

(13)
 RECEIVED
 2021 MAY 11 AM 11:30
 CITY COUNCIL
 CHICOPEE MA

Minutes from the City Council Meeting on Tuesday April 20, 2021 at 7:00 pm in the Auditorium are as follows:

Brooks, Shane D.	Ward 2 Councilor	Absent
Laflamme, Frank N.	At-Large Councilor	Present
Roy, Gerard (Jerry) A.	At-Large Councilor	Present
Tillotson, James K.	At-Large Councilor	Present
Zygarowski, Robert J.	At-Large Councilor	Present
McAuliffe, Joel D.	Ward 1 Councilor	Present
Galecki, Lucjan J.	Ward 3 Councilor	Present
Balakier, George A.	Ward 4 Councilor	Present
Krampits, Fred T.	Ward 5 Councilor	Present
Dobosz, Derek	Ward 6 Councilor	Present
Courchesne, William C.	Ward 7 Councilor	Present
Labrie, Gary R.	Ward 8 Councilor	Present
Walczak, Stan	Ward 9 Councilor	Present

Public Input –Katie Kalbaugh, here to investigate whether the land is Chapter 97 or conservation land. If this is the case, the land should never have been sold. Heard our voices, want to make sure land stays protected. David Boiselle, 117 DeJordy Lane, privilege to be here again about City of Chicopee land. Seeing if the land is conservation land. State conservation used to take care of this land. See the wildlife there, hope you can help us citizens and re-acquire this land. Make sure they don't cut the trees down. Mary Hanor, 145 Slate Road, thank Derek for submitting #24. Fergus Marshall on Friday met with Lee Pouliot, questioned the deed for this land was told could be found at the Registry of Deeds. Wasn't a deed, should have something on file in the Clerk's office. Not doing people of Chicopee any service if you don't know what land this is. Just asking you to do your job. Jonathan Tetherly, expressing opinion in favor of this. The city needs conservation land. Tina Collucci, 4 Nawrocki Drive, show support to Councilman Dobosz, get the city to search and see if it is Article 97 or can be deemed Article 97. Important land, need this in our environment, walk that land every single day. Robin Seymour, 45 Nawrocki Drive, also here to show support to other residents and Derek. Tragic to think wildlife would be displaced. Will be a traffic nightmare. Nancy Kellum, here to ask the City Council members if area is Ch. 97 Conservation Land. One of the few pristine areas left in the city.

--Motion made by Councilor Tillotson to take item #24 out of order. Motion passed.
 Councilor Brooks absent.

24 Be it Ordered that the Law Department provide documentation proving that parcel 0316-00002 located at 0 Fuller Road is not article 97 State Conservation land.

--Motion made by Councilor Dobosz to receive, pass and sent to Law for a recommendation. Councilor Dobosz stated thank all the residents that spoke tonight. Heard WMDC is planning on clearing the land. Asking WMDC not to clear the land. Having trouble getting info on this parcel. Definitely irregular, hopefully Law will find answers. Asking colleagues for support.

At least part of the parcel is conservation land. Are there any non-disclosure documents on file? Councilor Courchesne asked to make a friendly amendment to see if the Law Department can file an injunction to stop any clearing of the land. There are no plans of action. Difficult to find the deed to this parcel. Hope to get the injunction to stop the clearing of the land. Appreciate Council support on this. Councilor Tilltson stated need to get that amendment on the floor. Been going back and forth trying to find out the status of the land. Had people tell him they bought their homes there believing it was conservation land. Motion to receive, pass and send to Law Department for recommendation passed through all stages by a unanimous roll call vote. Councilor Brooks absent. Motion to have Law Department look into an injunction or restraining order passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-1 Mayors appropriation of Ten thousand and 00/100 dollars (\$10,000.00) to the following named account: Highway Expense Account for Special Services from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor McAuliffe to receive and pass. Councilor McAuliffe asked for suspension of rules to allow Councilor Laflamme to speak on this. Councilor Laflamme stated the reason this is being brought forward is this a specialty item. Need them to do job correctly. They hold the liability. The house has been hit two times, piece will protect the whole house. Councilor Tillotson stated a special situation they didn't plan on. Motion passed through all stages by a roll call of 11 yes, 1 abstained. Councilor McAuliffe abstained, Councilor Brooks absent.

MO-2 Mayor's appropriation of Three hundred forty six and 50/100 dollars (\$346.50) to the following named account: Water Expense Account for Insurance Other from available funds in the Water Surplus Account.

--Motion made by Councilor Roy to receive and pass. Councilor Roy stated sewer commission requests a transfer. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-3 Ordered that the City Council accept the donation of Five hundred and 00/100 dollars (\$500.00) to the Chicopee Parks Department. Said donation is from Mary Welshimer for a tree to be planted at Szot Park in memory of her son and it is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Krampits to receive, pass and the donation accepted. Councilor Krampits stated this mom wanted to have a tree planted in memory of her son. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-4 Mayors appropriation of Nine thousand nine hundred eight and 00/100 dollars (\$9,908.00) to the following named account: Fire Capital Projects Account for Purchase of Turnout Gear from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Galecki to receive and pass. Councilor Galecki stated for PPE for new recruits to go to the Fire Academy. Councilor Balakier stated will receive a grant to help pay the cost. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-5 Ordered that the City Council accept the donation from Alfred and Theresa Picard in the amount of Fifty and 00/100 dollars (\$50.00) to the Chicopee Department of Veterans Services. Said donation is for the City's Veterans programs and it is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Walczak to receive, pass and the donation accepted. Councilor Walczak stated family oriented people, give their time and energy, and in this case their money to the city. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-6 To the City Council:

You are hereby notified that I have this day appointed, Maureen K. Buxton, 33 Pleasantview Avenue, Chicopee, Massachusetts as Parks Commissioner to serve in such office for the term expiring on the 1st of May, 2026. To which appointment I ask the confirmation of your honorable council.

*Re-Appointment

--Motion made by Councilor Labrie to receive and the appointment approved this evening. Councilor Labrie stated know for a long time, very dedicated member. Councilor Walczak stated congratulate Maureen, remember when she came on board, told her to expect long meetings, she took her management skills to the board. They have much shorter meetings now. Councilor Laflamme stated worked with Maureen as the chair, gets the meetings moving. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-7 To the City Council:

You are hereby notified that I have this day appointed, Thomas J. Bresnahan, 61 McDonald Drive, Chicopee, Massachusetts as a member of the Parks and Recreation Commission to serve in such office for the term expiring on the 1st of May, 2023. To which appointment I ask the confirmation of your honorable council.

*Re-Appointment

*Corrected Term Dates

--Motion made by Councilor Tillotson to receive, pass and confirmed this evening. Councilor Tillotson stated has done a great job, glad to have him back. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-8 Ordered that the City Council accept the donations of Twelve thousand one hundred eighty nine and 50/100 dollars (\$12,189.50) to the Chicopee Council on Aging. Said donations are for senior meals for the month of March, 2021 and are accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Balakier to receive, pass and the donation accepted. Councilor Balakier stated for senior meals for March, helps the seniors. Councilor Dobosz acknowledged the Mayor's office. Meals for seniors and students during the pandemic. One of the greatest parts of what the Mayor has done so far. Motion passed through all stages by a unanimous roll call vote.

MO-9 Ordered that the City Council accept the Massachusetts Council on Aging grant in the amount of Three thousand four hundred forty nine and 85/100 dollars (\$3,449.85) to the Chicopee Council on Aging. Said grant is for field demonstration project: social isolation and loneliness and it is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Zygarowski to receive, pass and the grant accepted. Councilor Zygarowski stated thank god for grants. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-10 Ordered that the City Council accept the donations in the amount of One thousand six hundred thirty and 00/100 dollars (\$1,630.00) to the Chicopee Council on Aging. Said donations are for programming and are accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Courchesne to receive, pass and the donation accepted. Councilor Courchesne stated money for the newsletter. Councilor Tillotson stated newsletter is very important, elderly are shut in now. Comes out periodically. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

MO-11 Ordered that the City Council accept the donations in the amount of Seven hundred eight and 00/100 dollars (\$708.00) to the Chicopee Council on Aging. Said donations are for the Rivermills Reminder Newsletter and are accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Dobosz to receive, pass and the donation accepted. Councilor Dobosz stated generous donation. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

12 A favorable Casino Gaming Committee report: Ordered that the City Council join the Mayor in support of the "Massachusetts Sports Wagering Act," SD.2237 and HD.3606 presented by Adam Gomez and Orlando Ramos and Cosponsored by Senator John Velis and Representatives David Robertson, and Peter Capano, which established three licenses including approved retailers and provides revenue to the state general fund with direct aid to cities and towns, education, distressed restaurants and police training.

--Motion made by Councilor Dobosz to receive, pass and placed on file. Councilor Dobosz stated meeting with several of the Board members, Senator Vielas had representation. Billy Stetson was there. Sports betting legislation explained the bill. City would get 20%, lottery is split evenly, this is not. New Hampshire and Connecticut already legalized sports betting. The committee voted 4-0 in favor. Councilor Krampits stated the recap looks confusing. Should be 3 types of licenses, not 3 licenses. Councilor Tillotson stated no opposed but by the time this gets through these numbers will not change. Not cast in stone, no way to know what this will look like at the end. Very raw still. Couple things if this passes are good. Motion passed. Councilor McAuliffe abstained, Councilor Brooks absent.

13 A favorable Ordinance Committee report: Be it ordered that the City Council approve the requested change in the City of Chicopee Code Chapter 269, Section 4.4 by:

deleting Section 4.4 Shut-Off, Termination, Let-On and Discontinuance.

1. Shut-off

d) The Superintendent may terminate the water service to customers located outside the City of Chicopee who have unpaid balances for sewer use and storm fees. Termination will be in accordance with the Board of Water and Sewer Commission's written policy and regulations titled "Billing, Termination, & Appeal Regulations"

And inserting

1. Shut-off

d) The Superintendent may terminate the water service to customers who have unpaid balances for water, sewer, storm fees and/or charges. Termination will be in accordance with the Board of Water and Sewer Commission's written policy and regulations titled "Billing, Termination, & Appeal Regulations"

--Motion made by Councilor Tillotson to delete 264, to read Ch. 269, Sec. 4.4. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent. Motion made by Councilor Courchesne to read be it ordained. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent. Motion made by Councilor Tillotson for a 2nd and final reading, enrolled and ordained. Councilor Tillotson stated recommendation from the Water Commissioners. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

- 14 A favorable Ordinance Committee report: Be it Ordained by the City Council that the Code of the City of Chicopee for the year 1991, as amended, be and is hereby further amended as follows:

Chapter 144

--Motion made by Councilor Tillotson to receive, 2nd and final reading, enrolled and ordained. Councilor Tillotson stated dogs & animals, Ch. 144-20 I. City Clerk, letter to Council & Mayor due to covid-revenues from dog licensing dropped off, about half were licensed last year. Now all that didn't license would owe \$50 in late fees. Not forgiving the license fee, just the late fee. Councilor Tillotson asked how do we get this info out to the people? Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

- 15 A favorable Ordinance Committee report: 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:

Delete in its entirety Chapter 169-40 Maintenance; violations and penalties; enforcement
And insert in place thereof

ARTICLE V

Receptacles for Used Clothing

--Motion made by Councilor Courchesne to remove the word sticker and replace with license. Motion passed through all stages by a unanimous roll call vote. Motion made by Councilor Tillotson to receive, 2nd and final reading, enrolled and ordained. Councilor Tillotson stated used to make the licenses free to the non-profits. We are charging for all bins now. Penalties were increased, only for clothing now. Were becoming an eyesore. Needed to make changes. Clerk Rattell stated there was language where the non-profits didn't have to pay. Rented non-profit name to avoid paying the fee. This will level the playing field, charging what we should be charging. John Beaulieu worked hard on this, should be the word license not sticker. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

16 A favorable Ordinance Committee report: Chapter 7 Ordinance Revisions.

-- Motion made by Councilor Tillotson to receive, 2nd and final reading, enrolled and ordained. Councilor Tillotson stated entire list, only ones being added are the pandemic response job. Complete list now. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent.

17 To the City Clerk

You are hereby notified that I have this day appointed Thomas G. Costello of 66 Voss Avenue, Chicopee, Massachusetts as a member of the Charter Review Commission.

*New Appointment

--Motion made by Councilor Zygarowski to receive and the appointment confirmed. Councilor Zygarowski stated think he will be an asset to this committee. Motion passed. Councilor Brooks absent.

18 To the City Clerk

You are hereby notified that I have this day appointed Karen Rousseau of 42 Voss Avenue, Chicopee, Massachusetts as a member of the Charter Review Commission.

*New Appointment

--Motion made by Councilor Walczak the appointment be confirmed. Councilor Walczak stated very involved in the city. On the Rivermills Board of Directors, City wide PTO, good candidate. Councilor McAuliffe congratulated Councilor Walczak to this pick. Future Mother-in-law, very involved, well round of experience. Colleagues have selected a great group of folks. Councilor Walczak thanked Councilor McAuliffe for supplying the biography. Motion passed. Councilor Brooks absent.

19 To the City Clerk

You are hereby notified that I have this day appointed Nathan Moreau of 38 Shepherd Street, Chicopee, Massachusetts as a member of the Charter Review Commission.

*New Appointment

--Motion made by Councilor Courchesne to receive and the appointment confirmed. Councilor Courchesne stated part of the city in one capacity or another. Councilor Galecki stated think a great choice for this position. Councilor McAuliffe stated long committed servant to the city, lots of interesting ideas. Motion passed. Councilor Brooks absent.

20 To the City Clerk

You are hereby notified that I have this day appointed Cathleen Curran of 24 Social Street, Chicopee, Massachusetts as a member of the Charter Review Commission.

*New Appointment

--Motion made by Councilor Krampits to receive and confirmed this evening. Councilor Krampits stated known for a lot of years, showed interest in how the city functions, very down to earth. Motion passed. Councilor Brooks absent.

- 21 Be it Ordered that the Director of Public Works submit a report to the Mayor and City Council by December 31 each year for the revenue generated by each clothing receptacle located on City property.

--Motion made by Councilor Tillotson to read Be it Ordained. Motion passed through all stages by a unanimous roll call vote. Councilor Brooks absent. Motion made by Councilor Tillotson to receive, 1st reading and refer to the Ordinance Committee. Councilor Tillotson stated don't know how much they collect. These are the ones on city property. Collect revenue from clothing and so forth, how much would that clothing be worth if it was disposed of as trash? Councilor Roy stated an average of \$30-\$40 per month goes to the PTO of the schools the bin is on. Councilor Courchesne stated now going to be an ordinance. Going to committee. Motion passed, referred. Councilor Brooks absent.

- 22 Be it Ordered that the DPW remove and replace the faulty sidewalk at the corner of Dwight Street and 106 Cabot Street

--Motion made by Councilor Walczak to receive and sent to DPW for implementation & Mayor for appropriation. Councilor Walczak stated by the center Fire Station, sidewalk is uneven and extremely dangerous. Don't need any lawsuits. Motion passed. Councilor Brooks absent.

- 23 Request that the DPW Forestry Department review the tree conditions from Preston Park behind 291 Mandalay Road.

--Motion made by Councilor Walczak to receive and sent to Forestry for a tree condition. Councilor Walczak stated constituent request, concerned, if they fall. See if there is something they can do. Motion passed. Councilor Brooks absent.

- 25 A proposed ordinance adding to Chapter 260, Parking Regulations: Taylor Street, Heading east 25 feet from Sheridan Street, Parking Prohibited.

--Motion made by Councilor Dobosz to receive, 1st reading and refer to the Ordinance Committee. Councilor Dobosz stated deal with in committee. Motion passed, referred. Councilor Brooks absent.

- 26 A proposed ordinance striking from Chapter 260, Handicap Parking: 90 Bonner Street, Handicap Parking.

--Motion made by Councilor Zygarowski to receive, 1st reading and refer to the Ordinance Committee. Councilor Zygarowski stated person no longer lives there. Motion passed, referred. Councilor Brooks absent.

- 27 A proposed ordinance adding to Chapter 260, Parking Regulations: Bush Avenue, Odd side, Parking Prohibited.

--Motion made by Councilor Courchesne to receive and defeated. Councilor Courchesne stated will look at again. Motion passed. Councilor Brooks absent.

- 28 A proposed ordinance adding to Chapter 260, Parking Regulations: Cooney Place, East side – entire length, Parking Prohibited.
- Motion made by Councilor Tillotson to receive, 1st reading and refer to the Ordinance Committee. Councilor Tillotson stated talk about in committee. Motion passed, referred. Councilor Brooks absent.
- 29 An application for a NEW Special Permit under Section 275-58 (C) (4) of the Municipal Zoning Ordinance for the purpose of a all Alcohol Beverage License. Location of property: 66 Cabot Street, Chicopee, MA 01013. Name of applicant: Orlando Roberts, 66 Cabot Street, Chicopee, MA 01013
- Motion made by Councilor Balakier to receive & refer to the Zoning, License, Health, Planning, & Building Departments. Councilor Balakier stated take up in committee. Councilor Walczak asked which business this is. Motion passed, referred. Councilor Brooks absent.
- 30 An application for a NEW Special Permit under Section 275-52 (B) (3) of the Municipal Zoning Ordinance for the purpose of a garage that is not accessory to a primary structure 66 Moore Street, Chicopee, MA. Location of property: 61 Van Horn Street, Chicopee, MA. Name of applicant: David McGeary, 87 Blueberry Hill Road, Longmeadow, MA 01006.
- Motion made by Councilor Balakier to receive and refer to the Zoning, Planning and Building Departments. Councilor Balakier stated will take up in committee. Motion passed, referred. Councilor Brooks absent.
- 31 An application for a NEW Special Permit under Section 275-70 of the Municipal Zoning Ordinance for the purpose of Establishment of a medical marijuana facility in accordance with the Acts of 2012, Chapter 369, entitled "An Act for the Humanitarian Use of Marijuana" with waiver requests as detailed in the attached narrative. Location of property: 77 Champion Drive, Chicopee, MA 01020. Name of applicant: Mass Alternative Care, Inc., 1247 East Main Street, Chicopee, MA 01020.
- Motion made by Councilor Balakier to receive and refer to the Zoning, SPRAC and Planning with a second by Councilor Tillotson. Councilor Balakier stated take up in committee. Motion passed, referred. Councilor Laflamme abstained. Councilor Brooks absent.
- 32 An application for a NEW Special Permit under Section 275-72 of the Municipal Zoning Ordinance for the purpose of Establishment of an adult-use marijuana establishment in accordance with the provisions of MGL Chapter 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed" with waiver requests as detailed in the attached narrative. Location of property: 77 Champion Drive, Chicopee, MA 01020. Name of applicant: Mass Alternative Care, Inc., 1247 East Main Street, Chicopee, MA 01020.
- Motion made by Councilor Balakier to receive and refer to the Zoning & SPRAC with a second by Councilor Tillotson. Councilor Balakier stated take up in committee. Councilor Roy asked if this is the last permit? Councilor Balakier stated good question, not retail. Falls on the parameter, not a limit. Motion passed, referred. Councilor Laflamme abstained. Councilor Brooks absent.
- 33 An application for a NEW Zone Change from Bus A to Res B for 6,869 square feet of property located at 287 Chicopee Street, Parcel ID# 9030 for the purpose of uniformity with neighborhood zoning. Petitioner Name and Address: John Vieau & Sherry Manyak, 287 Chicopee Street, Chicopee, MA 01013.

--Motion made by Councilor Balakier to receive and refer to the Zoning and Planning. Councilor Balakier stated will take up in committee. Motion passed referred. Councilor Brooks absent.

34-36 Auto Repair License Renewals for 2021

Atlantic Coast Enterprises d/b/a Jiffy Lube #119	2017 Memorial Drive
Frank's Used Cars	11 Lawndale Street
Monro Muffler & Brake, Inc.	461 Memorial Drive

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

37 Olde Time Service 35 Gladdu Avenue

--Motion made by Councilor Walczak to receive and postponed until the applicant meets with the Treasurers financial responsibilities. Motion passed, postponed. Councilor Brooks absent.

38-40 Home Occupation Renewals for 2021

Jane's Boutique	Jane Gwozdzik	105 Tolpa Circle
Debbie's Do's	Debra Pelletier	12 Kane Drive
	Renee Simone	71 Mary Street

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

41 Junk Collector's License Renewal for 2021

Kanes Scrap Metal & Iron	184 East Meadow Street
--------------------------	------------------------

--Motion made by Councilor Walczak to receive and the licenses granted with existing restrictions. Motion passed. Councilor Brooks absent.

42-44 Junk Dealer's License Renewals for 2021

Moving/Odd Jobs Unlimited	874 Front Street
Daniel J. Cloutier	207/209 Meadow Street
Krunali, Inc.	2 Mill Street

--Motion made by Councilor Walczak to receive and the licenses granted with existing restrictions. Motion passed. Councilor Brooks absent.

ATTEST:



Keith W. Rattell
City Clerk