

The briefing for the City Council Meeting to be held on Tuesday, January 17, 2023, will be held at 6:30 pm in the Auditorium and Zoom.

Agenda for the City Council Meeting on Tuesday, January 17, 2023, immediately following the Mayors Briefing in the Auditorium and Zoom is as follows:

Public Input

MO-1 Mayors appropriation of Two hundred fifty thousand and 00/100 dollars (\$250,000.00) to the following named account: D.P.W Water Expense account for Chemicals, Drugs, Lab Supplies from the following named D.P.W. Water Salary Accounts:

Inventory Coordinator	\$ 25,000.00
Water Meter Repairman	\$ 25,000.00
Water Systems Maint. Man	\$150,000.00
Water Systems Main. Craft.	\$ 25,000.00
Special MEO	<u>\$ 25,000.00</u>
Total	\$250,000.00

MO-2 Mayors appropriation of Thirty three thousand and 00/100 dollars (33,000.00) to the following named account: C.S.O. Special Account for Lab Analysis/Flows from the available funds in the Wastewater Special Account for WPC Biological System Upgrade.

MO-3 Mayors appropriation of Seventy five thousand and 00/100 dollars (\$75,000.00) to the following named account: Water Special Account for Asset Management Plan from available funds in the Water Surplus account.

MO-4 Mayors appropriation of Six thousand and 00/100 dollars (\$6,000.00) to the following named account: Purchasing Special Account for Central Photocopier from available funds in the Purchasing Salary Account for Part Time Clerk.

MO-5 Ordered that the City Council accept the Senior Awareness of Fire Education (S.A.F.E) Grant to the Chicopee Fire Department in the amount of Two thousand six hundred seventy seven and 00/100 dollars (\$2,677.00). Said grant is accepted in accordance with M.G.L. Chapter 44 Section 53A.

MO-6 Ordered that the City Council accept the Student Awareness of Fire Education (S.A.F.E.) Grant to the Chicopee Fire Department in the amount of Six thousand seven hundred eighty one and 00/100 dollars (\$6,781.00). Said grant is accepted in accordance with the M.G.L. Chapter 44 Section 53A.

MO-7 To the City Council:

You are hereby notified that I have this day appointed, Julia Sudol, 83 Beauchamp Terrace, Chicopee, MA as a member of the Zoning Board of Appeals to serve in such office for the term expiring on the 1st of January 2026. To which appointment I ask the confirmation of your honorable Council.

*New- Appointment
*from associate to member seat

MO-8 To the City Council:

You are hereby notified that I have this day appointed, Daniel Garvey, 64 South Brook Road, East Longmeadow, MA as Associate City Solicitor and City Council Legal Counsel to serve in such office for the term expiring on the 1st day of January 2025.

*Re- Appointment

MO-9 An Order Authorizing the Mayor, in accordance with the City Charter and M.G.L. C. 40 § 15, to negotiate, edit, and execute a lease of the property located at 170 Grove Street in Chicopee and any other document necessary to finalize said lease of property, which is not currently needed for public purpose.

See attached draft lease.

MO-10 To the City Council:

You are hereby notified that I have this day appointed, Theresa Devlin, 23 Devlin Drive, Chicopee, MA. as a member of the Zoning Board of Appeals to serve in such office for the term expiring on the 3rd of January 2026. To which appointment I ask the confirmation of your honorable council.

*New- Appointment

11 A favorable Human Resource Committee report: Mayoral appointment of Jay Paul to the Planning Board to serve in such position for the term expiring on the 3rd day of January 2028.

12 A favorable Human Resource Committee report: Mayoral appointment of Nathan A. Moreau to the Planning Board to serve in such position for the term expiring on the 3rd day of January 2028.

13 A favorable Ordinance Committee report: Chapter 7 Ordinance Revisions: Minimum wage increase to \$15.00 effective 1/1/23 for Group 3 Council on Aging, Group 4 Library, Engineering, Highway, Sanitation, Parks, Flood Control, Golf, Water, Wastewater, Parks & Recreation, Human Resources and other Group 4 Wage adjustments caused by the minimum wage increase to \$15.00 for the Parks & Recreation and Golf.

14 Be It Ordered that A and M Auto Sales & Repair located at 451 Granby Road, 2023 licenses be granted.

Laflamme

15 Be It Ordered that the Class II, Auto Repair, and Auto Detailing license applications for United Sons Auto Sales, LLC at 400 D East Main Street be removed from the License Committee and placed on the floor for discussion and approval subject to the current license holder surrendering current licenses.

Laflamme

16 Be It Ordered that nominations for the City of Chicopee Board of Health Commission be opened.

Be it Further Ordered that Ernest Mathieu and Janet Ely be considered for said positions and final appointments be voted upon.

Laflamme

17 Be it Ordered that Wicked Cycles, Inc., 576 East Street be called before the City of Chicopee License Committee and City Council to discuss the license (s) currently held by Wicked Cycles, Inc., including compliance with restrictions imposed upon any licenses held by Wicked Cycles, Inc. The Council may modify, suspend, fine, or revoke any license held by Wicked Cycles, Inc.

1. Review of plot plan including parking spaces since two licensees are operating at the same location.

Krampits

18 Be it Ordered that Royal Coach Sales, LLC., 576 East Street be called before the City of Chicopee License Committee and City Council to discuss the license (s) currently held by Royal Coach Sales, LLC., including compliance with restrictions imposed upon any licenses held by Royal Coach Sales, LLC. The Council may modify, suspend, fine, or revoke any license held by Royal Coach Sales, LLC.

1. Review of plot plan including parking spaces since two licensees are operating at the same location.

Krampits

19 Be it Ordered that City Department recommendations concerning the one-way street on Old Lyman Road be presented and discussed at a Public Safety Committee meeting.

Pniak-Costello

20 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 275-9

Add to the end of § 275-9 (F)

Notwithstanding anything to the contrary, a special permit granted under Chapter 275 Section 67 (Mill Conversion and Commercial Center Overlay District) shall lapse in a period of three years, including such time required to pursue or wait termination of any appeal from the grant, if a substantial use has not sooner commenced, except for good cause or, in the case of a permit for construction, if construction has not begun by such date, except for good cause. Following such lapse, the rights for the special permit may be reestablished only after a notice and a new hearing, as specified in § 275-10, have been undertaken.

Laflamme

21 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: §275-41 Home Occupation.
 §275-52 (B) (11)
 §275-53 (B) (12)
 §275-54 (B) (1) (i)

Insert: §188-22 Home Occupation License

- (1) A special license from the City Council is required for a home occupation. Special license requests require immediate abutter notification, legal advertisement, a public hearing, a fee as set by the City Council and yearly renewal. Applications may be obtained and filed in the City Clerk's office.
- (2) The procedure for obtaining a home occupation special license is as follows:
 - (a) Obtain an application from the City Clerk's office.
 - (b) Submit the completed application together with the required fee and a copy of the Assessor's Map to the City Clerk's office.
 - (c) A hearing will be held by the License Committee of the City Council on the application for the special license in accordance with this chapter.
 - (d) The City Council will thereafter upon approval of the License Committee's action vote to issue the special license.
 - (e) Once this special license is granted, a certificate of occupancy must be obtained from the Building Inspection Department and a copy forwarded to the Board of Assessors.
 - (f) All home occupation special licenses shall expire on April 30th of each year, unless revoked. Any applications for renewal of the home occupation special license may be made in the month of April and shall take effect on May 1 next ensuing.
 - (g) If a nonowner of the property is the applicant, permission must be obtained, in writing, and submitted with the application.

(h) The City Council may in its discretion grant a waiver to allow one employee who is not a member of the family if there is a specific finding by the City Council that the waiver will not cause any undue hardship to the neighborhood nor disrupt the residential nature of the residence.

(3) Records. The Building Commissioner shall be responsible for maintaining records of home occupations. If a special license for a home occupation has expired and the holder of such license has not received a renewal of the license from the City Council, the Building Commissioner shall forthwith notify the license holder that the license has expired, and the operation of the home occupation must cease within five days, and the holder must renew his license through the License Committee of the City Council.

(4) Performance Standards. A special license for home occupation may be granted only if all of the following performance standards are met:

(a) No alteration of the principal building shall be made which changes the character as a dwelling. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.

(b) No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, health hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential dwelling.

(c) Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two square feet in area, shall be nonilluminated and attached flat to the main structure, visible through a window or posted in front of the building with a maximum height of four feet. The limitation to one nameplate is intended to apply to all lots, including corner lots.

(d) No traffic shall be generated in greater volume than would normally be expected in a residential neighborhood. The activity involved shall not assume a commercial or public character or constitute a health or safety hazard to the neighborhood.

(e) The use shall be clearly incidental and secondary to the dwelling and dwelling purposes and shall not change the character of use as a dwelling.

(f) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(g) The total area used for the home occupation shall not exceed 1/2 the floor area of the user's living unit.

(h) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.

(i) Any other conditions which the Council shall impose relating to the health, safety and welfare of abutting property owners.

(5) Special Conditions. The City Council may impose special conditions upon a home occupation to ensure that the business is conducted in a manner which is compatible with the surrounding neighborhood. Such conditions may include but shall not be limited to the following:

(a) A requirement for fencing and/or screening of the subject property from neighboring residences.

(b) A limitation on the number of vehicles related to the occupation which may be stored on the premises or parked on an adjacent right-of-way.

(c) A restriction on the hours of operation for the home occupation.

(d) A requirement that the permit be renewed after a designated period of time.

(e) Any other conditions which the City Council shall impose relating to the health, safety and welfare of abutting property owners.

(6) Grounds for Revocation. Failure to meet the definition in this Section and/or any of the performance standards outlined in in this Section or any condition imposed by the City Council in accordance with the Section shall be grounds for denial of a special license for home occupation or for revoking such a special license if one has already been granted.

(7) Enforcement The City Building Inspector shall have the authority and responsibility to investigate and enforce issues of unlicensed home occupations. The Building Inspector, given a question as to whether a hobby or a home occupation is involved, will make the initial determination and will notify the parties. If a home occupation is determined, the party involved will be given 60 days to obtain a license or to cease and desist. The determination by the Building Inspector may be appealed as provided for herein. A "hobby" is normally a pastime that is engaged in for pleasure as opposed to profit. Any individual found to be in violation of the Home Occupation Ordinance will be subject to fines up to \$25 per day for each violation after a determination has been made.

Laflamme

22 A New Special Permit application under Section 275-58 (C) (5) for the purpose of: convert a single family home in multi-family home. Each unit will become a 3-bedroom, 1 bath apartment. 2 Units total. The commercial space on the property will remain office space for a business.

Location of property: 368 Britton Street.

Applied for by: Glenn Jacobson, 115 Converse Street, Longmeadow, MA

23 2023 Class 2 License Renewal

Kin's Auto Sales 1095 Chicopee Street

24-25 2023 Auto Repair License Renewals

Kin's Auto Glass 628 Center Street
PaPaleguas Motocar's 813 Front Street

ATTEST:



Keith W. Rattell, City Clerk