



**City of Chicopee  
City Council  
Public Safety Committee**

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**Members**

Robert J. Zygarowski, Chair  
Frank Laflamme, Vice Chair  
Jerry Roy  
Gary Labrie  
Shane Brooks

APPROVED 6-26-19

**MINUTES  
June 5, 2019**

The following are the minutes of a public hearing held Wednesday, June 5, 2019 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

**Members Present** Zygarowski, Laflamme, Labrie, Brooks

**Not Present** Roy

**Also Present** Dan Garvey (Associate City Solicitor), Councilor Krampits, Councilor Courchesne, Councilor Balakier, William Jebb (Chief of Police), Councilor Dobosz

The meeting was called to order at 6:30 PM

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 Chief of Police or his designee come in before the Public Safety Committee to discuss ongoing safety and security issues at Walmart.

**Attorney Garvey** stated that he had a conversation with **Richard Webster** Co-Manager of Walmart and he asked him if they were going to hire a fulltime person to act as a security officer at the Walmart. He stated that he has to speak to someone at the cooperate level and he will get back to me. He stated since that time Richard Webster has been in touch with Chantel in the Law Department and he is going to send her an email with a list of questions that he had but, neither Chantel nor I have received an email from him. He stated that he has tried to contact him on his cell phone but it goes to voice mail.

**Attorney Garvey** stated that it is his understanding that Walmart does hire Police Officers for specific events and occasions but it's not a fulltime Police Officer on duty at all times.

**Chief Jebb** stated that it's really a decision that has to be made at corporate level. He stated that we are up there one thousand times in a period of six months that's quite excessive. He stated that Walmart's security can't engage shoplifters and that has really created a nightmare for them. He stated that we are really trying to work with Walmart and retail in that area. He stated that the resolution here is to hire a Police Officer and that will help immensely.

**Councilor Laflamme** stated that there's a high rate of crime in this Walmart. He stated that he doesn't want the tax payers to pay for a full time Police Officer.

**Chief Jebb** stated that the district cars were spending way too much time at Walmart which left the community vulnerable. He stated in order to protect the surrounding communities we had to put a car around the Walmart business district.

**Attorney Garvey** stated that we could craft an ordinance whereby you would be required to hire a Police Officer if you have a certain number of calls in some period of time and if that trigger is met then you'd be required to hire a Police Officer. He stated that he will craft an ordinance for all stores.

**Councilor Laflamme** he agrees. He stated if you meet this criteria then you should be required to hire a Police Officer.

**Councilor Zygarowski** stated that he is in favor of having two Police Officers at Walmart.

**Chief Jebb** stated that we have all the data you need. He stated that he can do a two year lookback on every business on Memorial Drive.

**Chief Jebb** stated that he will do a two year look back at the responses that result in arrest or complaint.

**Attorney Garvey** stated that it would be responses that would result in arrests or a criminal complaint.

**Councilor Brooks** stated what if Home Depot after three months sees a dramatic decrease in the amount of calls and responses because of the visual presence and it invokes the ordinance. He stated that he wants to figure out a mechanism maybe by radius and amount of calls draining on our budgets. He stated as a corporate citizen he thinks that Walmart has an obligation.

**Chief Jebb** stated that the tax payers are paying for us to be up there all the time.

**Councilor Labrie** stated what if Walmart does not hire officers what is our recourse.

**Attorney Garvey** stated a penalty attached to the land owner.

**Attorney Garvey** stated a penalty could be we assign a Police Officer there and bill them. We need to find out how to enforce it.

**Councilor Balakier** stated on your response from corporate; do we have a time table. He stated that he would like some language in the letter to respond within thirty days so we could move forward with this issue.

**Councilor Dobosz** stated that maybe the trigger could be the amount of people. He stated that there are seven to ten thousand people going in there each day, which should require a Police Officer. He stated that no other store in the city even comes close to that and seven to ten thousand people a day should definitely be a trigger.

**Chief Jebb** stated that Walmart jumped right on board when we showed them how to take over the summons process. He stated we still go to identify and the determination is made if this person will be arrested or not.

**Councilor Zygarowski** stated as Chairman of Public Safety he is in favor of Walmart hiring a Police Officer. He stated that on various holidays especially around Christmas time he would like to see two officers up there.

**Chief Jebb** stated that Walmart's policy is they don't put hands on anyone and that's the problem. He stated that the security can see you run out the door with a television but they can't stop you. He stated that they have a robust camera system. They have a beautiful picture of the person, car and plate but now our detective bureau is tied up again investigating the matter.

**Councilor Courchesne** stated that a clause exists for not putting your hands on anyone because Walmart could be liable if someone gets hurt.

**Chief Jebb** stated that the public knows this. He stated that when you see a uniform standing there at the front door, you know we are stopping you. He stated there's a difference and it's a deterrent.

**Councilor Laflamme** stated by having an officer in their store in the long run will save them money.

**Councilor Laflamme** stated that he will wait for our Attorney to draft something for the ordinance.

**Councilor Laflamme** stated that Walmart does a lot of great things for the city. He stated that's not why we're here; we want to protect the other neighborhoods from being tied up and not having Police presence there.

Informational meeting

Committee vote 4 - 0 favorable

## **ITEM #2**

BE IT ORDERED THAT the Public Safety Committee meet with the Chief of Police to discuss how the City Council can assist the Police Department with the dirt bike issue on our streets.

**Councilor Courchesne** stated he brought this forward after receiving a request from someone in the Police Department.

**Councilor Zygarowski** stated that he has read the newspapers and he sees it when he's downtown.

**Chief Jebb** stated that this is a nationwide concern. He stated that there are twenty to thirty dirt bikes at a time. He stated that we've identified one of the organizations as "A Bike Life" and they're goal basically is to disrupt the motoring public. This is a high risk chase to try to; monitor, arrest, identify everyone and locate them. He stated that the dirt bikes are very mobile and it's hard to catch them and it's a high risk chase for a traffic infraction. He stated we monitor them from a distance and if they get caught in a traffic area we catch them. He stated that we've been very successful and have made several arrests and confiscated several of the bikes. He stated that we are limited in recourses and ability to do it. He stated that we are working on it with the State Police and Springfield. He stated that it's sporadic and not an everyday occurrence and we are limited.

**Attorney Garvey** stated that we can't draft an ordinance that says if you are caught for this violation we are taking your bike. They have a right to go to court on a forfeiture action.

He stated that we can confiscate but the court can order us to return it.

**Councilor Brooks** stated to draft an Ordinance locally that would be a deterrent. He stated that due process of going to court takes time and that will be a big deterrent. He stated that we could have a regional approach to figure out how to tackle this issue. He stated that if Chicopee has an ordinance that says you lose your motorcycle or your quad until your trial, and if you don't show up to court he thinks it should be forfeited forever. He stated that would be a big deterrent.

**Chief Jebb** stated that this is a great suggestion. He asked if an ordinance could be drafted.

**Chief Jebb** stated that twenty percent of the bikes we confiscated are stolen.

**Councilor Labrie** stated that he has received calls from the residents about the dirt bikes. But this is the first year that he has noticed them out there. He asked if it's getting worse or do we have some control over it.

**Chief Jebb** stated that he thinks the rain has kept it down a little bit but we will find out in the coming weeks. He stated that this has been going on for many years but not at the levels it has been going on now.

**Councilor Zygarowski** stated that we are going to do something but it's going to take some time.

**Councilor Courchesne** asked can you hold their bikes as evidence.

**Chief Jebb** answered no. He stated we need proof of ownership and in most cases that's very difficult to come up with.

### **Public Input**

**Jake Hanecak**, 620 Meadow Street stated that he lives right across from the storage facility and the dirt bikes are being stored in the storage facility on Meadow Street. He stated that it's out of control, they race up and down and they're not wearing helmets. He stated that they have no registrations.

**Jake Hanecak** stated that you need to lean on the owner of the storage facility. They are renting units and they're storing their bikes in them. He stated the owner is moving more and more of them in there; they are coming from Springfield and Hartford Connecticut. He stated that they race at 2:00 and 3:00 A.M. up and down Chicopee, Meadow Street and Claredon Avenue. He believes that EPO law should be enforced. He stated that the bikes contain ethanol and alcohol high compression and you should have each bay checked for these chemicals. He stated that he has seen twenty and thirty bikes racing.

**Jake Hanecak** stated that the bikes can be confiscated under Mass Law Chapter 90 because they are riding with no registrations. He spoke to Environmental Police Officer John Pajak and he said you can confiscate them and hold them until court dates. He stated that he has spoken to the owner of the storage facility and he doesn't care.

**Chief Jebb** stated a lot of what Jake is saying is correct. We have had conversations with the managers of the storage facility. He stated that they are working on their bikes and cars there.

**Councilor Brooks** stated could we have the self-storage come in and apply for special permits retroactively rather than having them all grandfathered to address these quality of life issues.

**Attorney Garvey** will look into it. He stated every self-storage will have to come in for special permit.

**Councilor Laflamme** stated that we do not allow any type of fuel, motor vehicle type equipment or gas in any storage facility.

**Attorney Garvey** stated that their contract calls for that and the Fire Department can enforce it.

**Attorney Garvey** stated that these facilities have contracts that say no repair, no hazardous, no flammable liquids I'm sure but it's a matter of them enforcing it. He stated that he will speak to the Fire Chief.

**Attorney Garvey** will draft an ordinance which allows us to impound the bike until further court action. He stated that he will speak to the Fire Chief and he will come up with something.

**Chief Jebb** suggested sending the storage facilities a letter from the Council that they will be looking into this matter. He stated that they have a contract and in their contract those things are not allowed.

**Councilor Laflamme** agreed sending a letter to them that we are looking into this with the Police Department, Fire Department and the City Council.

Informational meeting

Committee vote      4 - 0 favorable

Informational meeting

Committee vote      4 – 0 favorable

### **ITEM #3**

Councilor Laflamme motion to approve the minutes of April 24, 2019 - Councilor Zygarowski 2<sup>nd</sup> the motion - motion passed