

Minutes from the City Council Meeting on Tuesday July 3, 2018 at 7:15 pm in the City Council Chambers are as follows:

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CITY COUNCIL
CHICOPEE MA

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

MO-1 Whereas the Commonwealth has established a Housing Development Incentive Program (HDIP) to increase residential growth, expand diversity of housing stock, support economic development and promote neighborhood stabilization within Gateway Cities;

Whereas City as a designated Gateway City has created the West End Housing Development Investment District to encourage investment in the City's West End;

Whereas the parcels commonly known as Cabotville Industrial Park are located within the West End Housing Development Investment District;

Whereas the redevelopment of Cabotville Industrial Park as mixed-use, market rate housing is consistent with the goals and objectives of the West End Housing Development Incentive District;

Whereas 4 Perkins St LLC with The SilverBrick Group LLC as managers has acquires the Cabotville Industrial Park with the goal of redeveloping as mixed used, market-rate housing;

Whereas the proposed redevelopment plan requires the property to be designated at a Housing Development (HD) Project so as to be eligible for Housing Development Incentive Program Financing;

Whereas The SilverBrick Group LLC as managers for 4 Perkins LLC has submitted a Preliminary Application which includes a request for a Tax Increment Exemption Agreement (TIE) to the Commonwealth's Department of Housing and Community Development;

Now, therefore, be it resolved, that the City Council supports the designation of the Cabotville project as a Housing Development (HD) project by the Commonwealth of Massachusetts;

Be it further resolved that the City Council of the City of Chicopee with approval of the Mayor hereby commit to negotiate and enter into an agreement for Tax Increment Exemption (TIE) Agreement under M.G.L. c.59 section 5M and M.G.L. c. 40V section 4(b)(i).

--Motion made by Councilor Laflamme to receive and pass. Councilor Laflamme stated the Mayor put a committee together to review it. Councilor Tillotson said every developer now

is going to be looking for these. All the cities and towns are taking advantage of this. Hopefully this passes and we go onto the next phase. Motion passed through all stages by a unanimous roll call vote. Councilors Roy and Balakier absent.

MO-2 BE IT ORDERED that the City Council for the City of Chicopee does hereby petition the GENERAL COURT OF MASSACHUSETTS for passage of legislation as follows:

- (1) Repeal ST. 1892, c. 384, *An Act to authorize the city of Chicopee to introduce a public water supply*.
- (2) Repeal ST. 1877, c. 103, *An Act to incorporate the Chicopee Water Company*.
- (3) Amend the City's charter, ST. 1897, c. 239, to strike out Section 45 and to remove the reference in section 38 to the "board of water commissioners".
- (4) Authorize the City to establish a water department and a sewer department under the Department of Public Works, and to establish a combines water and sewer commission through local ordinance.

BE IT FURTHER ORDERED that the City Council for the City of Chicopee does hereby petition the GENERAL COURT OF MASSACHUSETTS that this petition be considered a general vote, which gives the General Court the ability to make substantive changes to the language of the proposed legislation within the general scope of the public objectives.

The purpose of this ORDER is to allow the City of Chicopee, by way of local ordinance, to create a new water department and sewer department to be under the general direction of the City and to allow the City of Chicopee Water Department and Sewer Department to become a division of the City of Chicopee Department of Public Works. Further, this order shall authorize the City of Chicopee to create a combines Water and Sewer Commission by local ordinance whose role and responsibility shall be defined by said local ordinance.

--Motion made by Councilor Dobosz to receive and refer to the Ordinance Committee and Utilities Committee for a public hearing. Councilor Dobosz stated this basically combines Water and Sewer Commission. This will be a huge change for city government. Councilor Tillotson suggested this be a joint meeting, at the same time so we can accomplish it in one night. Motion passed.

MO-3 Be it ordered that the City of Chicopee accepts the provisions of section 3(A) of M.G.L. Chapter 64N, and hereby imposes a three percent (3%) local sales tax on the total sales price received by the marijuana retailer operating within the City of Chicopee as a consideration for the sale of marijuana or marijuana products to anyone other than a marijuana establishment. Marijuana retailers shall pay said local sales tax to the Commissioner of Revenue at the same time and in the same manner as the sales tax due the Commonwealth of Massachusetts.

--Motion made by Councilor Courchesne to receive and pass. Councilor Courchesne stated this will allow us to collect the max amount allowed by law. Motion passed through all stages by a unanimous roll call vote. Councilors Roy and Balakier absent.

MO-4 Ordered that the City Council accept the FY2017 Edward Byrne Memorial Justice Assistance grant (JAG) in the amount of Twenty one thousand nine hundred seventeen and 00/100 dollars (\$21,917.00) from the U.S. Department of Justice to the Chicopee Police Department. Said grant is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Zygarowski to receive and pass. Councilor Zygarowski said this is just a formality. It needs to be a formal acceptance. It's going to be used on vests and

cameras. Motion passed through all stages by a unanimous roll call vote. Councilors Roy and Balakier absent.

MO-5 Ordered that the City Council accept the attached list of donations in the amount of Six hundred fifty five and 00/100 dollars (\$655.00) to the Chicopee Council on Aging. Said donations are for the New Building Fund and are accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Tillotson to receive and pass and the donations accepted. Councilor Tillotson stated he's glad to keep seeing money coming to the Senior Center. Councilor Walczak said this past weekend the concert there, had about 250 seniors there and it was well attended. Motion passed through all stages by a unanimous roll call vote. Councilors Roy and Balakier absent.

MO-6 Ordered that the City Council accept the attached list of donations in the amount of One hundred seventy three and 00/100 dollars (\$173.00) to the Chicopee Council on Aging. Said donations will be used for the RiverMills Reminder Newsletter and are accepted in accordance with M.G. L. Chapter 44 Section 53A.

--Motion made by Councilor Labrie to receive and pass and the donations accepted. Councilor Labrie said like the last one, this one comes from the RiverMills reminder newsletter donations. Councilor Tillotson said he thinks the newsletter is outstanding; it covers much of what's going on. Motion passed through all stages by a unanimous roll call vote. Councilors Roy and Balakier absent.

7 A favorable License Committee report, 2018 Auto Repair License renewal for Mr. Clean Auto Detailing located at 1422 Granby Road. Applicant: Evelyn Roman, 71 Blunt Road, Springfield, MA 01109.

--Motion made by Councilor Walczak to receive and license renewed with restrictions. Councilor Walczak stated that concerns were location of a handicap spot. There was also some concern about hours worked beyond the normal license requirements. Councilor Laflamme asked for a 60 day leeway on license. They had vehicles torn apart. All of that has been taken care of. The Building Commissioner will keep an eye on it. Motion passed. Councilors Roy and Balakier absent.

8 A favorable License Committee report, 2018 Auto Detailing License renewal for Mr. Clean Auto Detailing located at 1422 Granby Road. Applicant: Evelyn Roman, 71 Blunt Road, Springfield, MA 01109.

--Motion made by Councilor Walczak to receive and license renewed with restrictions. Councilor Walczak said the only change requested was additional hours Monday through Saturday 8am - 8 pm and Sunday 10am - 4pm. Motion passed. Councilors Roy and Balakier absent.

9 A favorable License Committee report, ORDERED THAT Absolute Motors, Inc., 245 East Street, be called before the City of Chicopee License Committee and City Council to discuss the license(s) currently held by Absolute Motors, Inc. including compliance with restriction imposed upon any licenses held by Absolute Motors, Inc. The Council may modify, suspend, fine, or revoke any license held by Absolute Motors, Inc.

--Motion made by Councilor Walczak to receive and granted with restrictions and placed on hold to the call of the chair. Motion made by Councilor Krampits to refer back to committee. Councilor Walczak stated this is a repeat offender. Councilor Krampits said he had filed an order a while back to bring them in. I got some calls about it the number of cars that they have. I did try to impress upon them that they need to stay within that count. The request I had made to the License Commission is that it be postponed so if something should come

up, I could simply contact Chairman Walczak and he could have a letter sent out to have them come in. Probably going to have the Building Commissioner go out next week or so. Hopefully they will reduce the number of cars again. Motion passed, referred. Councilors Roy and Balakier absent.

- 10 A favorable License Committee report, ORDERED THAT Top Dog Auto Service, 238 Meadow Street, be called before the City of Chicopee License Committee and City Council to discuss the license(s) currently held by Top Dog Auto Service including compliance with restrictions imposed upon any licenses held by Top Dog Auto Service. The Council may modify, suspend, fine, or revoke any license held by Top Dog Auto Service.

--Motion made by Councilor Walczak to receive and granted and refer back to the License Committee. Councilor Walczak said he does still tow vehicles which are one of the problems we had. He was working on vehicles at his house which we were concerned about. So there are some concerns whether he was following the rules as his license requires. Motion passed referred. Councilors Roy and Balakier absent.

- 11 A favorable Zoning Committee report, an application for a Special Permit under 275-67 for the purpose of a mixed-use development including up to 600 new residential units and up to 400,000 sq. ft. of commercial space within the former Cabotville Mill Complex under the City's Mill Conversion and Commercial Center Overlay District located at 165 Front Street. Requesting the following waivers:

1. A waiver of 275-67 K 1 (b) (d) for screening of mechanical equipment and loading areas, and interior vehicular use. While we plan to use landscaping and possibly some screening that is attractive, fits within the overall design and is cognizant of the environment we feel that these specific standards may create an unnecessary burden.
2. A waiver of 275-67 K 3 (a) for parking. Our engineer projects parking usage of up to 1,550 spots that we are required to supply 70% (1,085) in the Overlay District. Since commercial use will be needed during working hours and residential use will be needed outside of working hours we believe the up to 50% waiver is applicable. We are requesting a 44% waiver of the 1,085 so that the 623 spot capacity can cover the requirement. A higher ratio could limit the number of units.
3. A waiver of 275-67 K3 (d) (f) for parking areas being screened, for location of lots only to rear and side, for shade trees, shrubs, etc., While we plan to make parking areas attractive with appropriate landscaping, we feel these standards may create an unnecessary burden. The existing Ames Privilege and planned Lyman Mills are both Mill projects within the zone so we feel screening is not necessary.
4. A waiver 275-67 K 7(a) for specific noise level. We plan to use materials such as Coretec flooring that uses noise restraint cork and rubber. We have used Coretec flooring at other residential and mixed-use buildings that are former mills. Further, the residential and commercial spaces will be separated by existing wood as thick as 6 ft in addition to Coretec flooring so we feel the specific noise level standard may create an unnecessary burden.
5. A waiver of industrial zoning 275-62 (D) for signage restrictions, if any, such as setback so we can install signage that clearly identifies the property. We plan to use up to 12 signs at ground of first floor level of varying sizes but not to exceed 12 ft x 4 ft near 165 Front Street at the corner of Front and Springfield and both sides of the entrance from Springfield St. closest to the river. Further, we plan to use signage that fits within the overall design and respects the historical quality of the property.

Applicant - 4 Perkins, LLC, Aaron Papowitz, c/o SilverBrick, 307 W 38th St., Suite 1414, NY, NY 10018.

--Motion made by Councilor Brooks to receive and special permit granted this evening with restrictions. Councilor Brooks said this is part of the Cabotville development. There are several things the applicant will need to do to satisfy all the requirements of the Special Permit. Councilor Tillotson said he's especially pleased that all department requirements have to be met. Motion passed through all stages by a unanimous roll call vote. Councilors Roy and Balakier absent.

- 12 A favorable Zoning 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 275-51.1 Membrane-covered structures

Add to Chapter 275-51.1 B (3)

Notwithstanding anything to the contrary, the City Council may waive the dimensional requirements for good cause shown.

To read: The structure complies with the dimensional requirements of the zoning district in which it is located and the requirements of the Massachusetts Building Code. Notwithstanding anything to the contrary, the City Council may waive the dimensional requirements for good cause shown.

--Motion made by Councilor Brooks to receive and report be kept on file. Councilor Laflamme said he filed this order because I had concerns about the idea of having two different departments, the City Council as well as the Planning Department, if you need a waiver you have to advertise. It would cost a resident \$400-450 around there to advertise. Motion passed. Councilors Roy and Balakier absent.

- 13 A Zoning Committee report, Be it Ordained that the Chicopee City Council does hereby delete Chapter 275 Section 72 and hereby inserts in place thereof the following:

Chapter 275, Section 72: Adult use of marijuana (recreational)

Please refer to Exhibit A attached hereto and incorporated herein

--Motion made by Councilor Brooks to receive and refer to the item number 14 for joint discussion. Councilor Brooks stated we will hear the next order but we will have to take two separate votes. Motion passed. Motion made by Councilor Brooks to receive and approved. Motion passed.

- 14 An Ordinance Committee report, Be it Ordained that the Chicopee City Council does hereby delete Chapter 275 Section 72 and hereby inserts in place thereof the following:

Chapter 275, Section 72: Adult use of marijuana (recreational)

Please refer to Exhibit A attached hereto and incorporated herein

--Motion made by Councilor Tillotson to receive and take second and final reading, enrolled and ordained. Councilor Tillotson said our attorney and the Planning Department worked real hard to come up with an ordinance. I noticed some concerns about the 50 feet. If we went to 75 or 100 feet will have to remain a barrier. Most of us would like to have it further away but that would be in violation of the state zoning regulations because it would almost eliminate every slot. Councilor Brooks said he's also in favor of adopting the ordinance as written. The piece that I liked the most is it limits the amount of licenses to four. It allows us to take a wait and see approach. I think 100 feet is going to zone them out. Councilor Laflamme said I sit on Zoning and Ordinance too, I am not comfortable with 50 feet. I think

it should be 100. We can give waivers. I'd like to see it go to 100 and let the people come in for a waiver. Motion made by Councilor McAuliffe to amend to require 50 feet. Motion defeated by a roll call vote of 10 no, 1 yes. Councilor McAuliffe voting yes. Motion made by Councilor McAuliffe to amend to 60 feet. Motion defeated by a roll call vote of 10 no, 1 yes. Councilor McAuliffe voting yes. Motion made by Councilor McAuliffe to refer back to Ordinance Committee for review. Councilor McAuliffe said its borderline foolish to move this to 100 feet. Councilor Brooks said those establishments are going to become an attractive nuisance. Four is more than enough. Councilor Laflamme said I want to vote for it tonight. Lee came in and did a great job. We keep sending things back to get more information when we have talented people there. People should of went. I don't think we should it back to committee. Councilor Krampits said I understand the concerns about it. Folks usually research what the zoning is like in that area. I understand why folks want to have 100 foot boundary. But I think we will just be spinning our wheels. Councilor McAuliffe said we are opening ourselves up for litigation. Motion defeated by a roll call vote of 10 no, 1 yes. Councilor McAuliffe voting yes. Motion made by Councilor Laflamme to amend to read buffer from 50 to 100 feet in DD3. Councilor McAuliffe said I believe the ordinance is overly restrictive. I know why we are doing that but by limiting the amount of licenses we have we are limited the tax revenue that we can take in. We talk very often about the lack of revenue in the City. Councilor Labrie said at the meeting last night I originally would like to see it go to a hundred. I was picturing this empty lot with an 8 foot tall buffer against a building. I'm willing to go with the 50 feet. I voted against this last night but I am going to vote for the 50 feet. Councilor Tillotson said he would like to see it 100 feet but just doesn't think it's possible. I don't want to see any resident have an issue with it. Councilor Dobosz said I prefer they all be special permits but I understand that's not possible. I am also concerned that my ward has the most spots open. Ward 6 voted against it. Councilor Laflamme said everybody did a good job, my feeling is there are 4 available. We can always change it later. Councilor McAuliffe said it makes absolutely no sense. Telling these retailers don't worry about our rules in Chicopee we will consider a waiver makes no sense. It's very clear 100 feet is overly restrictive. Councilor Courchesne stated 100 feet is going to make it harder for ward 6. Councilor Dobosz said he doesn't understand why they can't come for a special permit. It would just make it so much safer. I just don't feel comfortable with 50 feet. Motion passed by a roll call vote of 8 yes, 3 no. Councilor McAuliffe, Krampits and Courchesne voting no. Councilors Roy and Balkier absent.

15 A NEW gas storage license application for 10,121 gallons of diesel fuel at 158 New Lombard Road. Applied for by: J + L Realty Mgt., 652 Prospect Street, Chicopee, MA 01020.

--Motion made by Councilor Walczak to receive and refer to the License Committee. Councilor Walczak stated we will take this up in committee. Motion passed, referred. Councilors Roy and Balkier absent.

16 A NEW Class 2 application for Matt's Auto Mall, LLC located at 1840 Memorial Drive. Applied for by: Matthew Jensen, 229 Miller Street D6, Ludlow, MA 01056.

--Motion made by Councilor Walczak to receive and refer to the License Committee. Councilor Walczak stated we will take it up in committee. Motion passed, referred. Councilors Roy and Balkier absent.

17 A RENEWAL application for a Flea Market License at 929 Chicopee Street. Applied for by: Tracey Bryson, 282 Schoolhouse Road, Chicopee, MA 01020.

--Motion made by Councilor Walczak to receive and granted with restrictions. Councilor Walczak stated he has not heard any complaints. Motion passed, granted. Councilors Roy and Balkier absent.

ATTEST:

A handwritten signature in black ink, appearing to read 'Keith W. Rattell', written in a cursive style.

KEITH W RATTELL
CITY CLERK