



Members

Robert J. Zygarowski, Chair
Jerry Roy, Vice Chair
Delmarina Lopez
Gary Labrie
William Courchesne

MINUTES
June 22, 2023

The following are the minutes of a public hearing held Thursday, June 22, 2023, at 6:30 PM in the Chambers, 4th Floor, City Hall, 274 Front Street, Chicopee, MA 01013.

Members Present Zygarowski, Roy, Labrie

Not Present López, Courchesne

Also Present Tim Reilly (Associate City Solicitor), Councilor Krampits (zoom), Councilor Laflamme (zoom), Frank Boron (Building Inspector), Lisa Sanders (Health Department), Doug Ellis (City Engineer), Patrick Major (Chief of Police), Councilor Pniak-Costello, Councilor Balakier,
The meeting was called to order at 6:30 PM

Some of the audio cannot be heard from the microphone.

In compliance with the Open Meeting Law the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

ITEM #1

BE IT ORDERED THAT the issue of dirt bikes be sent to the Public Safety Committee for a public hearing.

Patrick Major so far, we've only received eight actual complaints compared to last year. We reached out also to our neighboring communities, to Springfield, West Springfield and Holyoke as well. They're seeing a similar amount of call volume for that. Springfield had a few deployments of extra officers out recently to deal with some dirt bike issues. As far as our extra enforcement efforts, we've had numerous extra traffic details out, not specifically for the dirt bike problem, but if it does get to be a larger problem, we will have more targeted enforcement for the areas of concern.

Councilor Labrie stated do the dirt bikes need to be registered. I see these big dirt bikes running around town. He stated he saw one yesterday passing him, it was a big dirt bike with no license plate.

Patrick Major stated that if it was a bigger bike than it would need to be registered. If it's under a certain engine size CC wise, then it's not required to be registered. So we see there's definitely a mix of what we see out on the street. Sometimes we even see the quads that shouldn't be on the streets out there and we do our best to enforce that. It's difficult at times in a street vehicle or even one of our SUVs, the quads can leave the

road and take off down a dirt pathway into the woods very easily. Yes, if they're able to, they will cite them for that. If it's an off-road type of vehicle, an ATV, a quad or something like that, then we wouldn't charge them under the normal chapter 90, we would charge in one of the Chapter 90 violations.

Councilor Labrie stated that it seems the scooters, they just go through the red lights. They are supposed to follow the rules, including the bicycles.

Patrick Major stated he will get the specific rules for the registry.

Patrick Major stated we look at any type of vehicle that flees. There's a lot of parameters, obviously, the amount of traffic out there to see if the conditions, the reason why we would be going after them. What we don't want to do is put anybody's life in jeopardy, including the operator of the vehicle. We're extremely cautious about when we would actually pursue some of the cameras that we already use in the city now are pretty long range. We can discern some license plates with some of the technology we currently have.

Councilor Balakier stated that do we still have a confiscation policy for unregistered, like dirt bikes and ATVs.

Patrick Major stated that if the vehicle is registered, it would be towed. They may have the opportunity to properly register the vehicle.

Councilor Labrie motion to close public input – Councilor Roy 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

Councilor Labrie motion to place on file – Councilor Zygarowski 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

ITEM #2

BE IT ORDERED THAT Dairy Queen of 1535 Memorial Drive appear before the Public Safety Committee for a public hearing to discuss traffic conditions, snow removal on sidewalk and sanitary conditions.

Councilor Pniak-Costello stated So basically, there are several neighbors here today in regard to the conditions on Keddy Boulevard that have been created by Dairy Queen in regard to the sanitation conditions. So basically, we can Improve what's going on with Dairy Queen. One neighbor indicated to me that Dairy Queen is Ward Nine's version of Walmart. We can correct this and make the quality of life better. We.

Deborah Panagotopoulos 30 Kelly Boulevard stated her backyard is the KOC backyard, and I'm two houses on the same side as Dairy Queen. I've lived there for 40 years, and it's been a nuisance for many years. I did bring a display of pictures. She gave a demonstration; she stated cars from Dairy Queen blocking resident's driveway. This is the abuse of the drive thru line. That's what we have to deal with. If they don't park on our street, they go onto Memorial Drive and the line forms on Memorial Drive, which is a hazardous. This is stormwater that comes down from into Dairy Queens sewer in front and a lot of times they don't bother to take care of it. This is what we get when we have a heavy storm and that is a real safety hazard right there. We have had cars get stuck there. This is the trash in my backyard. Just this week I was mowing, and a Price Rite bag was wrapped around my lawn mower. So those are the problems. Some of the problem and I understand I went to the planning board meeting, and they're going to put maybe a Dunkin Donuts in the mix. Now we have more traffic which will filter onto Memorial Drive as a drive thru like Dairy Queen. This is James Street the other day when I was pulling out at 3:00 PM. You have schools emptying, manufacturing empty and condos down there. So at 3:00 this line was way down to the Base, and they want to put this drive thru on James Street at the Castle of Knights. So I think pictures say a lot.

William Turgeon 2 Springfield Street, but I've lived at Keddy Boulevard for most of my life when I was growing up. I agree with what she's stated. My only concern is when they put the fence back there. The traffic has to go all the way back around and it makes it inconvenient for people to even get out of the streets. Something needs to be done about the fence itself. He doesn't know why KOC does not want to work with Dairy Queen as to be able to kind of solve this issue because, like Debbie said, it's a hazard and something needs to be done about this. Especially with the deliveries they have every week, and something needs to be addressed, something needs to be done about it. Thank you.

Donna Archambault. 39 Keddy Boulevard. My whole entire life. 61 years. I was there when there were houses. Now there's Dairy Queen. Our street is turned into a parking lot. We've got two trailers, one for delivery, one to park in front of my house and leave the truck running while he's having lunch in the other truck. We have USA who doesn't cover their covers, and there's a part in Mass State Law says Motor Vehicles where that noise and nuisance incident to such travel shall be minimized or abated, department shall consider such alterations or changes in travel routes. They pick up at Dairy Queen. They don't cover the cover. The trash falls out on our street, and they race down the street. In 1970s, when Memorial Drive was made on the South Side, it was made a two-lane road and now we got all the traffic that comes down that way. So it's been posted. 15 miles an hour, that's been since I was a child when I walked to Junior High in 1974. The trucks, the trailers, they're all using our street as a parking lot to frequent Dairy Queen. So I have pictures here if you want to look at them. I also have snow removal. I've got more pictures of where the drain has not been cleared. So back when it started in 1994, it was stated they'd take a right turn out of Keddy Boulevard when the person bought it. We've asked about it, they said that the information is no longer around. I don't know why it's not in public record, but it was public record in 1994.

Carisa Casimini, 804 Tinkam Road, Wilbraham stated my family was the former owner of Dairy Queen and 1535 Memorial Drive. We open that business in 1994 and this is a disappointment to hear all of this, because that is not how we wanted this business to go. We did sell it to one set of owners. Since then, it has turned over again to another set of owners. I just wanted to apologize to the neighborhood. We took pride in what we did and how we took care of the neighborhood. I just wanted to share that with everyone in the room. Thank you.

Sue Nimchick stated my question is for the Chief. We often hear about, sites being developed, and I'm glad the original owner was there, because I can tell with her voice and everything that she never intended to this to be the situation. often when businesses develop and they hand it off to a next buyer and next buyer next buyer, things escalate and become worse and worse. So, Chief, as head of safety, how do you consider when something's going to be developed or expanded, like, something else at KOC and the situation with, Dairy Queen. When is intensity such a point where, it spills over any idea of safety is same with congestion, where are the limits. I go on Memorial Drive, and I see what the people there are talking about constantly throughout the summers. This is occurring in different sites throughout the city. So if the chief at some point can contribute an input to this, I think it would be perhaps an eye opener for everyone.

Dan Dorozynski 58 Keddy Boulevard. I'm approximately halfway down on the street. Some of the concerns that I have seen, obviously, the traffic is the most important to me. Coming home from work, 3:00, 3:30 at times I'm unable to turn on to Keddy Boulevard. Coming up, Memorial Drive from the Wal-Mart area. I at times have to stay in the right lane on Memorial Drive before I could even enter onto my street as cars are waiting to go into Dairy Queen. There's two lines additionally, 6:00, 6:30 at night it's an extremely difficult time on hot weather days during the summer. As far as the traffic is concerned, I know some of my neighbors have mentioned the concern of so many cars taking up the street, Keddy Boulevard all the way down the street to 58 Keddy Boulevard. That is a major concern. The traffic, especially when the cars are parked or standing on the left side of the road as well as right side. So it's an inconvenience to try to even go out that way to Memorial Drive. Another concern that I want to bring up is from a safety standpoint, the amount of trash and the concern of when that trash is disposed of. I don't know if my neighbors have seen it as well, but an abundance of opossums, raccoons, obviously, we've had more and more bear sightings. I know that the Knights of Columbus empties their bins daily because we hear that right out of our backyard. But I'm not sure as far as the safety with the trash removal. So that's a question that I would have for that business. Thank you.

Deborah Panagotopoulos 30 Keddy Blvd. stated they are usually doing it around 3:30 in the morning. The Knights of Columbus, sometimes the sweeper goes around that time. And we've had a real issue with that for many years. The Dunkin Donuts proposal that they're going to have a tractor trailer once a week, a box truck once a day. I just wanted to add that the dumpster emptying the dumpsters is not within reason. Dunkin Donuts, they proposed 5 to 11 and their trucks will deliver not on hours. So that means between 11 and five. We're going to hear their trucks. Thank you.

Donna Archambault, 39, Kelley Boulevard. The dumpsters were dumped at 4:00, 4:30 in the morning. It just happened this past week. So before then they never followed the ordinance, dumpsters within 100 residential feet were 11 p.m. to 7 a.m. not. They have never honored that rule and either the plaza.

Dennis O'Connor stated he has seen fifty cars backed up and he has seen many altercations.

Janelle Gorecki 3 Rolf Avenue South Hadley, so I've been a manager there for a couple of years. I do understand the traffic conditions. I've seen it happen. when I try to go at night to get myself some ice cream, I have to sit there too. It's a pain. I will try to work on the snow removal. We've had a snowplow guy who comes really late in the day. She will try to beat him to it so that they don't have to deal with the whole sidewalk situation and the trash people. We've tried to call them about coming so early because we had somebody come up to us and complain, but I'll try to get another call if it helps and I'll try to have them call maybe two times a week instead of one so that it's not so much trash filling yards, anything else we could work on. I could do it for you.

Councilor Labrie motion to close public input – Councilor Zygarowski 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

Councilor Labrie stated he has gone by there and has seen the traffic. I can imagine that some people see that traffic and they're going to try to go around to Kerry Boulevard on the other side and come in, because they don't have to wait on Memorial Drive. So that's an issue. I don't know how you will rectify it. Maybe talk to our Engineers and the Police Department. Make it a one way and public input again on that, but let our Engineer take a look at it. I can imagine how difficult if you live there.

Councilor Roy stated there's definitely a problem there with traffic and trash. The big item is how do we rectify it, how do we relieve it. It's not a simple answer. Somewhere down the line we could get the Engineers involved. I think what's going to have to happen personally, you're going to have to get the Knights of Columbus involved. They're going to have to give up a little of their property, unless you plan on telling Dairy Queen to go out of business somehow. There's no easy or simple solution, but I don't think it's unattainable.

Doug Ellis stated that some of the issues I'm hearing for the first time tonight, like the drainage. Councilor Pniak-Costello has talked to me about trying to do a study there to see what the truck volume is, to see if we can get trucks excluded from that road. We've been unable to do those accounts yet because we have the construction going on for the water main on James Street. So anything we did wouldn't reflect the actual conditions. So as soon as that construction project is done, we're going to get some traffic counts on there.

Lisa Sanders. Stated that they probably need to have their employees pick up more often. As far as USA is concerned, they are known for picking up really early. We send them notices. So if you're having that problem with them picking up too early, let us know we can send them a letter.

Frank Boron stated that I agree with Lisa about the dumpsters, because what I have noticed and I get the phone calls too, is using the company that picks up the trash over at Dairy Queen. They also have other businesses in the surrounding area, so they do a roundabout. So I've received complaints from other businesses in that area, restaurant or grocery store, that dumpsters are being emptied really late at night. I think what the company does, they try to do a big sweep in that area. So they're not going back and forth, but I know it's a problem. It's been a problem for other businesses in that area. I agree that it can be a nuisance, especially because when you have the dumpster, it's pretty loud. I'm willing to work with them and with Lisa Sanders from the Health Department to make sure the dumpsters are emptied at a reasonable time.

Councilor Labrie stated do we have a time that dumpsters can pick up in our ordinances or in our charter.

Lisa Sanders stated we have an ordinance, it's after seven. She stated she has written citations.

Councilor Pniak-Costello stated that she has been to Dairy Queen with Engineer Ellis. and we've walked it. There is a problem with traffic. It's narrow. There's parking on it. There is speeding that is done there. For some people, it might be even a cut through from Memorial Drive to James Street. I believe even one of the constituents saw us walking the street. So there is a traffic issue. If you drive by in the summer, you try to get into Keddy Boulevard, you can't because the cars are backed up. Having that drive through the way it is, is a real problem. That drive through has created even more problems. Many of the neighbors have contacted me. Dairy Queen must be held accountable for the trash. Now there is a woman in Ward nine that collects trash. I went out with her, and you should see the trash that Dairy Queen has, and they shouldn't have that. The trash should be picked up and they should be responsible for cleanup. So there's a lot of issues here on Keddy Boulevard. There's a lot of issues with Dairy Queen. So I'm very happy we're going to sit down and try to solve this. So what would you recommend here, a no truck sign or commercial vehicle exclusion.

Doug Ellis stated that anytime we do a truck exclusion, that's something we go through the City Council. It's a heavy commercial vehicle exclusion that runs through the State and the MassDOT approves it or denies it. Councilor Zygarowski stated that it seems to me that the whole problem with traffic there is that Dairy Queen management needs to work with the KOC to get an order to go out through their gate. Doug Ellis stated that if you put a no truck sign, it's not enforceable. If there's not studies done and an approval from the MassDOT to have an exclusion of trucks. They refer to it as a heavy commercial vehicle exclusion. Councilor Pniak-Costello stated that she just wants to make sure that people understand that if they put a no truck sign, it's not enforceable. I think the problem with the no truck sign is some streets have it and some streets don't. She stated that she would like to have a traffic study done for a commercial vehicle exclusion. Through a study it will be enforceable. Patrick Major stated we will continue to monitor it for ordinance violations.

Councilor Roy motion to place on file – Councilor Labrie 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

ITEM #3

BE IT ORDERED THAT the Public Safety Committee meet to discuss enforcement of ordinances in Chicopee.

Councilor Pniak-Costello asked how the ordinances are enforced for the public in the audience. Lisa Sanders stated the way it works for the health department, we get a complaint, an inspector will go out and follow up on the complaint. If it's indeed a violation, we send out a notice. So we give the owner X number of days to correct it. if they do not correct, we may send a second notice or we may call them in for an in-house hearing. if they do not show up for the in-house hearing, we send it to our Law Department. Some people are what we call a repeat offender. So I will send out a notice, but then after that I will start giving them a ticket, and we are able to send a ticked every day thereafter. That would mean that we would have to actually go to that location every single day ticket and write a ticket. Most people comply. Those that don't comply are usually the ones that we are going to have a problem with. They dig their heels in, and they just refuse to do what we want them to do. That's when it goes to the Law Department for a hearing before a judge. That's pretty much how it works. We send out a notice, we give people enough time. Most people do comply and those that don't are called in for a hearing to figure out why they didn't do it. Frank Boron stated that we follow proper protocol, so we follow the same kind of rules that the Health Department follows with. We send out notices, then we send out a second notice, then we call them in for a hearing and try to get a result done. We send out a violation letter, and then if nothing's accomplished there, we send it over to our Law Department to try to get better enforcement and get people into compliance that way.

Patrick Major stated that the officers, if they notice the violation, sometimes they may try to correct it and have the person remedy it before they issued a citation. The issue with city ordinance violation, they fill out a complete report along with that violation.

Public Input

Sue Nimchick asked what the fees are when they continue to violate.

Lisa Sanders stated the fees vary. So some are for smaller violations like high grass, that's just \$50. The real offenders can be fined \$50 every day. The people that have overgrowth trash in their yards, unregistered vehicles, those we submit to law. I think it takes maybe over a year before the ticket even has to be paid. So they don't really pay attention to that, the behavior is not that great. We can't make people do what they are unwilling to do. That's just the bottom line.

Lisa Sanders stated the businesses are a little different because we fine them and revoke their license. So we do better with the businesses. We have a little more leverage.

Councilor Zygarowski stated that your local City Councilor in each quarter of the city can call in the licensee also and I've seen that done many times. We bring them in the possibility that a license be revoked or discharged or whatever the case may be. So if you have a certain problem in a certain area, you can certainly speak to your Councilor in each ward.

Don Archambault 39 Kelly Walmart There's an ordinance in the city as far as clearage. This particular intersection you have to stop at the stop sign and then you literally have to put your nose into the cross street, those shrubs are very high, so they've had to be there since I was a kid. Nobody seems to be doing anything about those intersections that are a safety to walkers and Kids from school. There's College at McCarthy, now there's Malcolm in the right. So you talk about enforcing it, those shrubs have been there a good, ten, 15, 20 feet. People have to stop at the stop sign, pull their nose into the street before they can see and turn out.

Councilor Zygarowski stated that the Building Department enforces shrubs.

Frank Boron stated to Councilor Pniak-Costello if you give me a list of what the problems are in your ward, I'd be happy to follow through.

Councilor Pniak-Costello stated we have to take a look at those shrubs on the corner of Mount Carmel. McCarthy and College Streets, kids cross there. The corner of New Ludlow Road and Malcolm. That corner has a little fence with large shrubs. I did report that as well.

Frank Boron stated he will address those issues.

Councilor Roy motion to close public input – Councilor Zygarowski 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

Councilor Roy motion to place on file – Councilor Zygarowski 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

ITEM #4

BE IT ORDERED THAT the Public Safety committee meet to discuss safety issues in the Litwin School neighborhood.

Councilor Zygarowski stated he spoke to Councilman Dobosz about Litwin School. This evening there is a neighborhood meeting that he is attending.

Councilor Roy motion to place on the call of the chair – Councilor Zygarowski 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

ITEM #5

Minutes of March 23, 2023

Councilor Roy motion to approve the minutes – Councilor Labrie 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

Councilor Roy motion to adjourn – Councilor Labrie 2nd the motion.

Councilor	Yes	No	Absent	Abstained	Out of Chair
Zygarowski	X				
Roy	X				
López			X		
Labrie	X				
Courchesne			X		

Motion passed.

Meeting adjourned at 7:30 PM