

Minutes from the City Council Meeting on Tuesday June 1, 2021 at 6:50 pm in the Auditorium are as follows:

(13)

RECEIVED

2021 JUN -8 AM 10:30

CITY COUNCIL
CHICOPEE MA

Brooks, Shane D.	Ward 2 Councilor	Absent
Laflamme, Frank N.	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
Galecki, Lucjan J.	Ward 3 Councilor	Absent
Balakier, George A.	Ward 4 Councilor	Present
Krampits, Fred T.	Ward 5 Councilor	Present
Dobosz, Derek	Ward 6 Councilor	Present
Courchesne, William C.	Ward 7 Councilor	Present
Labrie, Gary R.	Ward 8 Councilor	Present
Walczak, Stan	Ward 9 Councilor	Present

--Motion made by Councilor Zygarowski to accept the minutes of 5/18/2021. Motion passed.

Public Input-Derek Dobosz, 70 Post Road, lot of complaints about the meetings and the broadcast. Public input has been cut out on the re-broadcast. Public knows the Council is not responsible. Tina Collucci, 4 Nawrocki Drive, online petition to encourage the Mayor to appropriate the funds to re-purchase Slate Road conservation area. If you utilize land over 700 people signed the petition, can read comments. Read the comments into the record. Fifty two years ago there was a publication, Mayor Demers used this area as campaign backing. Hope history will repeat itself. Mary Haynor, 145 Slate Road, member of the alliance. Support Councilor Dobosz to regain the land. Path that is good for Chicopee and WMDC. Recognize intransient value of this area. Read Brownfields reports from 2018. Katie Kalbaugh, 14 Nawrocki Drive, neighbors and friends here to ask to place this area as conservation, believe in 1969 land was placed in the conservation. Protected animals and plants there. Protect land that abuts the state park. Building a bike path because there is no space, help us save this land for an entire city. Lorraine Baron, 95 Cyman Drive, born and brought up here, where there were beautiful tree lined streets. Concerned about the air quality.

MO-1 Mayors appropriation of Fifty five thousand six hundred twenty eight and 20/100 dollars (\$55,628.20) to the following named account: Reserve for School Special Custodians from available funds in the Undesignated Fund Balance "Free Cash" Account.

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

MO-2 Mayors appropriation of Forty seven thousand and 00/100 dollars (\$47,000.00) to the following named account: Planning Special Account for Front Street Parking Lot from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Courchesne to receive and pass. Councilor Courchesne stated hopefully the last amount needed for this lot. Councilor Dobosz stated will approve tonight, did vote no at the beginning, will vote for this tonight. Consistently voted no for city hall improvements. Councilor Roy stated into the lot for \$120,000.00. Councilor Tillotson stated agree with the cost, ran into all kinds of complications. Lots of equipment, huge pipes, into it now. When it's done more and more people will be able to come downtown. Councilor McAuliffe stated is expensive piece of parking lot, into this for what we are, can't leave the job unfinished. Councilor Courchesne stated will give 77 parking spaces. Councilor Balakier stated had a problem parking downtown for many years, will enhance downtown and parking problems. Councilor Krampits stated fortunate they found the problem before the lot was done, found the problem in the beginning. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

MO-3 Mayors appropriation of Forty two thousand eighty eight and 17/100 dollars (\$42,088.17) to the following named account: Human Resources Special Account for Indemnifications of Police & Fire from available funds in the Undesignated Fund Balance "Free Cash" Account.

--Motion made by Councilor Zygarowski to receive and pass. Councilor Zygarowski stated self-insured, have to pay the medical bills. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

MO-4 Ordered that the City Council accept the grant from Massachusetts State Police to the Chicopee Police Department in the amount of One hundred thirty two thousand one hundred sixty eight and 00/100 dollars (\$132,168.00). The Chicopee Police Department is a sub-recipient of the FY20 Byrne Jag Grant Program with the funds being divided over two fiscal years: FY2021 \$26,433.60 and FY2022 \$105,734.40. Said grant is accepted in accordance with M.G.L. Chapter 44 Section 53A.

--Motion made by Councilor Balakier to receive, pass and the grant accepted. Councilor Balakier stated federal grant, with the State Police to deter gang violence. Over two fiscal years. Councilor Zygarowski stated will help out for the next two summers. Will have the State Police work with our officers. Commend the police for getting these grants. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

MO-5 It is hereby ordered that the Mayor is authorized to sell an easement identified as a portion of Massasoit Street, which is an undeveloped paper street described on a plan recorded with the Hampden County Registry of Deeds Book of Plans T, Page 45 dated April 1924 as reflected by the easement agreement and materials attached to this order (Hereinafter "Premises")

CITY OF CHICOPEE

AN ORDER AUTHORIZING THE MAYOR TO SELL CERTAIN EASEMENT OF THE CITY OF CHICOPEE

WHEREAS, the City Council of the City of Chicopee is desirous to sell the above described Premises which we hereby declare of low value as indicated by the attached appraisal and further hereby order the sale of said easement for good consideration;

WHEREAS, the Premises consists of 4,615 square feet of an area of vacant land identified in the description of land prepared by John K. Somers and attached hereto.

WHEREAS, Massachusetts General Laws, Chapters 30B and 40 §§ 3 and 15 set forth the procedural and legal requirements for the City's disposition of real property; and

WHEREAS, the City of Chicopee desires to declare the property surplus and sell said easement of property pursuant to a third party for good consideration.

NOW THEREFORE, in consideration of the foregoing and by virtue of and in exercise of the power conferred by the City Charter and the General Laws of the Commonwealth of Massachusetts it is hereby ordered:

1. That the Premises be declared surplus pursuant to M.G.L. c. 40 Section 15A.
2. That the Mayor of the City of Chicopee be and is hereby authorized to sell said Premises for good consideration.
3. That the Mayor be further authorized to sign any and all documents necessary to effectuate said sale, including, but not limited to a purchase and sale agreement and deed.

--Motion made by Councilor Tilloston to receive, pass and approved. Councilor Tillotson stated will allow access to the property to make it available for sale. Councilor Balakier stated involved with this. Called by an attorney they couldn't close on the property. No clear title. Attorneys missed it. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

18 Be it Ordered that the City of Chicopee's intention is to obtain the parcel located at 0 Fuller Road, also known as the Slate Conservation Area, and donate it to permanent conservation instead of developing the parcel.

--Motion made by Councilor Dobosz to take #18 out of order. Motion passed. Motion made by Councilor Dobosz to receive and sent to the Mayor's Office. Councilor Dobosz stated thank all the residents that came out, lot of support in the room. Councilor Dobosz read the petition into the record. Was presented with a petition. They got 702 signatures in 5 days. Had a petition with 500 signatures earlier, not online. Land was sold cheaply in 2009. Encourage Mayor to buy the land back. Asking city employees to change attitude toward the area. Keep as permanent conservation. So many people are passionate about this land. Can't put a price on the forest area. Ask for the Councils support. Councilor Tillotson stated pleased it's being referred back to the Mayor. Some action can be taken. Mayor is working with WMDC. Some of the area for small industry, some will remain the same. Think the Mayor is willing to look at options. Hopefully get to a compromise. Councilor McAuliffe thanked Councilor Dobosz for bringing this order forward. Council position is to make this conservation land. Not an easy decision, city did sell the land 10 years ago. WMDC is an injured party in this. Could be significant litigation. Would like to see the land become conservation land. Their role is to develop land. We are changing our mind. Neighborhood support, trying to fix mistake of 2009. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

6 A favorable Public Safety Committee report: Be it Ordered that Deputy Police Chief Dakin look into the total cost of purchasing and training officers and supervisors to be equipped with body cameras.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Zygarowski stated originally filed after talking to Chief Jebb and Deputy Chief Dakin. In light of what's going on, not something he expected the Mayor to jump in and pay for this. Will take money to do this. Going to be every Police Department will have body cams. Protects officers and citizens. Over 5 years to purchase these. Negotiations will have to take place with the unions. Police need this to protect themselves, may be some funds available from the government. Good order, going to take a long time. In the planning stages, down the road PD will do some work on this. Training will take officers to train other officers. Good reason to have them, for down the road. Prepare for the future. Councilor Roy asked if we have dash cameras? Councilor Courchesne stated biggest hurdles, cost is astronomical, would like to see this happen sooner than later. Patrolmen should make more. Will take care of our officers in more than one way. Councilor Tillotson stated good presentation, have to go through the union. Change in working conditions, could be close to one million, going to be an interesting process. Increase to wear the camera, camera doesn't lie, requires a lot of training. Councilor Balakier stated think forward thinking. Trend in the country, could prevent lawsuits down the road. Motion passed. Councilors Brooks and Galecki absent.

7 A favorable Public Safety Committee report: Be it Ordered that the Acting Chief and Captain of the Traffic Bureau meet with the Public Safety Committee to discuss initiatives to combat speeding, and illegal dirt bikes and mufflers, with the option to adjourn to executive session if necessary.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Courchesne stated good meeting, hurdles at this meeting. Good dialogue with acting chief. Councilor Tillotson stated lot of talk about dirt bikes, waiting to get more officers aboard. Try to hit neighborhood. Councilor Zygarowski stated the grant approved tonight will help enhance some of these problems. Motion passed. Councilors Brooks and Galecki absent.

8 A favorable Public Safety Committee report: Be it Ordered that the C3 Program meet with the Public Safety Committee to discuss progress, challenges and initiatives.

--Motion made by Councilor Zygarowski to receive and placed on file. Councilor Zygarowski stated give credit to Captain Gawron, well aware of where the problems are. Councilor Courchesne stated as discussed, informative making an impact. Councilor Dobosz stated few residents including resident. Over 100 signatures, stop at Litwin and Moreau. Thank the Police Department for making ward 6 safer. The Police did a good job. Two children were hit in other parts of the city, hot spot in ward 6. Please slow down. Motion passed. Councilors Brooks and Galecki absent.

9 A favorable License Committee report: Be it Ordered that Mutt Cuts, Mutt Rescue, 102 Grove Street, be called before the City of Chicopee License Committee and City Council to discuss the license (s) currently held by Mutt Cuts, Mutt Rescue including compliance with restrictions imposed upon any licenses held by Mutt Cuts, Mutt Rescue. The Council may modify, suspend, fine, or revoke any license held by Mutt Cuts, Mutt Rescue. Violations – customer complaints and concerns communicated to the City by Thomas J. O'Connor Animal Control & Adoption Center.

--Motion made by Councilor Walczak to receive and postponed to the call of the chair. Councilor Walczak stated good meeting. More people in favor of the business owner. Many people are happy with her. Get a report from TJO. Motion passed. Councilors Brooks and Galecki absent.

10 A favorable Water Resource Committee report: Be it Ordered that the Water Resource Committee meet to discuss issues with Water Department billing and meters.

--Motion made by Councilor Courchesne to receive and placed on file. Councilor Courchesne stated lengthy meeting, had a meter replaced. Input the final meter reading, turned out to be 10 years' worth of meter readings. Bill was \$1000 more than last reading. Check the meter, make sure they are accurate. Bill says actual, if it's not truly the amount they need to change the bill. Councilor Dobosz stated last year and a half surprise water bills. Higher than usual. Had a gentleman get a water bill, three years' worth, 4-5 times the normal bill. Asked for a hearing. Applied for an abatement that was denied. Applied again, got \$40.00 abatement. The meters, the accurate one is inside the house. City is billing people retroactively. Faulty meter, meters are old. The city pays for water up front, some fault could be with the homeowner, water the lawn is about \$200 per quarter. Don't agree with surprise water bills. City let this go for too long. Need to be honest with the residents. Hope to speed up implementation of new water meters. Councilor Zygarowski stated public should know, spoke to the superintendent, notify, maybe twice a year. On the bill in bold letters to check the meters. Bill just grew. Councilor Courchesne stated in 2015 last meeting, asked how much money was being lost in unbilled water? Answer was one million dollars. Now it's around 8% so probably around the same. Was supposed to be completed in 2019, needs to get going. Councilor Dobosz stated 8% of all the water in the city is not being billed. Now charging retroactively, very big issue. Lots of people will get surprise bills. Councilor Tillotson stated he asked the commissioners to review their policy. Every once in a while need to go into the basement. What reason have meter readers go inside. Hope modify the policy. Shared blame. Councilor Balakier stated very important issue going into the summer. Lets hope we can get some resolution to this. Councilor Laflamme stated about 6000 are done already. Staffing, filled every position in DPW and the Water Department. Get the work done, please take the time and read both meters. Help the elderly, inside one will be accurate. Gentleman has two meters. Was there ever a frozen meter? Shut off valve could have a leak. Water could be going right into the ground. Councilor McAuliffe stated symptom of doing over phases. Here is an opportunity now to escalate the installation. Get it paid properly to the city. Providing city services. Motion passed. Councilors Brooks and Galecki absent.

11 A Zoning Committee report: Zone Change application from Business A to Residential A for 19,963 square feet of property located at 6 Knapp Street for the purpose of a subdivision. Applicant: Alston Graham, 91 Ames Road, Hampden, MA 01036.

--Motion made by Councilor Balakier to receive and the Zone Change granted. Councilor Balakier stated to allow for a single family development. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

12 A Zoning Committee report: Special Permit application under Section 275-52 (B) (3) for the purpose of a garage that is not accessory to a primary structure to allow subdivision of the property by ANR to create new building lot on Moore Street and leave existing home on a second lot on 61 Van Horn Street located at 61 Van Horn Street, Chicopee, MA. Applicant: David McGeary, 87 Blueberry Hill Road, Longmeadow, MA 01006.

--Motion made by Councilor Balakier to receive and the Special Permit granted. Councilor Balakier stated the garage is non-accessory lot that will be sub-divided. So everything will be in compliance. Motion passed through all stages by a roll call vote of 10 yes, 1 out of chair. Councilor Zygarowski out of chair, Councilors Brooks and Galecki absent.

- 13 A Zoning Committee report: Special Permit application under section 275-58 (C) (4) for the purpose of an all alcohol beverage license located at 66 Cabot Street. Applicant: Orlando Roberts, 66 Cabot Street, Chicopee, MA 01013.
- Motion made by Councilor Balakier to allow the license to be considered pending paying the outstanding bill. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent. Motion made by Councilor Balakier to receive and the Special Permit granted subject to paying the bill. Councilor Balakier stated discussion, city taxes were not paid in full. Applicant was to pay taxes in full before the meeting, accrued interest wasn't paid. License Commission will notify before liquor license can be issued. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.
- 14 A Zoning Committee report: Special Permit application under 275-40 (G) for the purpose of reduction in required number of parking spaces from 18 to 16 spaces located at 675 Fuller Road. Applicant: Mike Laser Enterprises, LLC, c/o David LaVenture, 428 East Street, Chicopee, MA 01020.
- Motion made by Councilor Balakier to receive and the Special Permit granted. Councilor Balakier stated for warehouse use, approved by the Planning Department. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.
- 15 A Zoning Committee report: Special Permit application under Section 275-70 for the purpose of establishment of a medical marijuana facility in accordance with the Acts of 2012, Chapter 369, entitled "An Act for the Humanitarian Use of Marijuana" with four (4) waiver requests located at 77 Champion Drive:
- (1) Waiver #1 for an additional 6643 square feet of gross floor area beyond the 50,000 square feet as noted in the zoning ordinance.
 - (2) Waiver #2 for 24/7 operations from the restricted hours of 8:00 pm to 8 am per the zoning ordinance.
 - (3) Waiver #3 to reduce the residential setback from 300 feet to +/-100 feet.
 - (4) Waiver #4 for compliance with the MA Department of Public Health signage requirements.
- Name of applicant: Mass Alternative Care, Inc., Kevin Collins, 1247 East Main Street, Chicopee, MA 01020.
- Motion made by Councilor Balakier to receive and the Special Permit granted. Motion made by Councilor Balakier to approve waiver #1. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained. Councilors Brooks and Galecki absent. Motion made by Councilor Balakier to approve waiver #2. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained. Councilors Brooks and Galecki absent. Motion made by Councilor Balakier to approve waiver #3. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained. Councilors Brooks and Galecki absent. Motion made by Councilor Balakier to approve waiver #4. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained. Councilors Brooks and Galecki absent. Councilor Balakier stated complicated, for medical marijuana, fifteen million dollar facility without retail. Manufacture, cultivation, several waivers. Need to do four waivers and vote on the Special Permit. Read the conditions from the SPRAC report. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained, Councilors Brooks and Galecki absent.
- 16 A Zoning Committee report: Special Permit application under Section 275-72 for the purpose of establishment of an adult-use marijuana establishment with the provisions of MGL Chapter 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed" located at 77 Champion Drive with one (1) waiver request:
- (1) Waiver #1 Reduction in the planted vegetated buffer requirement from 100' to +/-91.5' along the southern property boundary and from 100' to 0' along the western boundary to accommodate existing stormwater management infrastructure. Applicant: Mass Alternative Care, Inc., Kevin Collins, 1247 East Main Street, Chicopee, MA 01020.
- Motion made by Councilor Balakier to receive and the Special Permit granted. Motion made by Councilor Balakier to approve waiver #1. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained. Councilors Brooks and Galecki absent. Councilor Balakier stated two motions, use and distribution, manufacture and distribution, no retail. Motion passed through all stages by a roll call vote of 10 yes, 1 abstained. Councilor Laflamme abstained, Councilors Brooks and Galecki absent.

17 A Zoning Committee report: A proposed ordinance: Delete 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, 2021, and terminating on April 1, 2022, except by special permit.

--Motion made by Councilor Balakier to receive and pass. Motion made by Councilor Dobosz to refer to the Ordinance Committee. Motion passed through all stages by a unanimous roll call vote. Councilors Brooks and Galecki absent.

19 A proposed ordinance adding to Parking Regulations: Center Street and Springfield Street, West side-170 feet from Exchange Street, Parking Prohibited. (Note: Center Street becomes Springfield Street at the angle point of the Starzyk Building, for the final 60 feet of this proposed ordinance.)

--Motion made by Councilor Tillotson to receive, 1st reading and refer to the Ordinance Committee. Councilor Tillotson stated Councilor Brooks feels it's necessary. Motion passed, referred. Councilors Brooks and Galecki absent.

20 A proposed ordinance adding to Parking Regulations: Center Street, East side-1,440 feet from Ash Street through Union Street, Nonotuck Avenue and School Street to Springfield Street, Parking Prohibited.

--Motion made by Councilor Tillotson to receive, 1st reading and refer to the Ordinance Committee. Councilor Tillotson stated will take up in committee. Motion passed, referred. Councilors Brooks and Galecki absent.

21 A proposed ordinance adding to Parking Regulations: Exchange Street, North and west side-1,120 feet from Cabot Street through Perkins Street and Dwight Street to (across from) Chestnut Street, Parking Prohibited.

--Motion made by Councilor Tillotson to receive, 1st reading and refer to the Ordinance Committee. Councilor Tillotson stated will take up in committee. Motion passed, referred. Councilors Brooks and Galecki absent.

22 A proposed ordinance adding to Isolated Stop Signs and Signal Lights: Honey Lane, At the intersection of Honey Land and Basil Road, Isolated Stop Sign.

--Motion made by Councilor Dobosz to receive, 1st reading and refer to the Ordinance Committee. Councilor Dobosz stated will take up in committee. Motion passed, referred. Councilors Brooks and Galecki absent.

23 A proposed ordinance adding to Isolated Stop Signs and Signal Lights: Ash Street, At the intersection of Ash Street and Center Street, Isolated Stop Sign.

--Motion made by Councilor Zygarowski to receive, 1st reading and refer to the Ordinance Committee. Councilor Zygarowski stated will take up in committee. Motion passed, referred. Councilors Brooks and Galecki absent.

A renewal of a Bowling Alley License at: 291 Burnett Road. Applied for by: AMF Lanes.

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

ATTEST:

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

Keith W. Rattell
City Clerk