

13

RECEIVED

Minutes from the City Council Meeting on Tuesday May 3, 2022 at 7:10 pm in the City Council Chambers are as follows:

2022 MAY 23 AM 7:48

Laflamme, Frank N., President	At-Large Councilor	Present
Roy, Gerard (Jerry) A.	At-Large Councilor	Present
Tillotson, James K.	At-Large Councilor	Present
Zygarowski, Robert J.	At-Large Councilor	Present
McAuliffe, Joel D.	Ward 1 Councilor	Present
Shane D. Brooks	Ward 2 Councilor	Absent
Delmarina Lopez	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	Absent
Labrie, Gary R.	Ward 8 Councilor	Present
Mary Elizabeth Pniak-Costello	Ward 9 Councilor	Present

Public Input—Mary Haynor, 145 Slate Road, Thank Councilor Tillotson for allowing to ask questions. Was upset by the lack of answers, wanted Mr. Czepiel to speak why he wanted to remain on the board of WMDC. Option to send re-appointments to sub-committee should remain. Not everyone knows all the candidates. Will familiarize new councilors and the citizens. Joanne Wanat, 17 Tardy Road, received letters from the Law Department and the DPW, concerned about contamination and clean up at Williams Park. In 2017 DEP was notified that the city provided test and where petroleum was done. In April received three threatening letters from the law department, may be responsible for damages at Williams Park. Called the Law Office and the Mayor’s Office, no one returns the calls. The city is handling this disrespectfully. Want to sincerely thank Councilors Laflamme, Zygarowski, and Tillotson for returning calls. Never received call from anyone. Want the city to work with not against. Letters were generic. Full report is available on the Mass DEP website. Strongly ask for support on this matter. Ed Czepiel, 115 Cyman Drive, consideration for reappointment to the WMDC board. Was advised by 3 attorneys to only speak on WMDC board. Great level of dedication, engage with board members, being impartial. Have drive and spirit to fill the goals of WMDC. Times the board is confidential. Ask for consideration. James Kalbaugh, 14 Nawrocki Drive, questions about the election for candidates. HR meeting would happen, candidate would not answer at the HR committee, representative of the neighborhood want answers. Councilors Dobosz and Lopez have taken an interest, ensuring the public has a voice. Very disappointed that an organization has such an awful website. People sitting on that board, who are they? Want to know who they are. What they represent. Bill Smith, 17 Nawrocki Drive, letter from Mr. Bolton, read the letter, Michael Bolton works for WMDC as president. Council works for the good of the people. We are the taxpayers, this guy sounds like he wants to take over. Herve Gousy, 39 Hillman Street, agenda #12 problem properties, fees for scofflaws, walked every street in Chicopee from November to May. What he saw was disheartening. Overgrowth that has not been taken care of, Grattan Street, East Street, E. Main Street lot of overgrowth. Uncleaned sidewalks. Snow and ice, under chapters 233-34-35-36 snow should be cleared within 24 hours, there were six snow storms without shoveling. Pictures on cell phone, see-click-fix, quality of life issues. Ice and snow removal is the responsibility of the Police Department to ticket, gave a list to the Police Dept. report to people, priority items. Love the police, defend them not defund them. Masonic building on East Street, Linden Street, never shoveled their sidewalk.

--Motion made by Councilor McAuliffe to accept the minutes of 4/5/22. Motion passed. Councilors Brooks and Courchesne absent.

--Motion made by Councilor Dobosz to take MO-7 out of order. Motion passed. Councilors Brooks and Courchesne absent.

MO-7 Mayors appropriation of Five thousand and 00/100 dollars (\$5,000.00) to the following named account: Law Expense Account for Special Services from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Labrie to receive and pass. Councilor Labrie stated the money is for contamination of Williams Park. Councilor Dobosz stated thank the board for letting this be taken out of order. Remember a grant to clean up Williams Park, unfortunate situation. Don't believe residents are at fault. Residents shouldn't be hit with massive bills for something under their homes. Want the data available to the public immediately. General public at large concerned with children playing at the park. Tighe and Bond should hold some responsibility. Developer? Don't have a whole lot of information. Councilor Roy stated more money than ever, need to meet obligations of DEP. Get the city on the road to solving the problem. Don't know how this happened. Putting foot in the water. Meet DEP requirements, protecting neighbors and the city. Councilor Dobosz stated create a bad precedence with nothing at the fault of the residents. All shouldn't fall on the residents or businesses. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

MO-1 Mayors appropriation of One million eight hundred twenty eight thousand and 00/100 dollars (\$1,828,000.00) to the following named account: Mayor's Salary Account for Municipal Retention Bonuses from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Lopez to receive and pass. Councilor Lopez stated retention bonuses for terms of service due to COVID 19. Want to thank employees for staying, support this, think it's important. People worked through a pandemic, thank the Mayor for bringing this forward. Councilor McAuliffe stated thrilled to have this on the agenda. People came to understand this is a thank you to the men & women who kept the city running. Our way of saying thank you. Thank the ARPA Committee members. Councilor Tillotson stated on the ARPA Committee, had a hard time-who was or wasn't essential. Retention bonus, every employee who showed up was essential. Glad to see it come to fruition. Little reward, overdue. Councilor Balakier stated serve on the ARPA Committee, difficult to decide who was essential and not essential. Formula, maintain city services during the pandemic. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

MO-2 Mayors appropriation of Eighteen thousand four hundred five and 00/100 dollars (\$18,405.00) to the following named account: Police Expense Account for Departmental Equipment from available funds in the Police Reserve for Motor Vehicle Damages.

--Motion made by Councilor Zygarowski to receive and pass. Councilor Zygarowski stated trailer damaged, needs to be replaced. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

MO-3 Mayors appropriation of Fifteen thousand nine hundred seventeen and 70/100 dollars (\$15,917.70) to the following named account: Human Resources Special Account for Indemnifications of Police and Fire from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Balakier to receive and pass. Councilor Balakier stated the city is self-insured. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

MO-4 Mayors appropriation of Seventy three thousand one hundred fifteen and 00/100 dollars (\$73,115.00) to the following named account: D.P.W. Parks Account for Bemis Pond Dams from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Roy to receive and pass. Councilor Roy stated grant on this, short this much. Hopefully this will complete this. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

MO-5 Mayors appropriation of Thirty thousand and 00/100 dollars (\$30,000.00) to the following named account: Law Expense Account for Special Services from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Tillotson to receive and pass. Councilor Tillotson stated money for litigation. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

MO-6 Mayors appropriation of Twenty five thousand and 00/100 dollars (\$25,000.00) to the following named account: Law Expense Account for Special Services from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Krampits to receive and pass. Councilor Krampits stated for the Environmental Attorney at the Uniroyal site. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

--Motion made by Councilor Dobosz to take #10 out of order. Motion passed. Councilors Brooks and Courchesne absent.

10 A favorable Human Resources Committee report: Mayoral appointment of Edward Czepiel as a member of the Westover Metropolitan Development Corporation to serve in such office for the term of 3 years expiring on the first of February 2025.

--Motion made by Councilor Tillotson to receive and confirmed this evening. Councilor Tillotson stated deserving of another chance. Councilor Dobosz stated not voting for reappointment. Disappointed he didn't answer questions, chose not to answer questions. Lost chance/hope to expand dialogue with the board, WMDC. Nothing personal felt the questions should have been answered. Only way held accountable is through the City Council. Councilor Lopez stated echo Councilor Dobosz, disappointed with answers at committee meeting. Must answer questions, controversial board, irresponsible as a Councilor to support this tonight. Filter whether candidates are qualified tonight. Councilor McAuliffe stated explained preference was not to go to HR. Was not the proper forum. Not conducive to that environment. He was advised by three attorneys how to answer. Be careful with words. Prefer residents get answers to questions. Believe letter from Mr. Bolton meant get the meeting done. Two sides have very differing opinions on this. In 2009 the city sold this land with no opposition from neighbors. Have been given multiple state grants people come together with a common cause. Now the council voted no to the zone change. Board members have done everything asked of them. Have to deal in facts, can stop

people from going through there, people are spreading misinformation. Bring everyone together and get a final solution. Quasi-public Corporation, need to get a meeting scheduled, find common ground. Councilor Pniak-Costello stated favorable report, she voted un-favorable. Thought it was ok for residents to come and ask questions, the questions weren't answered. Fine person, has served the city admirably, cannot vote in favor. Think there is an obligation appointment or re-appointment, want best board members we can get. Councilor Balakier stated comments, Mr. Czepiel is a constituent, retired Deputy Fire Chief, very involved in the community and church. Is experienced, supporting tonight. Councilor Lopez stated Councilor Pniak-Costello is right, agree that there was a good enough forum to answer questions. Had he chosen to answer questions, may be different, not an acceptable argument. Councilor Roy stated will vote in favor, if a new candidate jumped out of the blue they would be blind. Councilor Labrie stated will vote for Mr. Czepiel, 40 years of dedication. WMDC was asked to take that vacant land and make the city money. Hundreds of employees, Chicopee residents, other things need to be accomplished. Awkward for all. Councilor Zygarowski stated listened to Councilor McAuliffe, probably should not have been in the HR Committee. Known for many years. Mayor gave an indication having a hard time to fill committees. Feel bad for residents that didn't get answers, will support tonight. Vital important part to economy of Chicopee. Motion passed by a roll call vote of 8 yes, 3 no. Councilors Lopez, Dobosz and Pniak-Costello voting no. Councilors Brooks and Courchesne absent.

- 8 A favorable Finance Committee report: Be it ordered that the Finance Committee meet on April 13, 2022 to discuss and receive an update on Phase II of the Chambers.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Zygarowski stated in discussions about Phase II of City Hall, lot of discussions, ongoing. Councilor Laflamme stated what everyone is looking for, want to stay in the chambers, have a functional place for the council. Small amount of live is better than nothing. Motion passed. Councilors Brooks and Courchesne absent.

- 9 A favorable Human Resources Committee report: Mayoral appointment of Laura B. Lavoie as a member of the Council on Aging to serve until the first of April 2025.

--Motion made by Councilor Tillotson to receive and approved this evening. Councilor Tillotson stated extremely enthusiastic. Councilor Pniak-Costello stated excellent applicant, understood the needs of seniors. Answered questions. Hopefully will pass, thank you for the time and service. Motion passed. Councilors Brooks and Courchesne absent.

- 11 A favorable Human Resources committee report: Mayoral appointment of Paul G. Lamontagne as a member of the Council on Aging to serve until the first of April 2025.

--Motion made by Councilor Tillotson to receive and approve the withdrawal. Councilor Tillotson stated no longer interested in the position. Motion passed. Councilors Brooks and Courchesne absent.

- 12 A favorable Ordinance Committee report: Adding to Chapter 157:

157-2 Multiple and Persistent Violations:

Any person or entity that receives more than two Letters to Correct or Notice of Violation for the same violation in a twelve-month period shall be charged an administrative fee for the third and subsequent Letters to Correct or Notice of Violation.

157-3 Fees:

1st Offense: \$40.00

2nd Offense: \$60.00

3rd Offense: \$80.00

4th and subsequent offenses: \$100.00

--Motion made by Councilor Tillotson for a 2nd and final reading, enrolled and ordained. Councilor Tillotson stated constituents don't follow through with citations. Increase penalties will stimulate compliance. Councilor Krampits stated problem properties, been discussed, have to chase things down. Has more teeth to this, helpful tool. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

- 13 A favorable Ordinance Committee report: Chapter 7 Ordinance Revisions.

--Motion made by Councilor Tillotson for a 2nd and final reading, enrolled and ordained. Councilor Tillotson stated golf pro-shop assistant, only one effected. Full back up every time, is in line with other raises. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

- 14 A favorable Ordinance Committee report: Adding to Chapter 260:

260-31 Towing:

Any person or entity that receives two parking citations for the same violation in a seven-day period will be subject to towing on the third violation for the same instance.

--Motion made by Councilor Tillotson for a 2nd and final reading, enrolled and ordained. Councilor Tillotson stated will help prevent people from not following the rules. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

- 15 A favorable Zoning Committee report: Delete Chapter 275-66 A in its entirety and insert in place thereof:

275-66 A Burnett Road

A. No further business, commercial or industrial development shall occur on Burnett Road from the Ludlow/Chicopee line to the intersection of New Lombard Road and Burnett Road and any appurtenant street for a period of one year commencing on April 1, 2022, and terminating on April 1, 2023, except by special permit.

--Motion made by Councilor Balakier to receive and approved this evening. Refer to the Ordinance Committee. Councilor Dobosz thanked the board for supporting this. Will be working closely with the state. Making other officials see what we can do. Figure out issues with traffic, lot going on there. Motion passed by a unanimous roll call vote, referred. Councilors Brooks and Courchesne absent.

- 16 A favorable Zoning Committee report: Application for a Special Permit under section 275-9 L for the purpose of renewing the special permit granted on March 2, 2021, to exercise the regulations of the Mill

Conversion and Commercial Center Overlay District located at 10 Southwick Street. Applicant: Valley Opportunity Council, Inc., 36 Mt. Carmel Avenue, Chicopee, MA 01013.

--Motion made by Councilor Balakier to receive and pass with conditions. Councilor Balakier stated renewing special permit, old Belcher School, making apartments. Councilor Krampits stated in ward, renewal delayed by pandemic. Councilor McAuliffe stated thanks to VOC, number of buildings they have refurbished and put to use. Tremendous housing crunch in the commonwealth. Motion made by Councilor Balakier that waiver #1 be approved. Motion passed by a unanimous roll call vote. Motion made by Councilor Balakier that waiver #2 be approved. Motion passed by a unanimous roll call vote. Motion to pass the Special Permit passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

- 17 A favorable Zoning Committee report: Special Permit application under Chapter 275-50 (c) (1) for the purpose of 60' tall highway pole sign for Milton Rents; increase in sign face area from 120 sf to 432 sf, reduction of setback requirement from 25 ft. to +/- 0 ft. located at 60 Fuller Road. Applicant: Milton Real Properties, Brad Farrin, Corp Facilities Manager, 100 Quarry Dr., Milford, MA 01757.

--Motion made by Councilor Balakier to receive and the Special Permit be approved with conditions. Councilor Balakier stated special permit with waivers. Interesting discussion, needed clearance from DOT to be able to move forward. Councilor Lopez stated was postponed, applicant came back, did due diligence. Motion made by Councilor Balakier that waiver #1 be approved. Motion passed by a unanimous roll call vote. Motion made by Councilor Balakier that waiver #2 be approved. Motion passed by a roll call vote of 10 yes, 1 out of chair. Councilor Roy out of chair. Motion made by Councilor Balakier that waiver #3 be approved. Motion passed by a roll call vote of 10 yes, 1 out of chair. Councilor Roy out of chair. Motion to pass the Special Permit passed through all stages by a roll call vote of 10 yes, 1 out of chair, Councilor Roy out of chair. Councilors Brooks and Courchesne absent.

- 18 A favorable Zoning Committee report: Special Permit under 275-59 (c) (11) for the purpose of adding 3 new drive up self-storage buildings, (2) 20'x50' and (2) 10'x100' to the existing 7 outside storage units located at 499 Montgomery St. Applicant: UH Storage (DE) Limited, Jeff Nadeau, PO Box 29046, Phoenix, AZ 85038.

--Motion made by Councilor Balakier to continue to the 5/25/22 Zoning meeting. Motion passed by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

- 19 A favorable Zoning Committee report: Special Permit application under Chapter 275-9 (L) (3) for the purpose of renewal of an existing Special Permit for a proposed multi-family development with waiver of parking requirements from 88 to 75 spaces located at 0 Oak Street Parcel ID 0147-0005H. Applicant: Culper Properties, LLC, Erik Szyluk, 444 A North Main Street, #125, East Longmeadow, MA 01028.

--Motion made by Councilor Balakier to receive and the Special Permit be approved with conditions. Councilor Balakier stated renewal of the Special Permit and waiver. Councilor Pniak-Costello stated this is going on property that is adjacent to Uniroyal property, waiver #1 is the waiver of parking. Councilor Lopez stated the vote count from subcommittee was 6-0. Motion made by Councilor Balakier that waiver #1 be approved. Motion passed by a unanimous roll call vote. Motion to pass the Special Permit passed through all stages by a unanimous roll call vote. Councilors Brooks and Courchesne absent.

20 Be it ordered that the City of Chicopee submit Home Rule Legislation to keep the present voting locations for Ward 6 as detailed on attached order.

--Motion made by Councilor Dobosz to receive and refer to the Ordinance Committee & Rep. Wagner. Councilor Dobosz stated same legislation that was filed 10 years ago, keep the voting locations the same in ward 6. Hope to get done in time for the election. Councilor Pniak-Costello asked do the voters get notified? Motion passed, referred. Councilors Brooks and Courchesne absent.

21 Be it ordered that the Communications Subcommittee meet to discuss issues and receive communication surrounding ground water cleanup and related issues from the redundant water line at Williams Park and Tardy Lane.

--Motion made by Councilor Dobosz to receive and refer to the Communications Committee invite Law Department and DEP. Councilor Dobosz stated promised the constituents would have a meeting for residents to get answers. Great public interest in this. No threat to the public. Councilor McAuliffe stated would ask the Mayor/Chief of Staff to send a letter to the DEP to attend. Motion passed, referred. Councilors Brooks and Courchesne absent.

22 Be it ordered that the Rules Committee meet to discuss adding a rule to the Rules and Orders of the City Council Meetings regarding appointments to Boards and Commissions. For new appointments the candidate will be referred to the Human Resources Committee and reappointments will be voted upon by the Council without having to appear before the Human Resources Committee.

--Motion made by Councilor Pniak-Costello to receive and refer to the Rules Committee. Councilor Pniak-Costello stated all set, discussed before. Councilor Dobosz stated fair rule, important to treat all the same. Motion passed, referred. Councilors Brooks and Courchesne absent.

23 Be it ordered that a traffic study be conducted on Keddy Boulevard.

--Motion made by Councilor Pniak-Costello to receive and sent to the Police Department for a traffic study. Councilor Pniak-Costello stated difficult street, busy-traffic is bad. Business on the corner, traffic & speeding are bad there. Councilor Dobosz stated long been a problem traffic issue. Dairy Queen traffic backs up onto the street. Nightmare in that area, might not be much we can do about it. Change the zoning laws to make drive-thru's get a special permit. Feel bad for residents. Councilor Krampits stated friendly to engage the Engineer too. Councilor Tillotson stated Councilor Walczak tried to fix this, usually just in extreme heat, no easy solution. Councilor Zygarowski stated familiar with the street, traffic study is worth looking into. Motion passed. Councilors Brooks and Courchesne absent.

24 A proposed ordinance adding to One-Way Streets, Old Lyman Road, Northerly direction for a distance of 275 feet between 65 Old Lyman Road and the intersection of Britton Street. One-Way Street.

--Motion made by Councilor Pniak-Costello to receive, 1st reading and refer to the Ordinance Committee. Councilor Pniak-Costello stated very narrow section, should be 22 ft. wide. Is about 16 ft. wide, the neighbors are concerned. Motion passed, referred. Councilors Brooks and Courchesne absent.

25 An application for a NEW Special Permit under Section 275-58 (C) 4 of the Municipal Zoning Ordinance for the purpose of transfer of liquor license from current owner to new owner. Location of property: 300

Carew Street, Chicopee, MA. Name of applicant: Tanya M. Picard, 86 Beaumont Avenue, Chicopee, MA 01013.

--Motion made by Councilor Balakier to receive and refer to the Zoning, Planning, Building, Health and Liquor Commission. Councilor Balakier stated will take up in committee. Motion passed, referred. Councilors Brooks and Courchesne absent.

26 An application for a NEW Special Permit under Section 275-53 of the Municipal Zoning Ordinance for the purpose of parking lot for the use of businesses and residents of 333 Front St. Chicopee, MA. Location of property: 28 Grape Street. Name of applicant: Alex Vilkhovey, 417 Springfield Street, #130, Agawam, MA 01001.

--Motion made by Councilor Balakier to receive and refer to the Zoning, Planning, Engineer, and Building Depts. Councilor Balakier stated will take up in committee. Motion passed, referred. Councilors Brooks and Courchesne absent.

27 An application for a NEW Special Permit under Section 275-52"B 13" of the Municipal Zoning Ordinance for the purpose of Animal Kennel License-4 pet dogs. Location of property: 162 Empire Street. Name of applicant: Nathan Mahoney, 162 Empire Street.

--Motion made by Councilor Balakier to receive and refer to the Zoning, Planning, and Health Depts. Councilor Balakier stated will take up in committee. Motion passed, referred. Councilors Brooks and Courchesne absent.

28 2022 Bowling Alley Renewal

AMF Lanes	Megan Haas	291 Burnett Road
-----------	------------	------------------

--Motion made by Councilor Krampits to receive and granted with restrictions. Councilor Krampits stated annual renewal. Motion passed. Councilors Brooks and Courchesne absent.

29-32 2022 Home Occupation Renewals

Stan & Ann's Ceramics	Ann E. Ogorzalek	93 Melvin Street
Talbot Massage	Roger Talbot	408 Front Street
	Renee Simone	71 Mary Street
Loyalty Tax Service, LLC	Lena Alekseyenko	222 McCarthy Avenue

--Motion made by Councilor Balakier to receive and granted with restrictions. Motion passed. Councilors Brooks and Courchesne absent.

33 2022 Junk Collector's License Renewals

Kanes Scrap Metal & Iron	Patrick Kane	184 E. Meadow Street
--------------------------	--------------	----------------------

--Motion made by Councilor Krampits to receive and granted with restrictions. Councilor Krampits stated annual renewal. Motion passed. Councilors Brooks and Courchesne absent.

34-36 2022 Junk Dealer's License Renewals

Game Stop	Christian Holguin	649 Memorial Drive
Rubidia's Sew & Consignment	Rubidia Lopez	131 Church Street
AJ's Gaming	Anthony J. Montefusco	196 East Street

--Motion made by Councilor Krampits to receive and granted with restrictions. Councilor Krampits stated annual renewal. Motion passed. Councilors Brooks and Courchesne absent.

ATTEST:



Keith W. Rattell
City Clerk