

RECEIVED

2023 JAN 25 AM 10:00

Minutes from the City Council Meeting on Tuesday January 17, 2023, at 6:56 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	Present via Zoom
Zygarowski, Robert J.	At-Large Councilor	Present
McAuliffe, Joel D.	Ward 1 Councilor	Present
Brooks, Shane D.	Ward 2 Councilor	Present via Zoom
Lopez, Delmarina	Ward 3 Councilor	Present via Zoom
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 via Zoom
Labrie, Gary R.	Ward 8 Councilor	Present
Pniak-Costello, Mary Elizabeth	Ward 9 Councilor	Present

Public Input-Lorraine Baron, 95 Cyman Drive, 2 weeks ago witnessed a road rage assault in front of Fruit Fair, cars were stopped, there was yelling and swearing a younger guy hit an older man. Took at least 15 minutes for help to arrive. The first officer on the scene said they were at another call/they have limited resources. The man would have been dead had it been a serious issue. Called the non-emergency number for an ambulance number. Didn't get the Fire Department, WestComm answers non-emergency calls. Fairview cemetery, letting dogs loose to run in the cemetery. People let dogs run loose. On the hillside was jumped on by a golden retriever. Big sign buried that states no animals allowed. Put a separate sign that says no animals allowed. Lisa Bienvenue-34 Everett Street, glad to hear Mike Pise speak about the safe streets program. First accident mentioned on Granby Road in September. Pedestrian strikes on Springfield Street, Chicopee Street, Meadow Street, Grattan Street, and now Broadway. Need to get in the current times. Have to think differently. Mayor always says Chicopee is a diamond in the rough. Chair of the NTSB wrote a blog about safe roads. Safe system approach is what the current should be. Road design. Legislatures need to do what's in the best interests of the city. Sam Shumsky, 5 Savory Drive, school committee member, the school committee is asking for recommendations and letting the council know the search committee for the superintendent is close to choosing a candidate.

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

--Motion made by Councilor McAuliffe to accept and approve the minutes of 12/20/22 & 1/3/23. Motion passed by a unanimous roll call vote.

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

--Motion made by Councilor Dobosz to receive and pass. Councilor Dobosz stated for chemicals for water/increase in cost and supplies. Motion passed through all stages by a unanimous roll call vote.

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.

--Motion made by Councilor McAuliffe to receive and pass. Councilor McAuliffe stated funding to do lab work for the CSO project. Motion passed through all stages by a unanimous roll call vote.

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.

--Motion made by Councilor Pniak-Costello to receive and pass. Councilor Pniak-Costello stated the water department is mandated by DEP to make a plan. This is a step in the right direction. Motion passed through all stages by a unanimous roll call vote.

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.

--Motion made by Councilor Krampits to receive and pass. Councilor Krampits stated photocopier and paper, old one needs to be replaced. Motion passed through all stages by a unanimous roll call vote.

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.

--Motion made by Councilor Roy to receive and pass. Councilor Roy stated the first part of fire awareness grant, used to educate seniors. Motion passed through all stages by a unanimous roll call vote.

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.

--Motion made by Councilor Labrie to receive and pass. Councilor Labrie stated awareness for students, fire education. Motion passed through all stages by a unanimous roll call vote.

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

--Motion made by Councilor Tillotson to receive and pass. Motion amended by Councilor Tillotson to refer to the Human Resources Committee. Councilor Tillotson stated new appointment goes to the Human Resources Committee. Councilor Labrie stated didn't already interview as an associate member. Motion to refer passed by a unanimous roll call vote.

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 1<sup>st</sup> day of January 2025.

\*Re- Appointment

--Motion made by Councilor Balakier to receive, pass and the appointment confirmed this evening. Councilor Balakier stated re-appointment and Dan has an excellent reputation. Approve so we can use his talents. Councilor Dobosz stated Dan is the best. Takes calls on weekends and nights. Councilor Pniak-Costello stated thank you Dan for your dedication. Councilor Labrie stated all in agreement he is very good for us. Councilor Brooks stated echo what was said. Dan is phenomenal, always answers calls. Much deserved re-appointment. Councilor Tillotson stated very lucky to have a competent man as Dan. Puts in more time now than he ever has.

--Motion made by Councilor Laflamme would like to speak on this. Motion passed by a roll call vote of 12 yes, 1 abstained. Councilor Laflamme abstained. Councilor Laflamme stated echo what everyone is saying. First year as president. Challenging thing as president. Thank Dan, on the phone with him 4-5 times a day. Thank you for all you do for this council. Councilor Zygarowski asked Dan how many years he has been there? Dan stated 18 years. Councilor Roy stated Dan does a hell of a job. Grateful you are remaining. Motion passed through all stages by a unanimous roll call vote.

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.

--Motion made by Councilor Zygarowski to receive, pass and authorize the Mayor to sign lease agreement. Councilor Zygarowski stated property is not needed currently. Let the Mayor negotiate the property lease. Motion passed through all stages by a unanimous roll call vote.

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 3<sup>rd</sup> of January 2026. To which appointment I ask the confirmation of your honorable council.

\*New- Appointment

--Motion made by Councilor Courchesne to receive and refer to the Human Resources Committee. Councilor Courchesne stated standard procedure. Motion to refer passed by a unanimous roll call vote.

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 3<sup>rd</sup> day of January 2028.

--Motion made by Councilor Tillotson to receive and the appointment approved. Councilor Tillotson stated he was well received in committee. Motion passed by a unanimous roll call vote.

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 3<sup>rd</sup> day of January 2028.

--Motion made by Councilor Tillotson to receive and remain in the Human Resources Committee. Councilor Tillotson stated wasn't able to come to the meeting, call to the HR chair. Motion passed by a unanimous roll call vote.

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.

--Motion made by Councilor Tillotson to receive, 2<sup>nd</sup> and final reading, enrolled and ordained. Councilor Tillotson stated had the meeting, subject to the state law, minimum wage increase passed so people can get paid the new salary. Motion passed through all stages by a unanimous roll call vote.

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

--Motion made by Councilor Brooks to receive and granted with restrictions. Councilor Brooks stated were able to obtain certificate of occupancy in compliance with regulations and restrictions. Approve this evening. Motion passed by a unanimous roll call vote.

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.

-- Motion made by Councilor Brooks to receive and granted with restrictions. Councilor Brooks stated self-explanatory, submittal of plot plans within 90 days. Motion passed by a unanimous roll call vote.

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.

--Motion made by Councilor McAuliffe to open nominations for the Board of Health. Motion passed by a unanimous roll call vote.

--Motion made by Councilor McAuliffe to place Janet Ely & Ernest Mathieu on the floor. Motion passed by a unanimous roll call vote.

--Motion made by Councilor McAuliffe to close nominations and refer to the Human Resources Committee. Councilor McAuliffe stated two individuals have long standing history serving on the Board of Health. Only two people with interest. More than qualified to serve. Motion to refer passed by a unanimous roll call vote.

- 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 be Wicked Cycles, Inc.

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

--Motion made by Councilor Krampits to receive and refer to the License Committee. Councilor Krampits stated two businesses one plot plan. Councilor Dobosz thanked Councilor Krampits for the work on this. Not easy dealing with licenses. Motion to refer passed by a unanimous roll call vote.

- 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 be Royal Coach Sales, LLC.

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

--Motion made by Councilor Krampits to receive and refer to the License Committee. Councilor Krampits stated same as previous two businesses one plot plan. Motion to refer passed by a unanimous roll call vote.

- 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.

--Motion made by Councilor Pniak-Costello to receive and refer to the Public Safety Committee. Councilor Pniak-Costello stated Councilor Laflamme suggested there would be a three-month review. City Engineer, DPW, Fire & Police Chiefs recommendations will be given to the public at the hearing. Councilor Dobosz stated praise Councilor Pniak-Costello she put a lot of work into this issue. Glad will review in Public Safety. Motion to refer passed by a unanimous roll call vote.

- 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.

--Motion made by Councilor Labrie to receive, 1<sup>st</sup> reading and refer to the Planning Board and Ordinance Committee. Councilor Labrie stated take up in committee. Councilor Dobosz stated what is the current time? Just this overlay district goes through federal, and state takes longer. Not in favor of this, not comfortable letting this sit for three years. Support having discussions. Councilor Pniak-Costello stated agree with Councilor Dobosz, three years is a long time. Motion to refer passed by a unanimous roll call vote.

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.

--Motion made by Councilor Labrie to receive, 1<sup>st</sup> reading and refer to the Planning Board and Ordinance Committee. Councilor Labrie stated take up in committee. Motion to refer passed by a unanimous roll call vote.

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

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



23 2023 Class 2 License Renewal

Kin's Auto Sales

1095 Chicopee Street

--Motion made by Councilor Brooks to receive and approved with current restrictions. Motion passed by a unanimous roll call vote.

24-25 2023 Auto Repair License Renewals

Kin's Auto Glass

628 Center Street

PaPaleguas Motocar's

813 Front Street

--Motion made by Councilor Brooks to receive and approved with current restrictions. Motion passed by a unanimous roll call vote.

--Motion made by Councilor Labrie to adjourn at 7:56. Motion passed by a unanimous roll call vote.

ATTEST:



Keith W. Rattell, City Clerk