this chapter or any state statute.

§132-6 PROCESSING CITATIONS, RESPONSE BY VIOLATOR, OBJECTIONS TO THE VALIDITY OF THE CITATION, AND PENALTIES FOR NONPAYMENT

- A. Within three business days after completion of each shift, the officer or enforcing person shall give to his department head or supervisor those copies of each notice of a violation issued during such shift. The department head or supervisor shall retain and preserve one copy and shall, not later than the beginning of the next business day after receipt of the notice, deliver another copy to the Hearing Officer before whom the violator has been ordered to appear. The Hearing Officer shall coordinate and maintain a docket of all such notices.

- B. Where a notice of violation is issued for code violations, the alleged violator, within 21 days, shall return the notice of violation by mail, personally or by an authorized person, to the hearing officer and shall either: (1) pay in full the scheduled fine by check, postal note, money order and send said payment to the Collector's Office; or (2) request a hearing before the Hearing Officer in which case the request for appeal shall be forwarded to the Hearing Officer for scheduling. Each violation issued shall contain a statement explaining the procedure to adjudicate the violation by mail. Any amounts paid shall be payable to the City of Chicopee and forwarded to the Collector's Office for proper posting.

If a fine remains unpaid for 21 days and no hearing has been requested, a letter shall be sent by the Hearing officer to the property owner of record's mailing address and, if appropriate to the local individual or property management company responsible for the maintenance of the property, with a processing fee of \$10, notifying him that the fine shall be paid within 30 days after the receipt of that notice unless within 14 days of receiving that notice the property owner requests a hearing before the hearing officer and swears in writing under the pains and penalties of perjury that the property owner did not receive the notice of violation. If the fine remains unpaid after that 30 day period, additional penalties and interest may be attached. Thereafter, any fine and additional penalties and interest that may be attached and which remain unpaid shall become an additional assessment on the property owner's tax bill.

Such amount and cost relative thereto may also be a lien upon such real estate as provided in section 42B of Chapter 40 of the Massachusetts General Laws. The City's determination of whether to place a lien on the property may involve the number of and the dollar amount of the violations on the property. The property owner of record shall be notified by certified mail of the lien on the property. No lien shall be removed without notice from the tax collector that all such matters have been disposed of in accordance with the law. Additional charges equal to the amount required to file the lien and the amount required to release the lien shall be assessed against the owner of record for the purpose of ensuring that all costs associated with filing the release are recovered.

- C. Any person notified to appear before the hearing officer, as provided herein may, without waiving the right to a hearing provided by this chapter and without waiving judicial review as provided in section 14 of chapter 30A of the Massachusetts General Laws, challenge the validity of the violation notice and receive a review and disposition of the violation from the hearing officer by mail. The alleged violator may, upon receipt of the notice to appear, send a signed statement of objections to the violation notice as well as signed statements from witnesses, police officers, government officials and other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any statements or materials sent to the hearing officer for review shall have attached the person's name and complete address as well as the ticket number and the date of the violation. The hearing officer shall, within 21 days after receipt of such material, review the material and either dismiss or uphold the violation and notify the alleged violator by mail of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition conducted by mail shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final, subject to any hearing provisions provided by this chapter or to judicial review as provided in said section 14 of said chapter 30A of the Massachusetts General Laws.

§132-7 CONTESTING VIOLATIONS OF SECTION 21D OF CHAPTER 40 AND THE STATE SANITARY OR BUILDING CODES

- A. Notwithstanding section 21D of chapter 40, a person who desires to contest a violation of any City ordinance alleged in a notice to appear, pursuant to violations issued by the City in accordance with said section 21D of said chapter 40, shall request in writing a hearing before the hearing officer. The notice to appear shall be in the format specified in said section 21D of said chapter 40, except that the third copy of the notice shall be submitted to the municipal hearing officer unless the ticket was produced by an automated ticketing device. If the alleged violator requests a hearing before the municipal hearing officer in a timely manner, the municipal hearing officer shall schedule a hearing not later than 45 days after receiving the hearing request. The municipal hearing officer shall duly notify the alleged violator of the date, time and location of the hearing. When a hearing notice is sent, the alleged violator shall be given an opportunity to request a rescheduled hearing date. The municipal hearing officer so designated shall not be an employee or officer of the department associated with the issuance of the notice of violation.

The municipal hearing officer shall receive training in the conduct of administrative Hearing. The hearing and disposition shall be informal and shall follow the rules set forth in chapter 30A of the Massachusetts General Laws. Rules for judicial proceedings shall not apply. In conducting the hearing, the municipal Hearing Officer shall determine whether there was a violation.

- B. Any person aggrieved by a decision of the municipal hearing officer may appeal to the district court, housing court or other court of competent jurisdiction pursuant to section 21D of chapter 40 of the Massachusetts General Laws, on a form provided by the City, and shall be entitled to a de novo hearing before a clerk magistrate of the court. The court shall consider such appeals under a civil standard. The aggrieved person shall file the appeal within 10 days after receiving notice of the decision from the municipal hearing officer who conducted the hearing.

§132-8 FAILURE TO PAY AND PERSISTENT VIOLATIONS

Any person who has received a notice of violation issued in accordance with this chapter who, within the prescribed time, fails to pay the same or fails to request a hearing before the municipal hearing officer or who fails to appear at the time and place of the hearing, shall be deemed responsible for the violation as stated in the notice of violation. Such finding of responsibility shall be considered prima facie evidence of the violation in a civil proceeding regarding that violation and shall be admissible as evidence in a subsequent criminal proceeding. If a person fails to appear at a scheduled hearing without good cause, the appeal shall be dismissed and the violator shall waive any further right of appeal.

If the condition which caused the notice of violation to issue continues to exist, the finding of responsibility may also be used by the City as prima facie evidence of the existence of a violation in any proceeding to suspend or revoke any license, permit or certificate issued by the City relative to that building, structure or premises pending the correction of the condition and the City may pursue any remedy at law through the pursuit of injunctive relief in the Courts of the Commonwealth.

§132-9 SCHEDULE OF FINES

- A. There shall be a fine of \$25.00 for each incident of improper or failure to remove accumulated snow and ice and for each day the condition is not remediated.
- B. Dogs: There shall be a \$50 fine for any incident resulting in a violation of Chapter 144 of the City code regarding the keeping of and existence of dogs or other animals in the City. The owner of any dangerous or vicious dog, if said animal is found on property not owned or controlled by its owner or not restrained in a secure area per Subsection B of Section 23 of chapter 144, shall be subject to a fine of \$250.
- C. Any person, firm or corporation committing Fire Prevention violations or any provisions of Chapter 160 of the City code shall be fined \$100 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or on which a violation continues.
- D. Any misuse or unauthorized use of the Chicopee municipal golf course as defined by chapter 172 of the City code shall be fined \$250.
- E. Whoever commits a Parks and Recreation violation of a provision of Chapter 206 or any regulation established by the Parks Commission or the Cemetery Commission, whether included herein or hereafter enacted, shall, unless other provision is expressly made, be liable to a penalty of not more \$20 for each offense.
- F. Any person violating any provision of Chapter 223 regarding recycling regulations shall be fined \$100 for each violation.
- G. Any person who violates any provision of Chapter 239 of the City code regarding spray paint and indelible markers shall be fined \$200 for the first offense and \$300 for each subsequent offense within a year of the first offense.
- H. Whoever shall refuse or neglect to comply with the provisions of Article I of Chapter 243 of the City code regarding street numbering within 30 days after a notice, in writing, delivered to the owner or occupant of such tenement or building, of the number or numbers so assigned by the City Engineer shall, for each and every offense, be liable to a penalty of \$100.
- I. Any person, firm or corporation violating any of the provisions of chapter 257 of the City code by removing any wood, trees, bushes or other flora from any City property without the express written consent of the Tree Warden and Superintendent of Public Works shall be subject to a fine of \$300. Each day's continuance of a violation and each tree removed shall be considered a separate offense.
- J. Any person who violates chapter 262 of the City code by illegally storing unregistered or abandoned vehicles or otherwise violates the state sanitary code in their possession of vehicles shall be fined \$100 for the first offense or incident and \$100 for each subsequent day the condition persists.
- K. Any person committing a violation of chapter 111 of the Massachusetts General Laws or regulations derived from the state sanitary code and enforceable by the City Health Department shall be \$50 per violation and \$50 per day of a persisting violation.
- L. Any person violating any provision of the state building code shall be fined \$100 per violation per day that the condition or illicit activity persists.
- M. Any person who violates any other provision of the City code not enumerated above shall be fined \$20 per incident per every day the condition or illicit activity persists.

§132-10 DEPOSIT OF FINES

All fines, penalties or assessments in actions under this chapter shall be paid to the general fund of the City.

§132-11 APPLICATION AND SCOPE

This chapter shall supersede any local ordinances, rules or regulations to the contrary and any conflict in the City code shall be resolved in favor of this chapter.

Councilor Krampits motion to approve - Councilor Roy 2nd the motion - motion passed

Committee vote 4 - 0 favorable

Councilor Roy motion to take Item 6, 7 & 8 out of order - Councilor Krampits 2nd the motion - motion passed

ITEM #6

Henry Harris Street - west side - entire length - Parking Prohibited

The constituent stated she lived there for fifteen years and everyone has always parked on the right side of the road with no issues. The new owners of a home across the street park on the left side of the street and it is impossible to get through. She stated her concern is that a fire truck or ambulance cannot get through. It is a very narrow street and in the winter it is much worst. The neighbor parked on the left side all winter.

Councilor Roy motion to approve - Councilor Tillotson 2nd the motion - motion passed

Committee vote 4 - 0 favorable

ITEM #7

Delete - Emerson Street - North side - entire length - Parking Prohibited

Councilor Krampits motion to approve - Councilor Roy 2nd the motion - motion passed

Committee vote 4 - 0

ITEM #8

Emerson Street - North side - five feet north of the first driveway - Parking Prohibited Here to Corner

Councilor Roy motion to approve - Councilor Krampits 2nd the motion - motion approved

Committee vote 4 - 0

ITEM #9

Councilor Laflamme motion to approve the Minutes of - May 9, 2017 - Councilor Tillotson 2nd the motion - motion approved

Meeting adjourned at 7:43 PM