

13

RECEIVED

2023 JUL 13 AM 9:50

CITY COUNCIL
CHICOPEE MA

Minutes from the City Council Meeting on Thursday July 6, 2023, at 7:15 pm in the Auditorium are as follows:

Laflamme, Frank N., President	At-Large Councilor	Present
Roy, Gerard (Jerry) A.	At-Large Councilor	Present
Tillotson, James K.	At-Large Councilor	Absent
Zygarowski, Robert J.	At-Large Councilor	Present
McAuliffe, Joel D.	Ward 1 Councilor	Present via Zoom
Brooks, Shane D.	Ward 2 Councilor	Present via Zoom
Lopez, Delmarina	Ward 3 Councilor	Present
Balakier, George A.	Ward 4 Councilor	Present
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
Pniak-Costello, Mary Elizabeth	Ward 9 Councilor	Present

Public Input-Lisa Bienvenue, 34 Everett Street, Went to 3 budget meetings, line-item meetings. Alarming it took so long to get to the council. No budget is ever that good. No opinion of whether it is good or bad. You're forced to approve when presented so late. Level funded the budget. Questions about medical and dental insurance. To put fear into people that they would lose insurance if the budget wasn't voted for. It's a \$15 million dollar line item. Grew up in a house where every dime you knew where it was spent. There should be a dialogue. Not democracy to tell people how to vote. Mary Beth Pniak-Costello, 66 Voss Avenue, at the request of several residents on Ludlow Road especially Deb Sutherland, there is a business called Marion Excavating. Wants council to know there is a cease and desist order if they are working. Remind City Council this is an issue for constituents.

--Motion made by Councilor Lopez to close public input. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

--Motion made by Councilor Lopez to return to the regular order of business following public input. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

Communications

C-1 Email communication from the Law Office of James E. Baker, PC, 40 Bridge Street, P.O. Box 815, South Hadley, MA 01075. Subject: RE: Special Permit Application 1682 Memorial Drive. Please allow this email to serve as our request for a sixty-day extension to render a decision on the above-captioned special permit. It is my understanding that we will be on the agenda for 7/26. Please let me know if you require any additional information.

--Motion made by Councilor Courchesne to accept and refer to item #10 on the agenda. Councilor Courchesne stated self-explanatory. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

Minutes --Motion made by Councilor McAuliffe to receive the minutes of 6/20/23 briefing, 6/20/23 meeting, & 6/27/23 special meeting, be approved and placed on file. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

MO-1 Ordered that the City Council accept the attached grant amendment from the Massachusetts Department of Environmental Protection in the amount of Six million nine hundred thirty-six thousand thirty-nine and 00/100 dollars (\$6,936,039.00) to the City of Chicopee. Said grant will be used to reduce the effluent nitrogen as required by the City's federal and state issued NPDES permit and it is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Brooks to receive and pass. Councilor Brooks stated federal monies that the local delegation raised. Accepted by mandate. Motion passed through all stages by a unanimous roll call vote. Councilor Tillotson absent.

MO-2 Mayor's appropriation of Thirteen thousand and 22/100 dollars (\$13,000.22) to the following named account:

Councilor	\$12,000.24
President of Council	<u>999.98</u>
Total	\$13,000.22

Said amount is to be raised in the FY2024 Fiscal Year Tax Levy.

--Motion made by Councilor Lopez to receive and pass. Councilor Lopez stated procedural, discussed several times. Not our increases, for newly elected councilors. Motion passed through all stages by a roll call vote of 11 yes, 1 no. Councilor Pniak-Costello voting no. Councilor Tillotson absent.

MO-3 Ordered that the City Council accept the attached named donations in the amount of One hundred twenty-eight and 00/100 dollars (\$128.00) to the Chicopee Public Library. Said donations 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 send the usual thank you letters. Motion passed through all stages by a unanimous roll call vote. Councilor Tillotson absent.

MO-4 Ordered that the City Council accept the attached named donation in the amount of One hundred and 00/100 dollars (\$100.00) to the Chicopee Police Department. Said donation is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Zygarowski to receive, pass and the donation accepted. Councilor Zygarowski stated to police from Josephine Duda, send a thank you letter. Motion passed through all stages by a unanimous roll call vote. Councilor Tillotson absent.

MO-5 Mayor's appropriation of Six thousand one hundred six and 10/100 dollars (\$6,106.10) to the following named account: Purchasing Salary Account for Assistant Purchasing Agent. Said amount is to be raised in the FY2024 Fiscal Year Tax Levy.

--Motion made by Councilor Balakier to receive and pass. Councilor Balakier stated salary adjustment. Upgrade for the Assistant Purchasing Agent. Motion passed through all stages by a unanimous roll call vote. Councilor Tillotson absent.

- 6 A favorable Public Safety Committee report: Be it Ordered that the issue of dirt bikes be sent to the Public Safety Committee for a public hearing.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Zygarowski stated had a meeting, chief responded, patrol officers are out there. Councilor Pniak-Costello stated some residents have questioned dirt bikes in the city. Are they a nuisance? Chief Major said not a real concern at this point. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

- 7 A favorable Public Safety Committee report: 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.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Zygarowski stated the manager of DQ was there. Good discussion. Councilor Pniak-Costello stated DQ has been an issue for many years. Traffic, congestion, trash, during the winter they do not remove the snow. Dept. heads indicated issues, will look into making sure the ordinances are followed. Councilor Dobosz thanked Councilor Pniak-Costello. The traffic backs up down Keddy Blvd. and Memorial Drive. Drive-thrus don't fit in every location. Do believe they should require a special permit. Drive-thrus can be ok, like Chic-Fil-A. Look at changing the zoning rules. Councilor Pniak-Costello stated happy Councilor Dobosz brought up the issue of drive-thrus. When not in a residential area ok, but when in a residential area are concerned about drive-thrus in residential area. Can be a serious problem. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

- 8 A favorable Public Safety Committee report: Be it Ordered that the Public Safety Committee meet to discuss enforcement of ordinances in Chicopee.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Pniak-Costello stated challenging. Think an enforcement officer is a good idea. Questioning if ordinances are being enforced by building and health. What can be done in regards to having DQ right next door. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

- 9 A favorable Public Safety Committee report: Be it Ordered that the Public Safety Committee meet to discuss safety issues in the Litwin School neighborhood.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Zygarowski stated neighborhood meeting at Litwin on the same night. Councilor Dobosz stated neighbors complained at the public meeting. Still a dangerous area, neighbors are frustrated. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

- 10 A favorable Zoning Committee report: Special Permit application under 275-58 (c) (5) for the purpose of four (4) residential units located at 1682 Memorial Drive. Applicant: 896-900 Prospect Street, Inc. David B. Williams, 32 Haig Avenue, South Hadley, MA 01075.

--Motion made by Councilor Balakier to receive and accept the 60-day extension. Councilor Balakier read the email correspondence. Councilor Pniak-Costello stated in ward, been travelling by the building to make sure things are being complied with. Capt. Kalbaugh has been out to inspect. Extension is a good idea, builder, fire, and building dept. are working together. Councilor Balakier stated understanding from Captain Kalbaugh there is plenty of work to be done there. Motion to extend passed by a unanimous roll call vote. Councilor Tillotson absent.

- 11 A favorable Zoning Committee report: Zone Change application from Industrial Garden Planned Unit Development Type 1 to Industrial for 2.58 +/- acres of property located at Burnett Road (Parcel ID Map 294 Lot 6 and Lot 7) for the purpose of eliminating the existing split zone property. Applicant: Scannell Properties #705, LLC c/o Leo Leighton, 294 Grove Lane, Suite 140, Wayzata, MN 55391.

--Motion made by Councilor Balakier to receive, and the zone change approved. Councilor Balakier stated piece of property 7.1 acres/combining two properties. Reason for this is eliminating split zoned property. Prospective Tesla dealership. Lee Pouliot spoke in favor of the zone change. Right way to go. Planning Board was in favor. No residential areas will be affected. Will work well. Councilor Lopez abstained in committee, wanted to go back to residents that were concerned with this. Wanted more time to meet with the Planner and residents. Part of the reason we were opposed didn't know the difference. Lee explained what the differences were. How many trees are in the parking lot. Transparent with the residents, what the differences are. Boiled down to trees. Tesla has been very willing to work with us. Company wants to come in and work with the city. Councilor Courchesne stated basically glad to know. Will support, always a voice, wasn't going to affect any residents. No bait and switch can't make a good decision with no knowledge. Motion passed through all stages by a unanimous roll call vote. Councilor Tillotson absent.

- 12 Be it Ordered that a Public Safety Committee meeting be held to discuss Moreau Drive and the surrounding streets-resident concerns. Invite to the meeting DPW, Police, Fire, Building, and Health Departments.

--Motion made by Councilor Labrie to receive and refer to the Public Safety Committee. Councilor Labrie stated give the residents an opportunity to come to public safety meeting. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 13 Be it Ordered that the City Council meet to discuss the Open Meeting Law Complaint filed by Lisa Bienvenue on June 20, 2023.

--Motion made by Councilor Labrie to receive and refer to the Rules Committee. Councilor Labrie stated take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 14 Be it Ordered that the issue of the boarded-up house on 113 James Street be referred to the Public Safety Committee.

--Motion made by Councilor Pniak-Costello to receive and refer to the Building Department then the Public Safety Committee. Councilor Pniak-Costello stated boarded up house. Working on this since February. Indicated can take up to a year to take this down. Eversource, the building department and board of health should be invited. Councilor Zygarowski stated sent first to building before referring to Public Safety. Councilor Lopez asked just to Building? Councilor Courchesne asked is this the house way in the back? Councilor Pniak-Costello stated recently found used needles in front of the house. Don't want a

fire. Recognize John Beaulieu to get this house addressed, neighbors are concerned. Motion to refer passed by a roll call vote of 11 yes, 1 out of chair. Councilor Dobosz out of chair, Councilor Tillotson absent.

15 Be it Ordered that the DPW install a stop sign at the intersection of Dorothy Ave. and Prospect Street.

--Motion made by Councilor Pniak-Costello to receive, 1st reading and refer to the Ordinance Committee, amend to read be it ordained. Councilor Pniak-Costello stated the neighborhood from Prospect Street down, street ends and goes right into prospect. Amend to read be it ordained. Motion passed by a roll call vote of 11 yes, 1 out of chair. Councilor Labrie out of chair, Councilor Tillotson absent.

16 Be it Ordered that the DPW review if a dynamic speed sign can be installed at 730 Prospect Street Chicopee.

--Motion made by Councilor Pniak-Costello to receive and refer to the DPW for review. Councilor Pniak-Costello stated tremendous amount of speeding. Motion passed by a unanimous roll call vote.

17 Be it Ordered that the issue of Marion Excavating Company involving cease and desist be referred to the Public Safety Committee for a public hearing.

--Motion made by Councilor Pniak-Costello to receive and refer to the Public Safety Committee. Councilor Pniak-Costello stated spoke earlier at public input. Take up in committee. Councilor Zygarowski stated also have building and health inspect enforcement of the cease and desist. Attorney Riley stated the law department filed suit against Marion Excavating. Move forward with the permitting process. Councilor Balakier stated should have law department involved. Councilor Courchesne stated the council has no authority over this. Nothing we can do. No authority over lawsuits. Giving the information to the residents. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

18 Be it Ordered that unsafe conditions on Jacob Street be referred to the Public Safety Committee.

--Motion made by Councilor Pniak-Costello to receive and refer to the Public Safety Committee, amend by Councilor Pniak-Costello to withdraw. Councilor Pniak-Costello stated regards to Eversource doing work on Jacob Street. Cleanup did not take place. Open area, Eversource to go and clean up the area they are involved in. Has to be addressed.

--Motion made by Councilor Labrie to allow Councilor Laflamme to speak. Motion passed by a roll call vote of 11 yes, 1 abstained. Councilor Laflamme abstained. Councilor Tillotson absent. Councilor Laflamme stated spoke to the building department, DPW has been there recently. Had to wait for the road to settle.

--Motion made by Councilor Labrie to allow John Beaulieu to speak. Motion passed by a unanimous roll call vote. Councilor Tillotson absent. John stated a week and a half ago drove Jacob Street, the only thing found was patching and curbing, they did milling. Drove the street on the way to the meeting that will be done tomorrow. Curb belongs to the city, manhole structure on Streiber Drive. There was a green chair that was left, another resident piled a bunch of concrete on the city right of way. Motion to withdraw passed by a unanimous roll call vote. Councilor Tillotson absent.

Be it Ordered that the final budget for the city be voted on 2 weeks before the end of the fiscal year be sent to the Ordinance Committee.

--Motion made by Councilor Dobosz to receive and refer to the Ordinance Committee, invite the Auditor and Mayor. Councilor Dobosz stated obviously there is frustration budget gets voted on so late. Will start discussion, can have discussion in ordinance. Councilor Krampits stated would this be more applicable to Rules? Attorney Riley stated if you're trying to change a law should be ordinance. Councilor Courchesne stated do we have a rule on when the budget has to be in? Councilor Dobosz stated issue is rules are for the Council only. Discussion in ordinance for now. Councilor Lopez stated would like to point out goes hand in hand with public input. Residents are concerned about this. Is not a political point. Transparent, does not make sense to vote two days before the budget has to be done. Just beginning of the conversation. Councilor Courchesne stated letter to the Mayor, invite to the meeting. Councilor Pniak-Costello stated ordinance isn't request for finger pointing. Very late in the month. Issue with the health insurance. Were questions with no answer given. Move when we met with department heads. Has to be voted on by July 1. This year is different were questions wanted answers. New HR director maybe we can get back on track. Couple weeks before to interview department heads. Was like squeezing the vote so it would pass. Councilor McAuliffe stated the reality is no matter what form of government we all had our budget way ahead of time. We are not an appropriating body. We could have shut the government down. Appreciate everyone wanting to get this early. That's what it takes to get everyone on the same page. Councilor Lopez stated don't think if that's what it takes. What people deserve. Deserve to know where taxpayer dollars are spent. Answers to questions. On health insurance. Person who presented budget did not have answers. Don't think it's unreasonable to get it earlier. Ways for us to have appropriated to keep the health insurance. Different mechanisms exist. Voted for, not voting for, just one line item. Consultant, who actually pays those bills. Want an answer to that question. Not fact that we would have left people without insurance. Acted. Make sure we are transparent. Councilor McAuliffe stated appreciate passion just not true. When June 30th runs out the funds have to be voted on. We do not get to decide what the mayor puts on the budget. Take a look, ordinance or charter, get it earlier. Primary funding sources get the funding. Councilor Brooks stated had we not passed the budget we would have had to have a special meeting on July 3rd. Not fear mongering, it's a fact. Absolute fact of the matter. Address health insurance for employees. People were upset in the timelines, frustrated if we were going to make public statements, have facts. Would have had to use stabilization. Been around for a long time. Under levy limit. Challenge of making good government decisions. Use the tax levy would have whittled under.

--Motion made by Councilor Courchesne to suspend rule #42. Motion defeated by a roll call vote of 3 yes, 9 no. Councilors Lopez, Dobosz and Courchesne voting yes. Councilor Dobosz absent.

--Motion made by Councilor Brooks to allow Councilor Laflamme to speak. Motion passed by a roll call vote of 8 yes, 3 no. Councilors Lopez, Dobosz, and Courchesne voting no. Councilor Tillotson absent. Councilor Laflamme stated transparency, everyone of us is looking for transparency. Budget is level funded, if you have questions, go to the department or the mayor to ask questions. Work hard for transparency. Thirteen of us are transparent to work on this council, go with the voters. Comfortable with the way he voted. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

Be it Ordered that the following properties be sent to the Law Department, Health Department, and Building Department for ordinance violations: 24 Olko Ct., 1130 Burnett Road, and 60 Murphy Lane.

--Motion made by Councilor Dobosz to receive and refer to Law, Health, and Building for review. Councilor Dobosz stated problem for a long time, 24 Olko Ct. has junk in back, farm animals, the neighbors have allowed the departments access to take pictures. Let the public know what's going on. Burnett Road is bank owned, they need to cut the grass. 60 Murphy Lane, vacant on and off, dumping on the property. Want a public update. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

21 Be it Ordered that Chicopee Electric Light install lighting on CEL Pole Number 1 on Walsh Street.

--Motion made by Councilor Dobosz to receive and sent to CEL for installation. Councilor Dobosz stated dark spot on Walsh Street. Shooting on the street, cameras had trouble picking up the incident. Piece of mind for the neighborhood. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

22 Be it Ordered that the Ordinance Committee discuss the issue of health and dental insurance with the Auditor, Treasurer, Mayor and Human Resources employees.

--Motion made by Councilor Pniak-Costello to receive and refer to the Ordinance Committee. Councilor Pniak-Costello stated talking about for two meeting now. How health and dental insurance is handled. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

23 Be it Ordered that the Water Resource Committee meet on July 13, 2023 to discuss water meters and water rates.

--Motion made by Councilor Lopez to receive, amend to be 7/20/23 in the Auditorium at 6:30, refer to the Water Resource Committee. Councilor Lopez stated mayors meeting not on the council calendar. Make sure the councilors can attend all the meetings. Water meters and rates are an issue across the city. Quicker we can get these in the better. Will invite relevant people. Councilor Dobosz stated thank Councilor Lopez for bringing this forward, big issue in the city. Major issue, the water department is guessing. New vendor stopped replacing our water meters. Have to replace them as soon as possible. People get hit with surprise water bills. Councilor McAuliffe stated looking forward to hearing this meeting. Every homeowner should know if you don't get a reading inside your house it is an estimate. Homeowners don't always let us in. Surprise water bills shouldn't be happening. Sometimes there is a leak and the water is used. Not a grand conspiracy, important for people to check their readings every month. Contact the water department immediately if you notice a drastic change. People should come to Chicopee and use our water. Hope to realize lower sewer rates. Look forward to a fair and complete hearing. Councilor Dobosz stated had a public hearing about this. Liz Batista explained faulty water meters exactly as explained. Problem with vendor, stopped providing water meters. Not finger blaming, has to be discussed has to be replaced. Difficult, elderly 95-year-old great uncle can't reconcile his. Shouldn't happen. Should say estimated bill. Need to be replaced. Should be working properly. Councilor Lopez stated do intend to hold a fair hearing. Folks want answers/transparency. Whether they should reconcile meters or not. Not about conspiracy. Don't feel like they understand enough. Home ownership doesn't come with a manual. Meeting is called for. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

24 An application for a NEW Special Permit under Section 275-58 (c)(5) of the Municipal Zoning Ordinance for the purpose of special permit for two apartments on the second floor of a business building. Location of property: 873 Grattan Street, Map & Parcel ID: 0447-00052. Property Owner: DCL Property Mgmt., 187 Nelson Street, Chicopee, MA 01013.

--Motion made by Councilor Balakier to receive, refer to the Zoning, Planning, Building, and Engineering departments. Councilor Balakier stated will take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 25 An application for a NEW Special Permit under Section 275-58 (c)(5) 40 (G)(4) of the Municipal Zoning Ordinance for the purpose of creating a mixed use property-Business A/residential – w two one bedroom units and a business building. Waivers Requested: reduce parking requirement from 6 spaces to 3 spaces. Location of property: 520 Chicopee Street, Map & Parcel ID: 0499-00051. Property Owner: Campagnari Construction – Matt Campagnari, 128 Federal St. Spfld., MA 01105.

--Motion made by Councilor Balakier to receive, refer to the Zoning, Planning, Building, and Engineering departments. Councilor Balakier stated will take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 26 An application for a NEW Zone Change from Business B to Residential A for .0964 acres of property located at 0 Marion Street. Parcel ID# 0027-00034 for the purpose of Construction of Single Family Homes. Petitioner Name & Address: Partyka Partners Limited Partnership, formerly known as Partyka Family Real Estate Limited Partnership, 495 Springfield Street, Chicopee, MA 01013-2806.

--Motion made by Councilor Balakier to receive, refer to the Zoning Committee and Planning Board. Councilor Balakier stated will take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 27 An application for a NEW Class 2 license, applied for by: Best Car Best Deal. Business Address: 400 East Main Street, D, Chicopee, MA 01020. Applicant: Mohammed A. Kadhim.

--Motion made by Councilor Brooks to receive and refer to the License Committee. Councilor Brooks stated will take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 28 An application for a NEW Auto Repair license, applied for by: Best Car Best Deal. Business Address: 400 East Main Street, D, Chicopee, MA 01020. Applicant: All State Auto Max, LLC, by: Mohammed A. Kadhim.

--Motion made by Councilor Brooks to receive and refer to the License Committee. Councilor Brooks stated will take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

- 29 An application for a NEW Auto Detail license, applied for by: Best Car Best Deal. Business Address: 400 East Main Street, D, Chicopee, MA 01020. Applicant: All State Auto Max, LLC, by: Mohammed A. Kadhim.

--Motion made by Councilor Brooks to receive and refer to the License Committee. Councilor Brooks stated will take up in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

30

A petition from Eversource Gas of Massachusetts, hereby requests that it be granted a location and permission to install and maintain 177' of 2" MP plastic gas main on Asselin St from Pendleton Ave to 12 Asselin St with such laterals and service connections as it may now or subsequently find necessary. Said installation will be installed in accordance with the plans enclosed.

--Motion made by Councilor Dobosz to receive and refer to the Utilities Committee. Councilor Dobosz stated will deal with in committee. Motion to refer passed by a unanimous roll call vote. Councilor Tillotson absent.

Adjournment:

--Motion made by Councilor Lopez to adjourn. Motion passed by a unanimous roll call vote. Councilor Tillotson absent.

ATTEST:

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

Keith W. Rattell, City Clerk